1967 No. 1764

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Tonnage) (Hong Kong) Order 1967

Made - - - -	*28th November* 1967
Laid before Parliament	*4th December* 1967
Coming into Operation	*5th December* 1967

At the Court at Buckingham Palace, the 28th day of November 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 6 of the Merchant Shipping Act 1965(a) and of 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 Merchant Shipping Act 1965 except those of sections 1(7), 3, 4, 5, 6, 8(3) and (4), adapted and modified as set out in the Schedule hereto, shall extend to the Colony of Hong Kong.

2. This Order shall come into operation on 5th December 1967 and may be cited as the Merchant Shipping (Tonnage) (Hong Kong) Order 1967.

W. G. Agnew.

SCHEDULE

MERCHANT SHIPPING ACT 1965 AS EXTENDED TO THE COLONY OF HONG KONG

Tonnage regulations.

1.—(1) The tonnage of any ship to be registered under the principal Act as in force in Hong Kong shall be ascertained in accordance with regulations made by the Governor in Council; and those regulations shall, as respects anything done after the date of coming into operation of the Order of Her Majesty in Council extending this Act to Hong Kong, be taken to be the provisions referred to in the principal Act as the tonnage regulations of that Act.

(2) Regulations under this section—

(*a*) may make different provision for different descriptions of ships or for the same description of ships in different circumstances;

(*b*) may make any provision thereof dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations;

(a) 1965 c. 47.

(*c*) may provide for the ascertainment of any space to be taken into account for the purposes of section 85 of the principal Act (payment of dues where goods carried in spaces not forming part of registered tonnage) and may exempt any space from being taken into account for those purposes ; and

(*d*) may prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and may provide for making the master and the owner each liable to a fine not exceeding one hundred pounds where such a prohibition or restriction is contravened.

(3) Regulations under this section may make provision for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can be safely loaded, and for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship may be loaded for the lower tonnage to be applicable.

(4) Notwithstanding anything in the principal Act as in force in Hong Kong or in the Hong Kong Merchant Shipping Ordinance(a), regulations under this section may—

(*a*) provide for the measurement and survey of ships to be undertaken, in such circumstances as may be specified in the regulations, by persons appointed by such organisations as may be authorised in that behalf by the Governor ; and

(*b*) prescribe the amount and the payment of the fees payable to persons appointed in pursuance of this subsection.

(5) Regulations under this section may make provision for the alteration (notwithstanding anything in the principal Act as in force in Hong Kong or in the Hong Kong Merchant Shipping Ordinance) of the particulars relating to the registered tonnage of any ship registered before the coming into operation of the regulations.

(6) Regulations under this section may provide for the issue of documents certifying the registered tonnage of any ship or the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in Hong Kong.

Load lines indicating greater than minimum freeboard.

2. Regulations made under the power conferred by section 27(3) of the Hong Kong Merchant Shipping Ordinance may provide for the marking of load lines, at the owner's request, in a position on a ship lower than that indicating the several maximum depths to which it can be safely loaded in various circumstances.

Amendments and repeals.

7.—(1) The enactments mentioned in Schedule 1 to this Act as in force in Hong Kong shall have effect in Hong Kong subject to the amendments specified in relation thereto in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed in their application to Hong Kong to the extent specified in the third column of that Schedule.

Interpretation and construction.

8.—(1) In this Act "the principal Act" means the Merchant Shipping Act 1894(b).

(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1964.

(a) Laws of Hong Kong (Rev. 1964) c. 281. (b) 1894 c. 60.

Section 7-(1). SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Enactment amended	Amendment
The Merchant Shipping Act 1894(a).	In section 84, there shall be added at the end of subsection (1) the words "and any space shown by the certificate of registry or other national papers of any such ship as deducted from the tonnage shall, where a similar deduction in the case of a British ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions and to be so evidenced, unless a surveyor of ships certifies to the Governor that the construction and the equipment of the ship as respects that space do not come up to the standard which would be required if the ship were a British ship registered in Hong Kong." In section 85, in subsection (1) after the words "forming the ship's registered tonnage" there shall be inserted the words "and not exempted by regulations under the Merchant Shipping Act 1965 as extended to Hong Kong", and in subsection (3) for the words from "by an officer of the Board of Trade" to "this Act" there shall be substituted the words "in accordance with regulations made under the Merchant Shipping Act 1965 as extended to Hong Kong." At the end of Part II of Schedule 1 there shall be added the words "Bill of sale".
The Merchant Shipping (Safety and Load Line Conventions) Act 1932(b).	In section 43(1)(*c*) for the words "can be safely loaded" there shall be substituted the words "may be loaded".

(a) 1894 c. 60. (b) 1932 c. 9.

SCHEDULE 2

Section 7–(2).

ENACTMENTS REPEALED IN THEIR APPLICATION TO HONG KONG

Reference	Short Title	Extent of Repeal
1894 c. 60 ...	The Merchant Shipping Act 1894.	In section 24(2) the words from " and shall be in " to " permit ". Sections 77 to 81. In section 84(1) the words from " and any space " to the end of the subsection. In Schedule 1, in Part 1, Form A—Bill of Sale. Schedule 2. In Schedule 6, paragraphs (2) to (5).
1906 c. 48 ...	The Merchant Shipping Act 1906.	Sections 54 and 55.
1907 c. 52 ...	The Merchant Shipping Act 1907.	The whole Act.
S.I. 1956/1002 (1956 I, p. 1208).	The Merchant Shipping (Colonies, etc.) Tonnage Measurement Order 1956.	The whole Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Colony of Hong Kong the provisions of the Merchant Shipping Act 1965 (which amended the law relating to the measurement of the tonnage of merchant ships and the marking of load lines), subject to certain exceptions and modifications. The Act as so extended is set out in the Schedule to the Order.