STATUTORY INSTRUMENTS

1975 No. 594

MERCHANT SHIPPING

The Merchant Shipping (Tonnage) (Amendment) Regulations 1975

Made - - -	*10th April* 1975
Laid Before Parliament	*21st April* 1975
Coming into Operation	*1st June* 1975

The Secretary of State in exercise of the powers conferred by section 1 of the Merchant Shipping Act 1965(**a**) and now vested in him(**b**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Part 1: General

1.—(1) These Regulations may be cited as the Merchant Shipping (Tonnage) (Amendment) Regulations 1975 and shall come into operation on 1st June 1975.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. In these Regulations, except in so far as the context otherwise requires:—

"the principal Act" means the Merchant Shipping Act 1894(**d**);

"the principal Regulations" means the Merchant Shipping (Tonnage) Regulations 1967(**e**) as amended(**f**);

"overall length" in relation to a pleasure yacht to which Part 4 of these Regulations applies means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure of the yacht.

Part 2: Amendment to the principal Regulations

3. The principal Regulations shall have effect subject to the following amendments:—

(*a*) in Regulation 2(4) for the words "and cause the particulars relating to its registered tonnage to be altered accordingly" there shall be substituted the words "and furnish the particulars of such measurement to the Registrar of British ships at the port at which the ship is registered, and that Registrar shall alter the particulars relating to the registered tonnage of the ship accordingly", and

(**a**) 1965 c. 47.
(**b**) S.I. 1970/1537 (1970 III, p. 5293).
(**c**) 1889 c. 63.
(**d**) 1894 c. 60.
(**e**) S.I. 1967/172 (1967 I, p. 283).
(**f**) S.I. 1967/1093, 1972/656 (1972 I, p. 2137; 1967 II, p. 3237).

(*b*) in Regulation 16 for the definition of "Load Line Rules" there shall be substituted the following definition:—

"'Load Line Rules" means the Merchant Shipping (Load Line) Rules 1968(**a**) as amended(**b**) and includes in relation to any ship not registered in the United Kingdom any corresponding rules of the country in which the ship is registered."

Part 3: Delegation of tonnage measurement surveys

4. The measurement and survey of a ship for the purpose of ascertaining its tonnage may, if the ship is classed with Lloyd's Register of Shipping, be undertaken by a surveyor appointed by Lloyd's Register of Shipping (being an organisation authorised in that behalf by the Secretary of State), instead of by a surveyor of ships.

5. In any case in which a ship is, pursuant to Regulation 4 of these Regulations, to be measured by a surveyor so appointed—

(*a*) the owner and the master of the ship shall make it available for measurement to the surveyor and shall afford him all such facilities and produce for him all such documents as are required by Regulation 2(1) of the principal Regulations to be afforded to or produced for a surveyor of ships;

(*b*) any function to be performed by the Board in accordance with the principal Regulations shall in relation to that ship be performed by Lloyd's Register of Shipping;

(*c*) any application required by the principal Regulations to be made to the Board shall in relation to that ship be made to Lloyd's Register of Shipping;

(*d*) any function required by the principal Regulations to be performed by a surveyor of ships (except the function of certification referred to in paragraph (i) of the proviso to Regulation 9 of the principal Regulations which shall in every case be performed by a surveyor of ships) shall be performed by the surveyor so appointed;

and the principal Regulations shall be construed accordingly.

Part 4: Tonnage Measurement for pleasure yachts

6.—(1) This Part of these Regulations applies only in relation to pleasure yachts under 45 feet (13·7 metres) in overall length which either—

(*a*) are to be registered in the United Kingdom under Part I of the principal Act on or after the coming into operation of these Regulations; or

(*b*) being so registered before the coming into operation of these Regulations, fall to be re-measured thereafter pursuant to the provisions of section 82 of the principal Act.

(2) The principal Regulations shall not apply in relation to pleasure yachts to which this Part of these Regulations applies.

7. The tonnage of a pleasure yacht to which this Part of these Regulations applies shall be ascertained in accordance with these Regulations and the tonnage so ascertained shall be taken to be its gross and register tonnage.

(**a**) S.I. 1968/1053 (1968 II, p. 2774). (**b**) S.I. 1970/1003 (1970 II, p. 3143).

8.—(1) The owner of such a pleasure yacht to be measured shall make it available for measurement pursuant to section 6 of the principal Act by either—

(*a*) a surveyor appointed by Lloyd's Register of Shipping or a measurer appointed by the Royal Yachting Association or the Yacht Brokers Designers and Surveyors Association being organisations authorised by the Secretary of State under section 1(4) of the Merchant Shipping Act 1965(**a**) to appoint persons to undertake the measurement of pleasure yachts to which this Part of these Regulations applies; or

(*b*) a surveyor of ships;

and shall afford all necessary facilities for its inspection and measurement and shall produce for the surveyor's or measurer's use and retention if required such plans, drawings, specifications and other documents relating to the pleasure yacht as he may require.

(2) The tonnage of a pleasure yacht to which this Part of these Regulations applies shall be measured in the manner specified in the Schedule to these Regulations.

Stanley Clinton Davis,
Parliamentary Under Secretary of State for Companies, Aviation and Shipping,
Department of Trade

10th April 1975.

SCHEDULE

1. Tonnage in relation to any pleasure yacht to which Part 4 of these Regulations applies shall be measured in terms of cubic capacity.

2.—(1) The tonnage of the yacht shall be the sum of—

(*a*) the product of multiplying together its overall length, breadth and depth, and multiplying the resultant figure by 0·0045; and

(*b*) the tonnage of any break or breaks defined in paragraph 3 and calculated in accordance with the provisions of that paragraph.

(2) The breadth of a yacht for this purpose shall be its extreme breadth over the outside plating, planking or hull, no account being taken of rubbers or fenders even if they are moulded so as to be integral with the hull.

(3) (*a*) The depth of a yacht for this purpose shall be measured vertically midway between the foremost and aftermost points of measurement of its length.

(*b*) The upper terminal point for depth shall be—

(i) in the case of a decked yacht, the underside of deck on the middle line or, if there is no deck at the middle line at the point of measurement, the underside of the deck at side of the yacht plus the full deck camber;

(ii) in the case of an open yacht, the top of the upper strake or gunwale.

(*c*) The lower terminal point for depth shall be—

(i) in the case of a wooden yacht, the upper side of planking at side of keel or hog;

(ii) in the case of a metal yacht, the top of plating at side of keel;

(**a**) 1965 c. 47.

(iii) in the case of a glass reinforced plastic yacht, the inside of hull. Where no keel member is fitted and the keel is of open trough construction, the lower terminal point for depth shall be the top of the keel filling, if fitted, or the level at which the inside breadth of the trough is 4 inches, whichever gives the lesser depth.

(*d*) Where a break exists in way of the point of measurement for depth, the height of the break shall not be included in the measurement of depth.

3. A break for the purpose of paragraph 2(1)(*b*) shall be a side to side break existing in the line of the deck, and its tonnage shall be the figure obtained by multiplying together the mean length, mean breadth and mean height of the break and dividing the product by 100.

4. In the case of a catamaran or trimaran the tonnage of each hull shall be measured separately, using the breadth of each hull for the purposes of its measurement, and the sum of such tonnages shall be the tonnage of the yacht.

5. All measurements shall be taken and expressed in feet and decimals of 1 foot to the nearest one-tenth of 1 foot.

6. Tonnage shall be expressed to two decimal places, the second decimal place being increased by 1 if the third decimal place is 5 or more.

EXPLANATORY NOTE

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

These Regulations amend the Merchant Shipping (Tonnage) Regulations 1967, as amended. Part 2 makes two minor amendments to the 1967 Regulations. Part 3 permits Lloyd's Register of Shipping to undertake tonnage measurement of ships classed with them. Previously all tonnage measurement had to be done by Department of Trade surveyors. Part 4 introduces a new system of tonnage measurement for pleasure yachts which are to be registered under Part I of the Merchant Shipping Act 1894 and are under 45 feet in overall length, and provides for such measurement to be carried out by surveyors of Lloyd's Register of Shipping, or by measurers appointed by the Royal Yachting Association or the Yacht Brokers Designers and Surveyors Association.

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