1953 No. 592

The Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1953

Made - - - -	1*st April*, 1953
Laid before Parliament	2*nd April*, 1953
Coming into Operation	7*th April*, 1953

At the Court at Windsor Castle, the 1st day of April, 1953

Present

The Queen's Most Excellent Majesty in Council

Whereas it is intended that the International Convention for the Safety of Life at Sea, 1948, (hereinafter referred to as the Safety Convention) shall replace the International Convention for the Safety of Life at Sea, 1929:

And Whereas it is expedient that certain provisions of the Merchant Shipping (Safety Convention) Act, 1949(**a**) (hereinafter called "the Act"), shall extend to the Colony of Hong Kong (hereinafter called "the Colony") with certain modifications:

And Whereas it is expedient that section 258 of the Merchant Shipping Act, 1894(**b**), shall extend to the Colony:

And Whereas it is expedient that the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1935(**c**) (hereinafter called "the Order"), by which certain provisions of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932(**d**) (hereinafter called "the Act of 1932"), and the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919(**e**), were extended to the Colony with certain modifications, shall be amended in manner hereinafter appearing:

Now, therefore, Her Majesty, in exercise of the powers vested in Her by section 36 of the Act of 1932, as amended by section 30 of the Act, and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Act, other than those of sections 2, 12 (2), 21 (1) and (2), 25, 30, 31, 33, 34, 35 (1), (3), (4), (5) and (6) and 37 (1), (4) and (5), adapted and modified as set out in the First Schedule hereto, shall extend to the Colony.

2. The provisions of section 258 of the Merchant Shipping Act, 1894, shall extend to the Colony.

3. The Order shall be amended by the deletion therefrom of the provisions specified in the Second Schedule hereto.

(**a**) 12, 13 & 14 Geo. 6. c. 43. (**b**) 57 & 58 Vict. c. 60.
(**c**) S.R. & O. 1935/692; Rev. XIV, p. 595; 1935, p. 1131.
(**d**) 22 & 23 Geo. 5. c. 9. (**e**) 9 & 10 Geo. 5 c. 38.

4. This Order may be cited as the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1953, and shall come into operation on the seventh day of April, 1953.

W. G. Agnew.

The First Schedule to the Order

THE MERCHANT SHIPPING (SAFETY CONVENTION) ACT, 1949

Construction and Equipment

Construction rules

1.—(1) The Governor in Council may make rules (in this Act called "construction rules") prescribing the requirements that the hull, equipments and machinery of British passenger steamers registered in Hong Kong shall comply with; and the rules shall include such requirements as appear to the Governor in Council to be necessary to implement the provisions of the Safety Convention prescribing the requirements that the hull, equipments and machinery of passenger steamers shall comply with, except so far as those provisions are implemented by the rules for life-saving appliances, the radio rules, the rules for direction-finders or the collision regulations.

(2) The powers conferred on the Governor in Council by this section shall be in addition to the powers conferred by any other enactment enabling him to prescribe the requirements with which passenger steamers shall comply.

(3) For the purposes of this section and without prejudice to the generality of the powers therein contained the "construction rules" made from time to time by the Ministry of Transport under the Merchant Shipping Acts shall unless varied by or repugnant to the construction rules made under this section be deemed to be construction rules made under this section.

Radio rules

3.—(1) The Governor in Council may make rules (in this Act called "radio rules") requiring ships to which this section applies to be provided with a radio installation other than a radio navigational aid of such a nature as may be prescribed by the rules and to maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing such qualifications, as may be so prescribed; and the rules may contain provisions for preventing so far as practicable electrical interference with the radio installation by other apparatus on board.

(2) This section applies to—

(*a*) sea-going British ships registered in Hong Kong;

(*b*) other sea-going ships while they are within any port in Hong Kong.

(3) The said rules shall include such requirements as appear to the Governor in Council to implement the provisions of the Safety Convention relating to radiotelegraphy and radiotelephony.

(4) The radio installation required under the said rules to be provided for a passenger steamer, or for any other ship of sixteen hundred tons gross tonnage or upwards, shall be a radiotelegraph installation;

and that required to be provided for a ship of less than sixteen hundred tons gross tonnage, other than a passenger steamer, shall be either a radiotelephone installation or a radiotelegraph installation, at the option of the owner.

(5) Without prejudice to the generality of the preceding provisions of this section, rules under this section may—

(*a*) prescribe the duties of radio officers and operators, including the duty of keeping a radio log book ;

(*b*) apply to any radio log book required to be kept under the rules any of the provisions of the Merchant Shipping Acts relating to the delivery of the official log book to the superintendent and to the custody of the official log book ;

(*c*) require the master of a ship to cause to be entered in the official log book such particulars relating to the operation of the radio installation, and the maintenance of the radio service, as may be specified in the rules.

For the purposes of this section and without prejudice to the generality of the powers therein contained the " radio rules " made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to the radio rules made under this section, be deemed to be radio rules made under this section.

(6) If the master of a ship fails to cause an entry to be made in the log book in contravention of rules made in pursuance of paragraph (*c*) of the last preceding subsection, or if any radio officer or operator contravenes any rules made in pursuance of paragraph (*a*) thereof, he shall be liable to a fine not exceeding two hundred dollars ; and if the rules made under this section are contravened in any other respect in relation to any ship, the owner or master of the ship shall be liable on conviction on indictment to a fine not exceeding ten thousand dollars, or on summary conviction to a fine not exceeding two thousand dollars.

(7) Any Government surveyor may inspect any ship for the purpose of seeing that she is properly provided with a radio installation and radio officers or operators in conformity with the said rules, and for that purpose shall have all the powers of a Ministry of Transport inspector under the Merchant Shipping Acts ; and if he finds that the ship is not provided with a radio installation or radio officers or operators in conformity with the said rules he shall give to the owner or master notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the deficiency.

(8) Every notice given under the last preceding subsection shall be reported in the manner directed by the Governor to the Director of Marine, and the ship shall be detained until a certificate under the hand of a Government surveyor is produced to the effect that the ship is properly provided with a radio installation and radio officers or operators in conformity with the said rules.

Radio surveyors

4. Wireless-telegraphy surveyors appointed under section 10 of the Ordinance of 1899, shall be known as radio surveyors.

Rules for direction-finders

5.—(1) The Governor in Council may make rules (in this Act called "rules for direction-finders") requiring ships to which this section applies to be provided with a direction-finder of such a nature as may be prescribed by the rules.

(2) This section applies to —

(*a*) British ships registered in Hong Kong ;

(*b*) other ships while they are within any port in Hong Kong,

being ships of sixteen hundred tons gross tonnage or upwards.

(3) The said rules shall include such requirements as appear to the Governor in Council to implement the provisions of the Safety Convention relating to direction-finders.

(4) Without prejudice to the generality of the preceding provisions of this section, rules under this section may provide for the position of the direction-finder in the ship, for the communication between the direction-finder and the bridge, for testing direction-finders at intervals and as occasion may require and for recording the result of the tests. For the purposes of this section and without prejudice to the generality of the powers therein contained, the "rules for direction-finders" made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to the rules for direction-finders made under this section, be deemed to be rules for direction-finders made under this section.

(5) If any of the said rules is not complied with in relation to any ship, the owner or master of the ship shall be liable to a fine not exceeding two thousand dollars.

Further provisions as to radio navigational aids

6.—(1) The Governor in Council may make rules prescribing—

(*a*) the requirements that radio navigational aids, other than direction-finders, shall comply with if they are carried on board British ships registered in Hong Kong including requirements relating to their position and method of fitting ;

(*b*) the requirements that apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids shall comply with, being apparatus in the Colony of Hong Kong or off the shores of the Colony of Hong Kong and maintained from the Colony of Hong Kong.

For the purposes of this section, and without prejudice to the generality of the powers therein contained the rules relating to radio navigational aids made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to the rules made under this section, be deemed to be rules made under this section.

(2) If any British ship registered in Hong Kong proceeds, or attempts to proceed, to sea carrying radio navigational aids not complying with the rules made under the preceding subsection, the owner or master of the ship shall be liable to a fine not exceeding two thousand dollars.

(3) If any person establishes or operates any such apparatus as is mentioned in paragraph (*b*) of subsection (1) of this section, being apparatus that does not comply with the said rules, he shall be liable to a fine not exceeding two thousand dollars.

Certificates

Issue for passenger steamers of safety certificates and exemption certificates

7.—(1) If the Governor on receipt of declarations of survey in respect of a British passenger steamer registered in Hong Kong is satisfied that the steamer complies with the construction rules, rules for life-saving appliances, radio rules and rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer a certificate showing that the steamer complies with the requirements of the Safety Convention applicable as aforesaid: and any certificate issued under this subsection is hereafter in this Act referred to as a " general safety certificate ".

Provided that if the voyages on which the steamer is to be engaged are short international voyages and she complies only with such of those rules as are applicable to those voyages, the certificate shall show that the steamer complies with requirements of the Safety Convention applicable to her as a steamer plying on short international voyages ; and any such certificate is hereafter in this Act referred to as a " short voyage safety certificate ".

(2) If the Governor on receipt of declarations of survey in respect of any such passenger steamer as aforesaid is satisfied that the steamer is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, whether short voyages or otherwise, that she complies with the rest of those requirements and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall on the application of the owner, issue in respect of the steamer—

(*a*) an exemption certificate stating which of the requirements of the Safety Convention applicable as aforesaid the steamer is exempt from and that the exemption is conditional on the steamer's plying only on the voyages and being engaged only in the trades and complying with the other conditions (if any) specified in the certificate, and

(*b*) a certificate showing that the steamer complies with the rest of those requirements ;

and any certificate issued under paragraph (*b*) of this subsection is hereafter in this Act referred to as a " qualified safety certificate " or a " qualified short-voyage safety certificate ", as the case may be.

Issue for cargo ships of safety-equipment certificates and exemption certificates

8.—(1) If the Governor on receipt of declarations of survey in respect of a British ship registered in Hong Kong not being a passenger steamer, is satisfied that the ship complies with the rules for life-saving appliances applicable to the ship and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes

and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid, and any certificate issued under this subsection is hereafter in this Act referred to as a " safety-equipment certificate ".

(2) If the Governor, on the receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules for life-saving appliances, from any of the requirements of those rules applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of those requirements and is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship—

(*a*) an exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules for life-saving appliances and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and

(*b*) a certificate showing that the ship complies with the rest of those requirements ;

and any certificate issued under paragraph (*b*) of this subsection is hereafter in this Act referred to as a " qualified safety-equipment certificate ".

Issue for cargo ships of radio certificates and exemption certificates

9.—(1) If the Governor on receipt of declarations of survey in respect of a British ship registered in Hong Kong not being a passenger steamer, is satisfied that the ship complies with the radio rules and rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders as are applicable as aforesaid ; and any certificate issued under this subsection is hereafter in this Act referred to as a " radio certificate ".

(2) If the Governor on receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the radio rules or rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of the requirements of the radio rules and rules for direction-finders, he shall, on the application of the owner issue in respect of the ship—

(*a*) an exemption certificate stating which of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, being requirements applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying only on the voyages and complying with the other conditions (if any) specified in the certificate ; and

(*b*) a certificate showing that the ship complies with the rest of those requirements ;

and any certificate issued under paragraph (*b*) of this subsection is hereafter in this Act referred to as a "qualified radio certificate".

(3) Where any British ship registered in Hong Kong is wholly exempt from the requirements of the radio rules and the rules for direction-finders, the Governor shall on the application of the owner issue an exemption certificate stating that the ship is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders and specifying the voyages on which, and conditions (if any) on which, the ship is so exempt.

Issue of general safety certificates, etc., on partial compliance with rules

10. Where a ship complies with all the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the ship and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as aforesaid, the Governor may issue in respect of the ship a general safety certificate, short-voyage safety certificate, safety equipment certificate or radio certificate, as the case may be, notwithstanding that she is exempt from, or for some other reason does not comply with, any requirements of those rules that are not applicable requirements of the Safety Convention.

Notice of alterations and additional surveys

11.—(1) The owner or master of a passenger steamer in respect of which any passenger steamer's certificate issued under the Ordinance of 1899, or any certificate issued under this Act, is in force shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery affecting the efficiency thereof or the seaworthiness of the steamer give written notice to the Governor containing full particulars of the alteration.

(2) The owner or master of a ship in respect of which any certificate issued under this Act is in force, other than a passenger steamer, shall, as soon as possible after any alteration is made in the appliances or equipments required by the rules for life-saving appliances, the radio rules, the rules for direction-finders or the collision regulations to be carried by the ship, being an alteration affecting the efficiency or completeness of those appliances or equipments, give written notice to the Governor containing full particulars of the alteration.

(3) If notice of any alteration is not given as required by this section, the owner or master of the ship shall be liable to a fine not exceeding one thousand dollars.

(4) If the Governor has reason to believe that since the making of the last declaration of survey in respect of any such ship as aforesaid—

(*a*) any such alteration has been made as is mentioned in subsection (1) or, as the case may be, in subsection (2) of this section ; or

(*b*) the hull, equipments or machinery of the ship (being a passenger steamer) have sustained any injury or are otherwise insufficient ; or

(*c*) the appliances or equipments of the ship (not being a passenger steamer) mentioned in subsection (2) of this section have sustained any injury or are otherwise insufficient;

the Governor may, without prejudice to his powers under subsection nineteen of section ten of the Ordinance of 1899, (which relates to the cancellation of certificates and additional surveys), require the ship to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any passenger steamer's certificate issued in respect of the ship under the Ordinance of 1899 or any certificate issued in respect of the ship under this Act.

(5) For the purpose of this section the expression "alteration" in relation to anything includes the renewal of any part of it.

Prohibition on proceeding to sea without appropriate certificates

12.—(1) No British ship registered in Hong Kong shall proceed to sea on an international voyage from a port in Hong Kong unless there is in force in respect of the ship—

(*a*) If she is a passenger steamer, a general safety certificate, a short-voyage safety certificate, a qualified safety certificate or a qualified short-voyage safety certificate which (subject to the provisions of this section relating to short-voyage safety certificates) is applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;

(*b*) If she is not a passenger steamer, both—

(i) a safety-equipment certificate or a qualified safety-equipment certificate; and

(ii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders:

Provided that this subsection shall not prohibit a ship, not being a passenger steamer, from proceeding to sea as aforesaid if there is in force in respect of the ship such certificate or certificates as would be required if she were a passenger steamer.

For the purposes of this section, a qualified certificate shall not be deemed to be in force in respect of a ship unless there is also in force in respect of the ship the corresponding exemption certificate; and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which the ship is about to proceed.

(3) If any ship proceeds, or attempts to proceed, to sea in contravention of this section—

(*a*) in the case of a passenger steamer, the owner or master of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, or under the Ordinance of 1899, be liable on summary conviction to a fine not exceeding two hundred dollars for every passenger carried on board the steamer, and the owner or master of any tender by means of which passengers have been taken on board the steamer shall be liable on summary conviction to a like fine for every passenger so taken on board; and

(*b*) in the case of a ship not being a passenger steamer, the owner or master of the ship shall be liable to a fine not exceeding two thousand dollars.

(4) The master of every British ship registered in Hong Kong shall produce to the Director of Marine at the time a clearance for the ship is demanded for an international voyage the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea ; and a clearance shall not be granted, and the ship may be detained. until the said certificate or certificates are so produced.

(5) Where the Governor permits any passenger steamer in respect of which there is in force a short-voyage safety certificate, whether qualified or not, to proceed to sea on an international voyage from a port in Hong Kong not exceeding twelve hundred nautical miles in length between the last port of call in Hong Kong and the final port of destination, the certificate shall for the purposes of this section be deemed to be applicable to the voyage on which the steamer is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between the said ports.

(6) Where an exemption certificate issued in respect of any British ship registered in Hong Kong specifies any conditions on which the certificate is issued and any of those conditions is not complied with, the owner or master of the ship shall be liable to a fine not exceeding two thousand dollars.

Miscellaneous provisions as to surveys and certificates

13.—(1) Subsection eight of section ten of the Ordinance of 1899 shall be amended by the substitution of the words " of survey in a form approved by the Governor ", for the words " as follows ", and parts (*a*), (*b*) and (*c*) of the said subsection shall cease to have effect.

(2) Subsection eight of section ten of the Ordinance of 1899 (which requires a surveyor to deliver declarations of survey to the owner of a ship), subsection nine of the said section ten (which requires the owner to deliver the declaration to the Colonial Secretary) and subsections twelve to fifteen of the said section ten (which relate to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.

(3) A safety certificate or radio certificate or an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders shall be in force for one year, and a safety-equipment certificate shall be in force for twenty-four months, from the date of its issue, or for such shorter period as may be specified in the certificate:

Provided that no such certificate shall remain in force after notice is given by the Governor to the owner or master of the ship in respect of which it has been issued that the Governor has cancelled the certificate.

(4) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, shall be in force for the same period as the corresponding qualified certificate.

(5) The Governor or any person authorised by him for the purpose may grant an extension of any certificate issued under this Act in respect of a British ship registered in Hong Kong for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the ship is absent from Hong Kong on that date, for a period not exceeding five months from that date.

(6) Any general safety certificate or short-voyage safety certificate, whether qualified or not, may be combined in one document with a passenger steamer's certificate.

(7) Any certificate issued by the Governor under this Act, and any passenger steamer's certificate, whether or not combined in one document with a safety certificate under the last preceding subsection may be signed on behalf of the Governor by any person authorised by the Governor for the purpose, and a certificate purporting to be so signed shall be admissible in evidence in like manner as if it had been signed by the Governor.

(8) The following provisions of section ten of the Ordinance of 1899 shall apply to and in relation to certificates issued by the Governor and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, subsection eleven (which relates to the transmission of a certificate to the owner of the steamer), subsections nineteen and nineteen (A) (which relate to the cancellation of certificates), the last fifty words of subsection eighteen (which relate to the surrender of certificates no longer in force), subsection twenty (which relates to the posting up of a certificate on board) and subsection twenty-six (which relates to the forging and falsification of certificates).

(9) The Governor may request the government of a country to which the Safety Convention applies to issue in respect of a British ship registered in Hong Kong any certificate the issue of which is authorised under this Act; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Governor and not by the government of that country.

Safety Convention Ships not registered in Hong Kong

Certificates of Convention ships not registered in Hong Kong

14.—(1) The Governor may, at the request of the government of a country to which the Safety Convention applies, issue in respect of a ship registered in that country any certificate the issue of which in respect of British ships registered in Hong Kong is authorised under the preceding provisions of this Act if he is satisfied that it is proper for him to do so; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the said government and not by the Governor.

(2) For the purpose of the provisions hereafter contained in this Act relating to Safety Convention ships not registered in Hong Kong, the expression "accepted Safety Convention certificate" means a certificate which complies with such of the regulations made by the Minister of Transport under the Merchant Shipping Acts as apply to it in the

circumstances, such certificate being accepted as having the same force as the corresponding certificate issued by the Governor under this Act.

(3) A Government surveyor, for the purpose of verifying—

(*a*) that there is in force in respect of a Safety Convention ship not registered in Hong Kong an accepted Safety Convention certificate ; or

(*b*) that the condition of the hull, equipments and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate ; or,

(*c*) except where such a certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy and radiotelephony, that the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificate ; or

(*d*) that any conditions on which such a certificate, being the equivalent of an exemption certificate, is issued are complied with,

shall have all the powers of a Ministry of Transport inspector under the Merchant Shipping Acts.

(4) Where there is attached to an accepted Safety Convention certificate in respect of a Safety Convention passenger steamer not registered in Hong Kong a memorandum which—

(*a*) has been issued by or under the authority of the government of the country in which the steamer is registered ; and

(*b*) modifies for the purpose of any particular voyage, in view of the number of persons carried on that voyage the particulars stated in the certificate with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Modified survey of passenger steamers holding Convention Certificates

15.—(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in Hong Kong—

(*a*) the steamer shall not be required to be surveyed under the Ordinance of 1899 by a Government surveyor except for the purpose of determining the number of passengers that she is fit to carry ;

(*b*) on receipt of any declaration of survey for the purpose aforesaid, the Governor shall issue a certificate under subsection ten of section ten of the Ordinance of 1899 containing only the statement of the particulars relating to the number of passengers the ship is fit to carry, referred to in the said subsection ten ; and a certificate so issued shall have effect as a passenger steamer's certificate.

(2) Where there is produced in respect of any such passenger steamer as aforesaid an accepted Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country in which the steamer is registered showing the number of passengers that the steamer is fit to carry, and the Governor is satisfied that that number has been determined substantially in the same manner as in the case of a British passenger steamer registered in Hong Kong,

he may if he thinks fit dispense with any survey of the steamer for the purpose of determining the number of passengers that she is fit to carry and direct that the last-mentioned certificate shall have effect as a passenger steamer's certificate.

Miscellaneous privileges of ships holding Convention certificates

16.—(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in Hong Kong, the steamer shall be exempt from paragraphs (*d*) and (*f*) of subsection (1) of section two hundred and ninety of the principal Act (which relate to the equipments of emigrant ships), section four hundred and twenty of that Act (which relates to lights and fog signals), regulation eight of the sixth schedule, regulation seven of the fifth schedule and regulation twenty of the fourth schedule to the Asiatic Emigration Ordinance No. 30 of 1915 (which relate to life-saving and fire appliances) and from the rules for life-saving appliances.

(2) Where an accepted Safety Convention certificate being the equivalent of a safety-equipment certificate, is produced in respect of a Safety Convention ship (other than a passenger steamer) not registered in Hong Kong the ships shall be exempt from section four hundred and twenty of the principal Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.

(3) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention ship not registered in Hong Kong, and the certificate shows that the ship complies with the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, or that she is exempt from some of those requirements and complies with the rest or that she is wholly exempt from those requirements, the ship shall be exempt from the provisions of the radio rules and the rules for direction-finders.

Further provisions as to the production of Convention certificates

17.—(1) The master of every Safety Convention ship not registered in Hong Kong shall produce to the Director of Marine at the time a clearance for the ship is demanded in respect of an international voyage from a port in Hong Kong, accepted Safety Convention certificates that are the equivalent of the certificates issued by the Governor under this Act that would be required to be in force in respect of the ship if she were a British ship so registered: and a clearance shall not be granted, and the ship may be detained, until such certificates are so produced.

(2) The production of an accepted Safety Convention certificate being the equivalent of—

(*a*) a qualified certificate, or

(*b*) an exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders

shall not avail for the purposes of either of the last two preceding sections unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Miscellaneous Provisions for furthering Safety of Life at Sea

Information about ships stability

18.—(1) There shall be carried on board every British ship registered in Hong Kong whose keel is laid after the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony of Hong Kong such information in writing about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship.

(2) The said information shall be in such a form as may be approved by the Governor (who may approve the provision of the information in the form of a diagram or drawing only), and shall be based on the determination of the ship's stability by means of an inclining test of the ship:

Provided that the Governor may allow the information to be based on a similar determination of the stability of a sister ship.

(3) When any information under this section is provided for any ship, the owner shall send a copy thereof to the Director of Marine:

Provided that the owner shall not be required to send a copy of any information to the Director of Marine if a previous copy of the same information has been sent to the Director of Marine.

(4) If any such ship proceeds, or attempts to proceed, to sea without such information as aforesaid on board, the owner or master of the ship shall be liable to a fine not exceeding two thousand dollars; and if the owner of any ship contravenes the last preceding subsection, he shall be liable to a like fine.

(5) It is hereby declared that for the purposes of section two hundred and fifty-eight of the principal Act (which requires documents relating to navigation to be delivered by the master of a ship to his successor) information under this section shall be deemed to be a document relating to the navigation of the ship.

Openings in passenger steamers' hulls and watertight bulkheads

19.—(1) The Governor in Council may in relation to British passenger steamers registered in Hong Kong make rules for any of the following matters—

(*a*) for closing and keeping closed the openings in steamers' hulls and in watertight bulkheads;

(*b*) for securing, keeping in place and inspecting contrivances for closing any such openings as aforesaid;

(*c*) for operating the mechanisms of contrivances for closing any such openings as aforesaid and for drills in connection with the operation thereof;

(*d*) for requiring entry to be made in the official log book or other record to be kept of any of the matters aforesaid.

For the purposes of this section and without prejudice to the generality of the powers therein contained, the rules made from time to time by the Minister of Transport under the Merchant Shipping Acts relating to openings in passenger steamers' hulls and watertight bulkheads shall, unless varied by or repugnant to rules made under this section, be deemed to be rules made under this section.

(2) If any of the said rules is not complied with in relation to any such steamer as aforesaid, the master of the steamer shall be liable to a fine not exceeding two thousand dollars.

Amendment of s. 23 of Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as applied to Hong Kong by Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1935, relating to loading of passenger steamers

20. In section twenty-three of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as applied to Hong Kong by the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1935 (which restricts the loading of certain passenger steamers by reference to the submersion of the appropriate subdivision load line), for the words "submerge the appropriate subdivision load line" there shall be substituted the words "submerge in salt water the appropriate subdivision load line".

Signals of distress

21.—(3) If the master of a ship uses or displays or causes or permits any person under his authority to use or display—

(*a*) any signal prescribed by Her Majesty in Council under the Merchant Shipping Acts as a signal of distress except in the circumstances and for the purposes prescribed by the rules made by the Minister of Transport under the Merchant Shipping Acts with respect to distress signals ; or

(*b*) any private signal, whether registered or not, that is liable to be mistaken for any signal so prescribed by Her Majesty in Council,

he shall be liable to a fine not exceeding one thousand dollars and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal's having been supposed to be a signal of distress ; and that compensation may, without prejudice to any other remedy, be recovered in the same manner as salvage.

(4) Nothing in subsection (4) of section twenty-four of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 as applied to Hong Kong by the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1935 (which requires persons in charge of wireless stations to give facilities for the reception of reports relating to dangers to navigation), shall interfere with the transmission of signals of distress prescribed under the Merchant Shipping Acts.

Obligation to assist vessels, etc., in distress

22.—(1) The master of a British ship registered in Hong Kong on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.

(2) Where the master of any ship in distress has requisitioned any British ship registered in Hong Kong that has answered his call, it

shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(4) A master shall be released from the obligation imposed by subsection (1) of this section, and, if his ship has been requisitioned, from the obligation imposed by subsection (2) of this section, if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(5) If a master fails to comply with the preceding provisions of this section, he shall be guilty of a misdemeanour.

(6) If the master of a British ship registered in Hong Kong, on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book, or if there is no official log book cause other record to be kept, of his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding two thousand dollars.

(7) The master of every British ship registered in Hong Kong for which an official log is required shall enter or cause to be entered in the official log book every signal of distress or message that a vessel, aircraft or person is in distress at sea.

(8) Nothing in this section shall affect the provisions of section six of the Maritime Conventions Act, 1911, and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

Carriage of dangerous goods

23.—(1) The rules made by the Minister of Transport from time to time under the Merchant Shipping Acts for regulating in the interests of safety the carriage of dangerous goods in ships shall apply to

(*a*) British ships registered in Hong Kong

(*b*) other ships while they are within any port in Hong Kong, or are embarking or disembarking passengers within the territorial waters of Hong Kong, or are loading or discharging cargo or fuel within those waters.

(3) If any of such rules is not complied with in relation to any such ship, the owner or master of the ship shall be liable on conviction on indictment to a fine not exceeding five thousand dollars, or on summary conviction to a fine not exceeding two thousand dollars, and the ship shall be deemed for the purposes of subsection five of section seventeen of the Ordinance of 1899 to be unsafe by reason of improper loading.

Carriage of grain

24.—(1) Where grain is loaded on board any British ship registered in Hong Kong, or is loaded within any port in Hong Kong on board

any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and if such precautions as aforesaid are not taken, the owner or the master of the ship, or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of section seventeen of the Ordinance of 1899 to be unsafe by reason of improper loading.

(2) Where any ship, having been loaded with grain outside Hong Kong without the taking of all necessary and reasonable precautions to prevent the grain from shifting, enters any port in Hong Kong so laden, the owner or master of the ship shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of section seventeen of the Ordinance of 1899 to be unsafe by reason of improper loading:

Provided that this subsection shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(3) Without prejudice to the generality of the two preceding subsections, any particular precaution prescribed by rules made by the Minister of Transport under the Merchant Shipping Acts, in relation to the loading of ships generally or of ships of any class, as being a precaution to be treated for the purposes of those subsections as a necessary or reasonable precaution to prevent grain from shifting, shall be so treated in the case of ships generally, or of ships of that class, as the case may be:

Provided that this subsection shall not apply where a ship is loaded in accordance in all respects with any provisions approved by the Minister of Transport as respects the loading in question other than rules made under this subsection.

(4) If any person commits an offence under subsection (1) or subsection (2) of this section he shall be liable on conviction on indictment to a fine not exceeding five thousand dollars, or on summary conviction to a fine not exceeding two thousand dollars.

(5) On the arrival at a port in Hong Kong from a port outside Hong-Kong of any ship carrying a cargo of grain, the master shall cause to be delivered to the Director of Marine together with the report required of every ship entering the port from a foreign country, a notice stating—

(*a*) the draught of water and freeboard, as defined by Part V of the principal Act, of the said ship after the loading of her cargo was completed at the final port of loading; and

(*b*) the following particulars of the grain carried, namely,

(i) the kind of grain and the quantity thereof, stated in cubic feet, quarters, bushels, or tons weight;

(ii) the mode in which the grain is stowed, and

(iii) the precautions taken to prevent the grain from shifting;

and if the master fails to deliver any notice required by this subsection, or if any such notice he makes any statement that he knows to be false in a material particular, or recklessly makes any statement that is false in a material particular, he shall be liable to a fine not exceeding two thousand dollars.

(6) Any person having a general or special authority in that behalf from the Governor may, for securing the observance of the provisions of this section, inspect any grain, and the mode in which it is stowed, and for that purpose shall have all the powers of a Ministry of Transport inspector under the principal Act.

(7) In this section the expression " grain " includes wheat, maize, oats, rye, barley, rice, pulses and seeds, and the expression " ship carrying a cargo of grain " means a ship carrying a quantity of grain exceeding one-third of the ship's registered tonnage, reckoning one hundred cubic feet, or two tons weight, of grain as equivalent to one ton of registered tonnage.

Supplemental

Definition of " passenger " and " passenger steamer "

26.—(1) In Part III of the principal Act, in the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and in this Act the expression " passenger " means any person carried in a ship, except—

(*a*) a person employed or engaged in any capacity on board the ship on the business of the ship,

(*b*) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and

(*c*) a child under one year of age.

(2) In the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and in this Act, the expression " passenger steamer " means a steamer carrying more than twelve passengers.

Removing persons in case of danger

27. Where the Governor for the purpose of enabling persons to be moved from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section or under the Ordinance of 1899, the carriage of that excess of persons shall not be an offence under this Acts or such Ordinance.

Power of the Governor to exempt from Safety Requirements

28.—(1) The Governor may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or any rules or regulations made under this Act, either absolutely or subject to such conditions as he thinks fit.

(2) Without prejudice to the preceding provisions of this section, where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Governor, may if he is of opinion that the ship complies with safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under the Merchant Shipping Acts, or under the Ordinance of 1899.

Exemption of certain ships from certain provisions of this Act

29.—(1) Nothing in this Act—

(*a*) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued by the Governor under this Act or the appropriate accepted Safety Convention certificates :

(*b*) conferring powers on a Government surveyor for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with :

(*c*) requiring information about a ship's stability to be carried on board ;

(*d*) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads.

shall, unless in the case of information about a ship's stability the Governor otherwise orders, apply to any troopship, pleasure yacht, or fishing vessel, or to any ship of less than five hundred tons gross tonnage other than a passenger steamer or to any ship not propelled by mechanical means. Nothing in this Act shall apply to any steamer or motor vessel plying as a ferry between two or more points within the Colony while so plying.

(2) Nothing in the preceding subsection shall affect the exemption conferred by section forty-nine of the Ordinance of 1899 on ships belonging to Her Majesty.

(3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in Hong Kong while they are within any port in Hong Kong that provision shall not apply to a ship that would not be within any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

Transitional provisions

32. Without prejudice to the effect of section thirty-eight of the Interpretation Act, 1889, the provisions of the First Schedule to this Act shall have effect for the purpose of the transition from the law in force before the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony of Hong Kong to the provisions of this Act.

Consequential amendments of Merchant Shipping Acts

35.—(2) Where a ship is detained under any provision of this Act authorising the detention of a ship until the production of a certificate, paragraph (*b*) of subsection (6) of section 17 of the Ordinance of 1899 (which makes the owner of a ship liable to pay to the Governor his costs in connection with her detention and survey) shall apply as if she had been finally detained within the meaning of that subsection.

Interpretation

36.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Collision regulations " means regulations made under section four hundred and eighteen of the principal Act :

"Construction rules" means rules made under section one of this Act;

"Country to which the Safety Convention applies" means—

(*a*) a country the government of which has been declared by Her Majesty in Council to have accepted the Safety Convention, and has not been so declared to have denounced that Convention;

(*b*) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend;

"Declaration of survey" means a declaration made under section ten of the Ordinance of 1899.

"Director of Marine" means the Director of Marine of Hong Kong, and shall include any Assistant Director of Marine in Hong Kong;

"Governor" and "Governor in Council" bear the meaning assigned thereto by the Interpretation Ordinance (Chapter 1 of the Revised Edition of the Laws of Hong Kong, 1950);

"International voyage" means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, and "short international voyage" means an international voyage—

(*a*) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety and

(*b*) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

so however that for the purpose of the definitions contained in this paragraph—

(i) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

(ii) every colony, overseas territory, protectorate or other territory for whose international relations a government that has accepted the Safety Convention is responsible, or for which the United Nations are the administering authority, shall be deemed to be a separate country;

"The Merchant Shipping Acts" means the Merchant Shipping Acts, 1894 to 1950;

"The Minister of Transport" means the Minister of Transport of the United Kingdom;

"Ordinance of 1899" means the Hong Kong Merchant Shipping Ordinance, 1899, as amended by subsequent Ordinances.

"Passenger steamer" means a steamer carrying more than twelve passengers.

"The principal Act" means the Merchant Shipping Act, 1894;

"Radio navigational aid" means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects;

"Radio rules" means rules made under section three of this Act and include any regulations relating to radiocommunication for ships made by the Governor in Council under section 31 of the Telecommunications Ordinance (Chapter 106 of the Revised Edition of the Laws of Hong Kong, 1950);

"Rules for direction-finders" means rules made under section five of this Act;

"Rules for life-saving appliances" means rule made under section four hundred and twenty-seven of the principal Act as amended by section two of this Act and include any regulations made by the Governor in Council under section thirteen of the Ordinance of 1899;

"Safety Convention ship" means a ship registered in a country to which the Safety Convention applies; and the expression "Safety Convention passenger steamer" shall be construed accordingly.

(2) If any amendment of the Safety Convention comes into force, references in this Act to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended.

Construction

37.—(2) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment and any substituted enactment as amended, extended or applied by or under any other enactment including this Act.

(3) Except so far as the context otherwise requires, this Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1948, and without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.

THE FIRST SCHEDULE TO THE MERCHANT SHIPPING (SAFETY CONVENTION) ACT, 1949

TRANSITIONAL PROVISIONS

1. Any rules or regulations made, or having effect as if made, under any enactment repealed by this Act shall, until revoked, have effect as if they had been made under the corresponding provision of this Act.

2.—(1) Any general safety certificate, short-voyage safety certificate, qualified safety certificate, passenger steamer's exemption certificate, wireless telegraphy certificate or wireless telegraphy exemption certificate in force in respect of any ship at the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony of Hong Kong shall continue in force until the date shown on the certificate, subject however to any cancellation of the certificate under the Ordinance of 1899 or this Act; and section twelve of this Act shall have effect accordingly.

(2) Section eleven of this Act shall have effect as if any such certificate as aforesaid had been issued under this Act.

(3) Where in respect of a ship there is in force at the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony of Hong Kong a wireless telegraphy certificate or

a wireless telegraphy exemption certificate, that certificate shall be treated for the purposes of paragraph (*b*) of subsection (1) of section twelve of this Act as a radio certificate or as an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, as the case may require.

(4) Nothing in the said paragraph (*b*) shall prohibit a ship from proceeding to sea without a safety-equipment certificate (whether or not qualified) until after the expiration of twenty-four months from the date of the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony of Hong Kong, nor a ship of less than sixteen hundred tons gross tonnage from proceeding to sea without a radio certificate (whether or not qualified), or a certificate stating that she is wholly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, until after the expiration of one year from that date.

(5) Subsection (5) of section thirteen of this Act shall apply to any such certificate as is mentioned in sub-paragraph (1) of this paragraph as it applies to certificates issued under this Act.

3.—(1) The regulations made by the Minister of Transport prescribing—

(*a*) that any country to which the International Convention for the Safety of Life at Sea, 1929, applies shall, for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations, be treated for the purposes of this Act as if it were a country to which the Safety Convention applies; and

(*b*) that any certificate purporting to have been issued in accordance with the said Convention of 1929 and complying with such of the regulations made under subsection (2) of section sixteen of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as are applicable in the circumstances may, for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations, be treated as if it were an accepted Safety Convention certificate within the meaning of this Act.

shall have effect for the Colony of Hong Kong as for the United Kingdom.

(2) Without prejudice to any general provision of this Schedule regarding the validity of regulations made under any enactment repealed by this Act, regulations made under the Merchant Shipping Acts to determine the validity of certificates purporting to have been issued in accordance with the Safety Convention of 1929 as applied to Hong Kong by the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1935, shall continue in force so far as they are required for the purposes of this paragraph.

4. Nothing in section seventeen of this Act shall require the master of a ship of less than sixteen hundred tons gross tonnage other than a passenger steamer to produce an accepted Safety Convention certificate being the equivalent of a radio certificate (whether or not qualified), or a certificate stating that she is wholly or partly exempt from the provisions of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, before the expiration of twelve months after the date of the date of coming into operation of the Order of Her Majesty in Council applying this Act to the Colony of Hong Kong; nor the master of any ship to produce an accepted Safety Convention certificate being the equivalent of a safety-equipment certificate (whether or not qualified) before the expiration of twenty-four months after that date; and the provisions of that section relating to clearance and detention of ships shall have effect accordingly.

The Second Schedule to the Order

THE MERCHANT SHIPPING SAFETY CONVENTION (HONG KONG) NO. 1 ORDER, 1935—PROVISIONS REPEALED

In the First Schedule to the Order:—

Sections three and four.

Sections ten and eleven.

Sections thirteen to twenty-two.

In section twenty-four, in subsection (4), the proviso.

Sections twenty-five and twenty-six.

Section twenty-eight.

Section thirty-four.

In section thirty-eight, the following definitions in subsection (1), construction regulations, Country to which the Safety Convention applies, Declaration of survey, International voyage, Ordinance of 1899, Principal Act, Rules for life saving appliances, Safety Convention, Safety Convention ship, Special Passenger Trade, and Wireless telegraphy rules.

In section thirty-eight, subsections (2), (3) and (5).

The Third Schedule to the Merchant Shipping (Safety and Load Line Conventions) Act, 1932.

The Second Schedule to the Order.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 36 (1) of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, (which gave effect to an International Safety Convention of 1929) gives power by Order in Council to direct that Part I of that Act, and, if thought expedient, the provisions of any other enactment relating to merchant shipping, shall, with any adaptations etc. specified in the Order, extend to any Colony. Section 30 of the Merchant Shipping (Safety Convention) Act, 1949, (which gives effect to a new Convention of 1948, intended to supersede that of 1929) provides that the reference in section 36 of the Act of 1932 to Part I of that Act is to include a reference to the Act of 1949.

This Order provides that certain sections of, and the First Schedule to, the Act of 1949, as adapted and set out in the First Schedule to the Order, shall extend to Hong Kong, in substitution for most of those provisions of the Act of 1932 that were applied to Hong Kong by the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order, 1935.

In addition, it provides that section 258 of the Merchant Shipping Act, 1894, shall extend to Hong Kong.