STATUTORY INSTRUMENTS

1983 No. 439

MERCHANT SHIPPING

The Merchant Shipping (Deck Cargo Tonnage) Regulations 1983

Made - - - - -	*18th March* 1983
Laid before Parliament	*29th March* 1983
Coming into Operation	*3rd May* 1983

The Secretary of State, in exercise of the powers conferred on him by section 85(3) of the Merchant Shipping Act 1894**(a)** hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Deck Cargo Tonnage) Regulations 1983 and shall come into operation on 3rd May 1983.

Interpretation

2. In these Regulations:—

"agent" means a ship's agent or any other person appointed by the owner or master of a ship to make the required declaration of deck cargo on his behalf;

"authorised officer" means a person authorised by and acting on behalf of a collector of dues;

"Certifying Authority" means the Secretary of State or any person authorised by the Secretary of State and includes in particular (if so authorised) Lloyd's Register of Shipping, the British Committee of the Bureau Veritas, the British Committee of Det Norske Veritas, the British Committee of Germanischer Lloyd, and the British Technical Committee of the American Bureau of Shipping;

"collector of dues" means a person appointed under the Merchant Shipping Acts, or otherwise legally authorised, to assess, collect or secure any dues payable on a ship's tonnage;

(a) 1894 c. 60; section 85(3) was substituted by section 31(1) of the Merchant Shipping Act 1979 (c. 39).

"deck cargo" has the meaning set out in section 85(1) of the Merchant Shipping Act 1894**(a)**;

"declaration of deck cargo tonnage" means a declaration completed in accordance with regulation 3 below;

"designated place" means in relation to a port the office designated by the collector of dues at that port;

"home trade limits" means the following limits that is to say the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland and the Continent of Europe between the north bank of the River Eider and Brest inclusive.

Ascertainment of deck cargo tonnage

3.—(1) Where deck cargo is consigned to or from a place beyond home trade limits, a declaration in writing of the deck cargo tonnage assessed in accordance with this regulation for the purpose of calculating dues payable shall be completed in duplicate in respect thereof and signed by the master or his agent.

(2) Subject to the following paragraphs of this regulation, the deck cargo tonnage shall be calculated by multiplying the mean length of the space occupied by deck cargo by the mean breadth and the mean height of that space, and

(*a*) if the measurements were made in feet, dividing the total by 100; or

(*b*) if the measurements were made in metres, multiplying the total by 0.353;

(3) Where containers of identical size are carried as deck cargo their tonnage may be calculated by measuring one container of that size and multiplying the result by the number of identical containers carried.

(4) Where similar sized vehicles are carried as deck cargo a standard size of vehicle may be agreed with the collector of dues and the tonnage may be taken to be that size multiplied by the number of vehicles of similar size that are carried.

(5) Where live animals are carried as deck cargo the tonnage may be assessed on the following scale:

each horse	80 cu ft or 2.26 cu metres
each head of cattle	70 cu ft or 1.98 cu metres
each mule	65 cu ft or 1.84 cu metres
each pony	55 cu ft or 1.55 cu metres
each sheep or pig	10 cu ft or 0.28 cu metres

(6) Where grain is carried in bulk as deck cargo its tonnage may be calculated by multiplying the total weight of the grain by its density factor and dividing the result by 100.

(a) Section 85(1) was amended by the Merchant Shipping Act 1965 (c. 47), section 7(1) and Schedule 1.

(7) Where oil is carried as deck cargo its tonnage may be taken as its weight in tons multiplied by 0.359 or in tonnes multiplied by 0.354, divided in either case by its specific gravity. Where the specific gravity is not known it shall be taken to be 0.9.

(8) Cargo carried in the shelter or between deck spaces of a dual-tonnage ship shall not be counted as deck cargo when the tonnage mark is submerged.

(9) Cargo carried in the shelter or between deck spaces of a dual-tonnage ship whose tonnage mark is not submerged shall be assessed and declared in accordance with these Regulations unless the deck cargo tonnage so assessed exceeds the difference between the two tonnages of the ship, when it shall be taken as being equal to that difference.

(10) Empty containers carried as deck cargo shall be measured and taken into account for the purpose of assessing deck cargo tonnage except when no other cargo is discharged or loaded and the vessel is otherwise wholly and bona fide in ballast.

Production of declaration

4. The declaration of deck cargo tonnage, together with the certificate of registry or equivalent document, shall be produced by the master or agent to the collector of dues or his authorised officer in respect of each voyage in respect of which light dues are payable as follows:

(1) in the case of an incoming ship, at the first port of arrival in the United Kingdom

(*a*) if a collector of dues or his authorised officer boards the ship before any cargo is unloaded, to him when he boards;

(*b*) if he does not so board, then at the designated place before any cargo is unloaded;

(2) in the case of an outgoing ship at the designated place before the ship sails;

(3) at any port on demand by a collector of dues or his authorised officer.

Verification of deck cargo tonnage

5.—(1) The master, owner or agent shall permit a collector of dues or authorised officer to ascertain, record or verify the deck cargo tonnage, and shall when required furnish such further information relating to the ship or its voyage as may be necessary in order to ascertain the dues payable.

(2) In the event of a dispute concerning deck cargo tonnage any party to the dispute may refer the matter for decision to a surveyor appointed by a Certifying Authority whose decision shall be final.

Offences

6.—(1) Any person who contravenes any provision of regulation 3(1) or 4 or who knowingly or recklessly completes a false declaration of deck cargo tonnage shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(2) Any person who without reasonable excuse contravenes any provision of regulation 5(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) It shall be a defence for a person charged with an offence in contravention of regulation 3(1) or 4 to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence.

Iain Sproat,
Parliamentary Under-Secretary of State,
Department of Trade.

18th March 1983.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the ascertainment of deck cargo tonnage and for the completion and production by the master or his agent of a declaration of deck cargo tonnage for the purpose of assessing all dues payable on a ship's tonnage.

The penalty prescribed for failing to make a declaration of deck cargo tonnage or for making a false declaration is a fine of up to £500 on summary conviction. The penalty prescribed for failing to furnish further information or for failing to permit the collector of dues to ascertain, record or verify the deck cargo tonnage is a fine of up to £200 on summary conviction.

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