CHAPTER 9.

An Act to amend the Merchant Shipping Acts relating to Load-line. [9th June 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Compulsory marking of load-line.

1. The Merchant Shipping Act, 1876, shall, from and after the expiration of six months after the passing of this Act, be construed as if in the twenty-sixth and twenty-seventh sections thereof the following sub-section were inserted instead of the sub-sections numbered (2) in those sections respectively:

"(2.) The centre of this disc shall be placed at such level below the deck-line marked under the provisions of this Act as may be approved by the Board of Trade, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship."

Provided that the position of the disc shall be fixed in accordance with the tables framed by the Load Line Committee appointed before the passing of this Act, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under the provisions of the Merchant Shipping Act, 1876, and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time be sanctioned by the Board of Trade. 39 & 40 Vict. c. 80.

In sanctioning any such modifications the Board of Trade shall have regard to any representations which may be made to them by any corporation or association for the survey or registry of shipping for the time appointed or approved by the Board of Trade for the purposes of this Act.

Regulations.

2.—(1.) The Board of Trade shall appoint the Committee of Lloyd's Register of British and Foreign Shipping, or, at the option of the owner of the ship, any other corporation or association for the survey or registry of shipping, approved by the Board of Trade, or any officer of the Board of Trade specially selected by the Board for that purpose, to approve and certify on their behalf from time to time the position of any such disc as aforesaid, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

(2.) The Board of Trade may make regulations—

(*a*) determining the lines or marks to be used in connexion with the disc, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of the Merchant Shipping Act, 1876, are to have effect as if any such line were drawn through the centre of the disc;

(*b*) as to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise;

(*c*) as to the mode of application for, and form of certificates under this Act; and

(*d*) requiring the entry of such certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

All such regulations shall, while in force, have effect as if enacted by this Act.

Provision as to colonial ships.

3. Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to Her Majesty the Queen that the provisions of that enactment are based on the same principles as the provisions of this Act, and are equally effective for ascertaining and determining the maximum load-lines to which such ships can be safely loaded in salt water, and for giving notice of the load-line to persons interested, it shall be lawful for Her Majesty, by Order in Council, to declare that any load-line fixed and marked and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Act.

Sections one and two of this Act shall not apply in the case of a ship registered in a British possession until the expiration of twelve months after the passing of this Act.

Provision as to foreign ships.

4. Where the Board of Trade certify that the laws and regulations for the time being in force in any foreign state with respect to overloading and improper loading are equally effective with the provisions of the Merchant Shipping Acts with respect thereto, it shall be lawful for Her Majesty by Order in Council to direct that, on proof of a ship of that state having complied with those laws and regulations, she shall not, when in a port of the United Kingdom, be liable to detention for non-compliance with the said provisions of the Merchant Shipping Acts, nor shall there arise any liability to any penalty which would otherwise arise for non-compliance with those provisions.

Provided that this section shall not apply in the case of ships of any foreign country in which it appears to Her Majesty that corresponding provisions are not extended to British ships.

Definition of "amidships."

5. For the purposes of the Merchant Shipping Act, 1876, as amended by this Act, the expression "amidships" shall mean the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

Short title.

6. This Act may be cited as the Merchant Shipping Act, 1890.