

Merchant Shipping (Tonnage Measurement of Ships) Regulations 1991

GN No. 84 of 1991

THE MERCHANT SHIPPING ACT

Regulations made by the Minister under section 199 of the
Merchant Shipping Act 1986

1. These regulations may be cited as the Merchant Shipping (Tonnage Measurement of Ships) Regulations 1991.

2. Interpretation.

In these regulations -

"Administration" means the office of the Director of Shipping;

"Convention" means the International Convention on Tonnage Measurement of Ships 1969;

"existing ship" means a ship which is not a new ship;

"Government" means a Government which is a contracting party to the Organisation;

"gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the Convention;

"IMO" means the International Maritime Organisation;

"international voyage" has the same meaning as that assigned to it in the Act;

"length" means from the fore part of the stem to the fore side of the rudder stock;

"net tonnage" means the measure of the useful capacity of a ship determined in accordance with the provisions of the Convention;

"new ship" means a ship the keel of which is laid or which is at a similar stage of a construction on or after the date of coming into force of the Convention;

"Organisation" means the International Maritime Organisation.

3. Application.

(1) These regulations shall apply to the following ship's engaged on international voyages -

(a) ships registered in countries the Governments of which are contracting Governments to the Organisation;

(b) ships registered in territories to which the Convention is extended under Article 20 of the Convention;

(c) unregistered ships flying the flag of state, the Government of which is a contracting Government to the Organisation.

(2) These regulations shall apply to -

- (a) new ships;
- (b) existing ships which undergo alterations or modifications which the Administration deems to be a substantial variation in their existing gross tonnage;
- (c) existing ships if the owners so request; and
- (d) all existing ships, six months after the date on which the Convention comes into force except that such Ships, apart from those mentioned in subparagraphs (b) and (c) of this paragraph, shall retain their then existing tonnages for the purpose of the application to them of relevant requirements under other existing International Conventions.

(3) Existing ships to which the Convention, has been applied in accordance with paragraph 2(c) shall not subsequently have their tonnage determined in accordance with the requirements which the Administration applied, to ships on international voyages prior to the coming into force of the Convention.

4. Exceptions.

These regulations shall not apply to -

- (a) ships of war;
- (b) ships of less than 24 metres (79 feet) in length.

5. Force majeure.

A ship which is not subject to the provisions of the Convention at the time of its departure on any voyage shall not become subject to such provision on account of any deviation from its intended voyage due to stress of weather or any other cause or force majeure.

6. Determination of tonnages.

The determination of gross and net tonnages shall be carried out by the Administration which may however entrust such determination to persons or organisations recognised by it. In every case the Administration concerned shall accept full responsibility for the determination of gross and net tonnages.

7. Issue of certificate.

An International Tonnage Certificate (1969) shall be issued to every ship, the gross and net tonnage of which have been determined in accordance with the Convention and recorded in the form of certificate set out in the Schedule.

8. Issue of certificate by another Government.

(1) A Contracting Government may, at the request of another Contracting Government, determine the gross and net tonnages of a ship and issue or authorise the issue of an International Tonnage Certificate (1969) to the ship in accordance with the Convention.

(2) A copy of the certificate and a copy of the calculations of the tonnages shall be transmitted as early as possible to the requesting Government.

(3) A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is or will be flying and it shall have the same validity and receive the same recognition as a certificate issued under regulation 9.

(4) No International Tonnage Certificate (1969) shall be issued to a ship which is flying the flag of a State the Government of which is not a Contracting Government.

9. Cancellation of certificate.

(1) An International Tonnage Certificate (1969) shall cease to be valid and shall be cancelled by the Administration if alterations have taken place in the arrangement, construction, capacity, use of space, total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate, assigned load line or permitted draught of the ship, such as would necessitate an increase in gross tonnage or net tonnage.

(2) A certificate issued to a ship by an Administration shall cease to be valid upon transfer of the ship to the flag of another State, except as provided in paragraph (3).

(3) Upon transfer of a ship to the flag of another State the Government of which is a Contracting Government -

(a) the International Tonnage Certificate (1969) shall remain in force for a period not exceeding three months, or until the Administration issues another International Tonnage Certificate (1969) to replace it, whichever is the earlier;

(b) the contracting Government of the State whose flag the ship was flying hitherto shall transmit to the Administration as soon as possible after the transfer takes place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

10. Acceptance of certificate.

The certificate issued under the authority of a contracting Government in accordance with the Convention shall be accepted by the other Contracting Governments and regarded for all purposes covered by the Convention as having the same validity as certificates issued by them.

11. Inspection.

(1) A ship flying the flag of a State the Government of which is a Contracting Government shall be subject, when in ports of other Contracting Governments, to inspection by officers duly authorised by such Governments.

(2) Such inspection shall be limited to the purpose of verifying -

(a) that the ship is provided with a valid International Tonnage Certificate (1969); and

(b) that the main characteristics of the ship correspond to the data given in the certificate;

(3) In no case shall the exercise of such inspection cause any delay to the ship.

(4) Should the inspection reveal that the main characteristics of the ship differ from those entered on the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the Government of the State whose flag the ship is flying shall be informed without delay.

Made by the Minister on 20 May 1991.

SCHEDULE
THE MERCHANT SHIPPING ACT 1986

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INTERNATIONAL TONNAGE CERTIFICATE (1969)

(See pg 202 - 203)