

1995-13 Gibraltar Merchant Shipping (Safety, etc.)

Subsidiary Legislation made under s.62(1).

Gibraltar Merchant Shipping (Load Lines) Regulations 2004

LN.2004/067

Commencement (LN.2004/084)

9.9.2004

International Agreements involved:

International Convention on Load Lines, 1966

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In exercise of the powers conferred on it by section 62(1) of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other powers enabling, the Government, for the purpose of giving effect in Gibraltar to the International Convention on Load Lines, 1966 as amended by the Protocol of 1988 relating to that Convention, has made the following Regulations:

**PART I
GENERAL.**

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Load Lines) Regulations 2004 and shall come into operation on a date to be appointed by the Minister for the Port and Shipping by notice in the Gazette.

Interpretation.

2.(1) In these Regulations, unless the context otherwise requires-

“Administration” means the Maritime Administrator in the case of Gibraltar, and in other cases the person in the relevant flag State holding equivalent responsibilities;

“alteration” includes deterioration;

“amidships” in relation to a ship means the middle of the ship’s length (L);

“anniversary date” in relation to a certificate means the day and the month of each year which corresponds to the date of expiry of the certificate;

“appropriate load line” means the load line directed to be marked on a ship pursuant to regulation 8(2)(b), or in the case of a ship not surveyed under these Regulations, pursuant to an International Load Line Certificate, indicating the maximum depth to which the ship may be loaded in salt water in a particular zone or area and seasonal period;

“appropriate certificate” means-

- (a) in the case of a Convention-size ship, an International Load Line Certificate; and
- (b) in the case of any other ship, a Gibraltar Load Line Certificate;

“appropriate marks” means the appropriate loadlines, the deck-line and loadline mark;

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“Assigning Authority” means an authority empowered to act under regulations 8, 9, 10, 11, 13, 16, 17, 24, 25, 27, 28, 31, 33 and 35 and includes the Administration or any person or organisation authorized by the Administration for the purposes of these Regulations;

“conditions of assignment” means the conditions relating to construction, arrangement and stability with which a ship must comply in order to be assigned freeboards;

“Convention country” means a country or territory which is either-

- (a) a country which is party to the Load Lines Convention, or to the Load Lines Convention as amended by the Protocol of 1988; or
- (b) a territory to which the Load Lines Convention, or the Load Lines Convention as amended by the Protocol of 1988, extends;

“Convention-size” in relation to a ship, means in the case of an existing ship, a vessel of not less than 150 gross tonnes (ascertained in accordance with the law in force in Gibraltar or in the United Kingdom on 21st July 1968), and in the case of a new ship, of not less than 24 metres in length;

“Council Regulation EEC No. 613/91” means the Council Regulation (EEC) No. 613/91 of 4 March 1991 on the transfer of ships from one register to another within the European Community;

“exclusive surveyor” means a surveyor appointed by and working exclusively for an Assigning Authority;

“Exemption Certificate” means an International Load Line Exemption Certificate or a Gibraltar Load Line Exemption Certificate;

“freeboard” means the distance measured vertically downwards at amidships from the upper edge of the deck-line described in regulation 16 to the position at which the upper edge of the load line appropriate to the freeboard is to be marked;

“freeboard deck” means the deck from which the freeboards assigned to the ship are calculated, being-

- (a) the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings open to the weather, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing; or

- (b) at the request of the owner, and subject to the approval of the Administration, a deck lower than that described in paragraph (a) above, it being a complete and permanent deck which is continuous both in a fore and aft direction at least between the machinery space and peak bulkheads of the ship, and athwartships, a deck which is stepped being taken to consist for this purpose of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck;

“Gibraltar Load Line Certificate” means a certificate issued under regulation 9(1) other than an International Load Line Certificate;

“Gibraltar Load Line Exemption Certificate” means a certificate issued under regulation 12(2);

“Gibraltar ship” means a vessel registered under the provisions of the Gibraltar Merchant Shipping (Registration) Act, 1993;

“International Load Line Certificate” means a certificate issued under regulation 9(1);

“International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the Load Lines Convention as amended by the Protocol of 1988;

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a country to which the Load Lines Convention applies;

“length” and “(L)” in relation to a ship means the greater of the following distances-

- (a) 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel; or
- (b) the length from the fore-side of the stem to the axis of the rudder stock on that waterline.

Where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length and the fore-side of the stem respectively shall be taken at the vertical projection to that waterline of the aftermost point of the stem contour (above that waterline) and in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

“load line” means a mark on the ship indicating the maximum depth to which a ship may be loaded;

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“Load Lines Convention” means the International Convention on Load Lines, 1966 as amended or modified by its Protocol of 1988, including such other amendments or Protocols amending that Convention which are applicable at the time of reference in its up-to-date version as in force at the time of reference;

“material date” mean-

- (a) in relation to a ship whose parent country is a Convention country other than Gibraltar, the date on which the 1966 Convention entered into force for that country; and
- (b) in relation to any other ship, the 21st July 1968;

“moulded depth” in relation to a ship means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at the side, except that-

- (a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section of the ship is of a hollow character or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (c) in the case of a ship having rounded gunwales it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design; and
- (d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

“MSN” and “Merchant Shipping Notice” mean a Notice issued by the UK-MCA, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending that Notice;

“near-coastal voyages” means voyages during which the ship shall not proceed more than 600 miles from the initial port of departure and shall always remain within 200 miles of a safe haven;

“new ship” means a ship whose keel was laid, or which was at a similar stage of construction, on or after the material date; and “existing ship” means a ship which is not a new ship;

“parent country”, in relation to a ship, means the country or territory in which the ship is registered or, if the ship is not registered anywhere, it means the country or territory whose flag the ship flies;

“pleasure vessel” shall have the same meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Seafarer’s Hours of Work and Medical Examination) Regulations, 2003;

“Protocol of 1988” means the Protocol of 1988 relating to the Load Lines Convention;

“rake of keel” means the inclination of the keel to a horizontal baseline;

“relevant entry into force date” means the date when the Protocol of 1988 entered or enters into force in the parent country of the ship in question;

“sailing ship” means a ship designed to carry sail, whether as the sole means of propulsion, or as a supplementary means;

“surveyor” means a surveyor appointed under section 52 of the Act;

“UK- MCA” means the Maritime and Coastguard Agency of the United Kingdom;

“valid Convention certificate” means an International Load Line Certificate or an International Load Line Exemption Certificate, which is in force;

“watertight” in relation to any part of the ship, means capable of preventing the passage of water in any direction.

(2) MSN 1752 (M) shall apply to Gibraltar in connection with these Regulations, with any reference to the United Kingdom replaced with “Gibraltar” and any reference to the Merchant Shipping (Load Line) Regulations 1998 replaced with “the Gibraltar Merchant Shipping (Load Lines) Regulations 2004”.

(3) In these Regulations-

- (a) a reference to a numbered Part is, unless otherwise stated, a reference to the Part of that number in these Regulations;

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- (b) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations; and
- (c) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in the regulation.

(4) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions, if any, on which it is given.

Application and administration of these Regulations.

3.(1) These Regulations apply to Gibraltar ships, and to other ships while they are within Gibraltar waters, except-

- (a) ships of war;
- (b) ships solely engaged in fishing;
- (c) pleasure vessels;
- (d) ships which do not go to sea; and
- (e) ships under 80 net tons register falling within one of the classes specified in subregulation (2) engaged solely in Gibraltar waters, and, subject to subregulation (3), not carrying cargo.

(2) The classes referred to in subregulation (1) above, are-

- (a) tugs or salvage ships;
- (b) hopper barges or dredgers; and
- (c) ships in respect of which passenger certificates are in force specifying limits beyond which the ship must not ply, and which operate solely within those limits.

(3) A ship referred to in paragraph (1)(e) falling within the class in subregulation (2)(c) shall be exempted from the provisions of these Regulations while carrying cargo in accordance with the terms, if any, of the ship's passenger certificate expressly authorising the carriage of cargo.

(4) The Maritime Administrator shall be responsible for the administration of these Regulations.

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Exemptions.

4.(1) Subject to subregulation (4), the Administration may exempt from these Regulations-

- (a) any ship which embodies features of a novel kind if the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded if the ship had to comply with all the requirements of these Regulations;
- (b) any ship plying on international voyages between near neighbouring ports if-
 - (i) in its opinion the sheltered nature and condition of the voyages makes it unreasonable or impracticable to apply these Regulations; and
 - (ii) it is satisfied that the Government of the other country (or, as the case may be, of each of the other countries) concurs in that opinion.

(2) Subject to subregulation (4), the Administration may exempt from these Regulations-

- (a) a ship which is not a Convention-size ship; or
- (b) any other ship which does not ply on international voyages.

(3) Subject to subregulation (4) below, where a Gibraltar ship does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Administration may exempt the ship from these Regulations while engaged on that voyage.

(4) Any exemption conferred under this regulation may be conferred subject to such conditions as the Administration thinks fit; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

General compliance.

5.(1) Subject to any exemption conferred under these Regulations, a ship shall not proceed, or attempt to proceed, to sea unless-

- (a) it has been surveyed in accordance with these Regulations;
- (b) it is marked with the appropriate marks;
- (c) it complies with the conditions of assignment applicable to it; and

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- (d) the information required by regulations 32 and 33 is provided for the guidance of the master of the ship.
- (2) Subregulation (1) does not apply to a non-Gibraltar ship in respect of which a valid Convention certificate is produced.
- (3) A ship shall not be so loaded that-
- (a) if the ship is in salt water and has no list the appropriate load line on each side of the ship is submerged; or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (4) A ship shall not proceed to sea when it is in contravention of subregulation (3).
- (5) Before any ship proceeds to sea from the port of Gibraltar, the master of that ship shall produce to a customs officer or the appropriate authority from whom a clearance for the ship is demanded for an international voyage-
- (a) in the case of a Convention-size ship, a valid Convention certificate; or
 - (b) in the case of any other ship, a Gibraltar Load Line Certificate or a Gibraltar Load Line Exemption Certificate, which is in force in relation to the ship.
- (6) For the purpose of this regulation, where a valid Convention certificate cannot be produced the freeboard deck and the freeboard shall be determined in accordance with these Regulations and the appropriate load line shall be the maximum depth to which the ship may be loaded in salt water.

Special requirements for Gibraltar ships.

6.(1) In the case of a Gibraltar ship that does not normally make any international voyages, should it require to make such a voyage for any reason whatsoever, it may apply to the Maritime Administrator for the assignment of a freeboard and the issue of a restricted or short term load line certificate to that ship.

(2) In the case of a Gibraltar ship to which these Regulations do not apply, the Maritime Administrator may require the ship to have a minimum freeboard that is a marking each for the freeboard deck and the deepest assigned load line.

(3) The freeboard referred to in subregulation (2) may be assigned by a surveyor and may have such conditions attached to it with respect to area or other conditions for operation as may be deemed necessary by the surveyor.

(4) A company that operates a Gibraltar ship shall ensure that the ship is never loaded beyond the deepest assigned load line.

PART II SURVEYS AND CERTIFICATES.

Assignment of freeboards.

7.(1) The Assigning Authority shall assign freeboards to a Gibraltar ship in accordance with the requirements of these Regulations.

(2) The Assigning Authority shall-

- (a) determine the particulars of the freeboards to be assigned;
- (b) determine which of the load lines described in Part III are to be marked on the sides of the ship in accordance with the requirements of that Part;
- (c) determine the position where the load lines, the deck-line and the load line mark are to be so marked; and
- (d) complete a copy of the record of particulars relating to the conditions of assignment.

(3) Where a passenger ship is marked with subdivision load lines, and the lowest of those lines is lower than the line which is the appropriate load line, then that subdivision load line shall have effect as if it is the appropriate load line for the purposes of these Regulations.

Initial, renewal and annual surveys.

8.(1) A Gibraltar ship shall be subject to the surveys specified below-

- (a) an initial survey before the ship is put into service, which shall include a complete inspection of its structure and equipment as required by these Regulations and this survey shall be such as to ensure that the arrangements, materials and scantlings comply fully with the requirements of these Regulations;

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- (b) a renewal survey at intervals not exceeding five years (except where subregulation (2)(a), (5), (6) or (7) of regulation 10 is applicable) which shall be such as to ensure that the structure, equipment, arrangements, materials and scantlings comply fully with the requirements of these Regulations;
- (c) an annual survey within the period of three months before or after each anniversary date of the appropriate certificate to ensure that-
 - (i) alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line;
 - (ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters are maintained in an effective condition;
 - (iii) the appropriate marks are correctly and permanently indicated; and
 - (iv) information is provided in accordance with regulations 32 and 33.

(2) The owner and master shall ensure that after any of the surveys referred to in subregulation (1) has been completed, no material alteration is made to the ship, its structure and equipment, without the approval of the Assigning Authority.

(3) After a satisfactory annual survey referred to in subregulation (1)(c), the surveyor shall endorse accordingly the International Load Line Certificate or the Gibraltar Load Line Certificate, as the case may be.

Issue of appropriate certificates.

9.(1) Subject to the provisions of regulation 10, the Assigning Authority shall issue in respect of a Gibraltar ship an International Load Line Certificate in the case of a Convention-size ship, or a Gibraltar Load Line Certificate in the case of any other ship, which has been surveyed and marked in accordance with these Regulations.

(2) An International Load Line Certificate shall be in the form prescribed by Annex III to the Protocol of 1988.

(3) A Gibraltar Load Line Certificate shall be in the form prescribed in Schedule 8 of MSN 1752 (M).

(4) Subject to any exemption conferred by or under these Regulations, a ship shall not proceed, or attempt to proceed, to sea unless the appropriate certificate is in force in respect of that ship.

(5) The Administration may request the Government of a Convention country to survey a Gibraltar ship and, if satisfied that the requirements of the Load Lines Convention are complied with-

- (a) to issue or authorize the issue of, in respect of the ship, an International Load Line Certificate; or
- (b) in the case of an annual survey required under regulation 8(1)(c), to endorse or authorize the endorsement of the International Load Line Certificate or the Gibraltar Load Line Certificate;

and a certificate issued or an endorsement made in accordance with such a request, and containing a statement that it has been so issued or made, shall have the same effect as if it had been issued by the Administration or made by a surveyor respectively.

(6) In the case of a ship that has been transferred from another registry to the Gibraltar registry, the Assigning Authority, subject to such survey requirements as it considers to be necessary may, and in the case of a ship to which Council Regulation EEC No. 613/91 applies shall, issue an International Load Line Certificate for a period to be determined by the Assigning Authority, but for not longer than the period of validity of the certificate issued by or on behalf of the Government of that other country if satisfied that-

- (a) the ship has already been subjected to satisfactory initial, renewal and annual surveys, as appropriate;
- (b) the condition of the ship, including its structure and equipment, have been maintained so as to comply with the requirements of the Load Lines Convention applicable to the ship;
- (c) after any of the surveys referred to in paragraph (a) above have been completed, no material change has been made to the ship, including its structure and equipment, without the approval of the administration of that State; and
- (d) that in the case of a ship to which Council Regulation EEC No. 613/91 applies, the intact stability information approved by or on behalf of the Government of that other country is in English and complies with the requirements of the International Maritime Organisation's Resolution A.167(ES.1V).

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Duration and extension of certificates.

10.(1) Subject to subregulations (2), (4), (5) and (6), the duration of any certificate issued under these Regulations shall not exceed a period of five years beginning with the date of completion of the initial or renewal survey referred to in regulation 8(1)(a) or (b) respectively.

(2) Subject to subregulation (8) when the renewal survey referred to in regulation 8(1)(b) is completed-

- (a) within three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate;
- (b) after the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the previous certificate; and
- (c) more than three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the date of completion of the renewal survey.

(3) If a certificate is issued for a period of less than five years, the Assigning Authority may extend the validity of the certificate beyond the expiry date to the maximum period specified in subregulation (1), if the annual surveys applicable when a certificate is issued for a period of five years are carried out as appropriate.

(4) If, after the renewal survey referred to in regulation 8(1)(b), a new certificate cannot be issued to the ship before the expiry of the existing certificate, the Assigning Authority may extend the validity of the existing certificate for a period which shall not exceed five months and this extension shall be endorsed on the certificate, and shall be granted only where there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard.

(5) If, at the time when a certificate expires, a ship is not in a port in which it is to be surveyed, the Assigning Authority may, after informing the Administration if the Administration is not the Assigning Authority, extend the validity of the certificate but this extension shall be granted only where it appears proper and reasonable to the Assigning Authority to do so for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed.

(6) Except as provided in subregulations (4) and (8), no certificate shall be extended for a period longer than three months beginning with the date of expiry, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate and when the renewal survey is completed, the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(7) Subject to subregulation (8) a certificate issued to a ship engaged on short voyages which has expired and can not be extended under subregulation (3), (4), (5) or (6) of this regulation may be extended by the Assigning Authority, after informing the Administration if the Administration is not the Assigning Authority, for a period of not more than one month beginning with the date of its expiry and when the renewal survey is completed the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(8) In special circumstances, as may be determined by the Assigning Authority, after informing the Administration if the Administration is not the Assigning Authority, a new certificate need not be dated from the expiry of the previous certificate before the extension was granted, as required by subregulations (2), (6) and (7) and in these special circumstances, the new certificate shall be valid for a period ending on a date which is not more than five years from the date of completion of the renewal survey.

(9) If an annual survey is completed before the period specified in regulation 8(1)(c) then-

- (a) a new anniversary date shall be endorsed on the certificate which shall not be more than three months later than the date on which the annual survey was completed;
- (b) the subsequent annual survey required by regulation 8(1)(c) shall be completed at the intervals prescribed by that regulation commencing with the new anniversary date; and
- (c) the expiry date of the certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 8(1)(c) are not exceeded.

Certificates ceasing to be valid, and surrender and cancellation of certificates.

11.(1) An appropriate certificate issued in respect of a Gibraltar ship shall cease to be valid where-

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- (a) material alterations have taken place in the hull or superstructure of the ship such as would necessitate the assignment of an increased freeboard;
 - (b) the fittings and appliances mentioned in regulation 8(1)(c)(ii) are not maintained in an effective condition;
 - (c) the certificate is not endorsed in accordance with regulation 8(3) to show the ship has been surveyed in accordance with regulation 8(1)(c);
 - (d) the structural strength of the ship has been lowered to such an extent that the ship is unsafe;
 - (e) a new certificate is issued in respect of the ship; or
 - (f) the ship ceases to be a Gibraltar ship.
- (2) The Administration may cancel an appropriate certificate issued in respect of a Gibraltar ship if it is satisfied that-
- (a) the certificate was issued on false or erroneous information;
 - (b) the basis on which freeboards were assigned to the ship was incorrect in a material particular; or
 - (c) the ship ceases to comply with its conditions of assignment.
- (3) Where the Administration proposes to cancel a certificate, it shall first notify the owner in writing, specifying the grounds for the proposed cancellation.
- (4) Subject to subregulation (5), the Administration shall not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Administration has considered any such representations made.
- (5) Subregulation (4) shall not apply where the Administration considers that urgent safety considerations so require.
- (6) The Administration may require the owner or the master of the ship to surrender any certificate issued under these Regulations which has expired, ceased to be valid, or has been cancelled.
- (7) The requirement that the notification referred to in subregulation (3) should be in writing is satisfied where the text of the notification-

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

Issue of exemption certificates.

12.(1) Where a ship is exempted under regulation 4(1) or (3), an International Load Line Exemption Certificate in the form prescribed by the Load Lines Convention as amended by Annex III to the Protocol of 1988 shall be issued in respect of the ship by the Administration.

(2) Where a ship is exempted under regulation 4(2), a Gibraltar Load Line Exemption Certificate shall be issued in respect of the ship by the Administration which shall state the conditions with which the ship is to comply, and which shall be in the form prescribed in Schedule 8 of MSN 1752 (M).

(3) Except in so far as the nature or terms of any such exemption require the contrary-

- (a) the ship shall be assigned freeboards in accordance with regulation 7;
- (b) the ship shall be subject to surveys in accordance with regulation 8; and
- (c) regulations 8 to 9 shall apply in relation to the Exemption Certificate as they apply in relation to an appropriate certificate,

subject to the substitution, for references in the said regulations to an Assigning Authority, of references to the Administration.

Publication of load line certificates and notification of draughts.

13.(1) Where an appropriate certificate or an Exemption Certificate is issued in respect of a Gibraltar ship, the owner and the master of the ship shall ensure that it is kept legible and posted in some conspicuous place on board the ship.

(2) Before any Gibraltar ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship shall, subject to subregulation (4), ensure that a notice is posted in some conspicuous place on board the ship, in a form and containing such particulars relating to the depth to which the ship is loaded as is specified in Schedule 7 to MSN 1752(M).

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(3) Where a notice has been posted in accordance with subregulation (2), the master of the ship shall cause it to be kept posted and legible until the ship arrives at some other dock, wharf, harbour or place.

(4) Subregulation (2) does not apply to ships employed on a near-coastal voyage.

Non-Gibraltar ships.

14.(1) The Administration may, at the request of the Government of a Convention country, survey a ship registered in that country and if satisfied that the requirements of the Load Lines Convention are complied with and that a survey has been satisfactorily completed in accordance with these Regulations, issue to the ship an International Load Line Certificate or, where appropriate, endorse such certificates in accordance with the requirements of the Load Lines Convention and a certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it had been issued by that Government and not by the Administration.

(2) Other than in the case of a Convention-size ship, a Gibraltar Load Line Certificate may be issued to a non-Gibraltar ship which has been surveyed and marked in accordance with these Regulations.

(3) Subject to subregulation (4), a certificate issued under subregulation (2) shall be subject to the same conditions and have the same effect as a similar certificate issued to a Gibraltar ship.

(4) Any certificate issued under subregulation (2) in respect of a ship registered in a Convention country shall only be valid for as long as the ship is not plying on international voyages, and shall be cancelled by the Administration if it has reason to believe that the ship is plying on international voyages.

PART III
LOAD LINES AND MARKS.

Marking.

15.(1) The load line directed to be marked on the ship pursuant to regulation 7(2)(b), the deckline and the load line mark shall be marked by the owner on each side of the ship in accordance with the directions of the Assigning Authority and the requirements of this Part.

(2) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 29, the ship shall be marked by the owner in accordance with regulation 22(4).

Deck-line.

16.(1) The deck-line shall consist of a horizontal line 300 millimetres long and 25 millimetres wide and shall be marked amidships on each side of the ship so as to indicate the position of the freeboard deck.

(2) Subject to subregulation (3), the deck-line shall be marked in such a position on the side of the ship that its upper edge passes through the point amidships where the continuation outwards of the upper surface of the freeboard deck, or of any sheathing of that deck, intersects the outer surface of the shell of the ship as shown in Figure 1 to Regulation 6 of Annex I of the Load Lines Convention.

(3) Where the design of the ship, or other circumstances, render it impracticable to mark the deck-line in accordance with subregulation (2), the Assigning Authority may direct that it be marked by reference to another fixed point as near as practicable to the position described in subregulation (2).

Load line mark.

17. The load line mark as shown in Figure 2 to Regulation 6 of Annex I of the Load Lines Convention shall consist of a ring 300 millimetres in outside diameter and 25 millimetres wide, intersected by a horizontal line 450 millimetres long and 25 millimetres wide the upper edge of which passes through the centre of the ring and the centre of the ring shall be marked amidships vertically below the deck-line so that, except as otherwise provided for in regulation 31, the distance from the centre of the ring to the upper edge of the deck-line is equal to the Summer freeboard assigned to the ship.

Load lines.

18.(1) Except as otherwise provided in subregulation (3), the load lines shown in Figure 2 to Regulation 6 of Annex I of the Load Lines Convention shall consist of horizontal lines 230 millimetres long and 25 millimetres wide extending forward or abaft of a vertical line 25 millimetres wide marked 540 millimetres forward of the centre of the ring of the load line mark and at right angles to that line and the individual load lines shall be as follows-

- (a) the *Summer load line*, which shall extend forward of the said vertical line, and shall correspond horizontally with the line passing through the centre of the ring of the load line mark, and shall be marked S;
- (b) the *Winter load line*, which shall extend forward of the vertical line, and be marked W;

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- (c) the *Winter North Atlantic load line*, which shall extend forward of the vertical line, and be marked WNA;
 - (d) the *Tropical load line*, which shall extend forward of the vertical line, and be marked T;
 - (e) the *Fresh Water load line*, which shall extend abaft the vertical line, and be marked F; and
 - (f) the *Tropical Fresh Water load line*, which shall extend abaft the vertical line and be marked TF.
- (2) The maximum depth to which a ship may be loaded in relation to a load line referred to in subregulation (1) shall be the depth indicated by the upper edge of the appropriate load line.
- (3) In the case of a sailing ship-
- (a) the *Summer load line* shall consist of the line passing through the centre of the ring of the load line mark; and
 - (b) the *Winter North Atlantic load line and Fresh Water load line* shall be marked on the ship as shown in Figure 3 to Regulation 6 of Annex I of the Load Lines Convention.

Timber load lines.

19.(1) Timber load lines shall consist of horizontal lines of the dimensions specified in respect of such lines in regulation 18(1), extending abaft or forward of a vertical line 25 millimetres wide and marked 540 millimetres abaft the centre of the ring of the load line mark and at right angles to that line as shown in Figure 4 to Regulation 6 of Annex I of the Load Lines Convention and individual Timber load lines shall be as follows-

- (a) the *Summer Timber load line*, which shall extend abaft the said vertical line and be marked LS;
- (b) the *Winter Timber load line*, which shall extend abaft the vertical line and be marked LW;
- (c) the *Winter North Atlantic Timber load line*, which shall extend abaft the vertical line and be marked LWNA;

- (d) the *Tropical Timber load line*, which shall extend abaft of the vertical line and be marked LT;
- (e) the *Fresh Water Timber load line*, which shall extend forward of the vertical line and be marked LF; and
- (f) the *Tropical Fresh Water Timber load line*, which shall extend forward of the vertical line and be marked LTF.

(2) The maximum depth to which a ship may be loaded in relation to a Timber load line referred to in subregulation (1) shall be the depth indicated by the upper edge of the appropriate Timber load line.

Appropriate load line.

20. The appropriate load line in respect of a ship at any particular zone or area and seasonal period shall be ascertained in accordance with the provisions of Schedule 1 to MSN 1752(M).

Position of load lines.

21. Each load line shall be marked in such a position on each side of the ship that the distance measured vertically downwards from the upper edge of the deck-line to the upper edge of the load line is equal to the freeboard assigned to the ship which is appropriate to that load line.

Method of marking.

22.(1) The appropriate marks shall be marked in such a manner as to be plainly visible.

- (2) If the sides of the ship are-
 - (a) of metal, the appropriate marks shall be cut in, centre punched or welded;
 - (b) of wood, the marks shall be cut into the planking to a depth of not less than 3 millimetres; and
 - (c) of other materials to which the foregoing methods of marking cannot effectively be applied, the marks shall be permanently affixed by bonding or some other effective method.

(3) The appropriate marks shall be painted in white or yellow if the background is dark, and in black if the background is light.

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(4) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 29, the load lines and the load line mark shall be marked on the ship by being painted in red on a contrasting background and shall comply with subregulation (2) above.

Authorization of removal, etc., of appropriate marks.

23. After the appropriate marks have been made on a ship-

- (a) it shall be the duty of the owner and the master to keep the ship so marked; and
- (b) the marks shall not be concealed, removed, altered, defaced or obliterated except with the authority of the Assigning Authority.

Mark of Assigning Authority.

24.(1) The identity of the Assigning Authority may be marked alongside the load line ring either above the horizontal line which passes through the centre of the ring, or above and below it.

(2) Such a mark shall consist of not more than four initials each measuring approximately 115 millimetres in height and 75 millimetres wide.

**PART IV
CONDITIONS OF ASSIGNMENT**

Requirements relevant to the assignment of freeboards.

25.(1) Subject to subregulation (2), every ship to which freeboards are assigned under these Regulations shall comply with the conditions of assignment applicable to that ship and set out in Schedule 2 to MSN 1752 (M).

(2) An existing ship may, instead of complying with the conditions of assignment referred to in subregulation (1), comply with such of the requirements relevant to the assignment of freeboards to ships under the laws of Gibraltar or if there were no applicable Gibraltar laws in force, the relevant United Kingdom provisions, as were applicable to her immediately before 21st July 1968.

Compliance with conditions of assignment.

26.(1) Except as otherwise provided in subregulation (2), a ship will cease to comply with the conditions of assignment-

- (a) if at any time after the assignment of freeboards there has been any alteration of the hull, superstructures, fittings or appliances of the ship such that-
 - (i) a requirement applicable to the ship under regulation 25 is not complied with; or
 - (ii) it differs in a material respect from the record of particulars provided in accordance with regulation 25; or
 - (b) if the record of particulars is not on board in accordance with regulation 25(2).
- (2) A ship shall be taken to comply with the conditions of assignment notwithstanding an alteration referred to in subregulation (1)(a), if-
- (a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with these load lines and a new certificate issued to the owner of the ship accordingly; or
 - (b) the alteration has been inspected by a surveyor on behalf of the Assigning Authority and that Authority is satisfied that the alteration is not such as to require any change in the freeboards assigned to the ship, and full particulars of the alteration together with the date and place of his inspection have been endorsed by the surveyor on the record referred to in regulation 27(1).

Record of particulars.

27.(1) The record of particulars relating to conditions of assignment shall be kept on the ship to which it relates in the format given in Schedule 3 to MSN 1752(M).

(2) The record shall be furnished by the Assigning Authority and shall be retained on board the ship to which it relates at all times.

PART V

FREEBOARDS

Types of freeboard.

28.(1) The following freeboards can be assigned to a ship, other than one carrying timber, under these Regulations-

- (a) Summer freeboard;

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- (b) Tropical freeboard;
 - (c) Winter freeboard;
 - (d) Winter North Atlantic freeboard;
 - (e) Fresh Water freeboard; and
 - (f) Tropical Fresh Water freeboard.
- (2) In the case of ships carrying Timber the freeboards that may be assigned are-
- (a) Summer Timber freeboard;
 - (b) Winter Timber freeboard;
 - (c) Winter North Atlantic Timber freeboard;
 - (d) Tropical Timber freeboard;
 - (e) Fresh Water Timber freeboard; and
 - (f) Tropical Fresh Water Timber freeboard.

Determination of freeboards.

29.(1) Except as otherwise provided in regulation 30 the freeboards assigned to a new ship shall be determined in accordance with the provisions of Schedules 4 and 5 to MSN 1752(M).

(2) The freeboards assigned to an existing ship shall be determined in accordance with the provisions applicable to the ship under the law in force in Gibraltar or in the United Kingdom immediately before 21st July 1968:

(3) Notwithstanding subregulation (2) above, if an existing ship has been so constructed or modified as to comply with all the conditions of assignment set out in Schedule 2 to MSN 1752(M) applicable to a new ship of her type, and application is made for the assignment to her of freeboards determined in accordance with Schedule 4 to MSN 1752(M), such freeboards shall be assigned to her.

Greater than minimum freeboards.

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30.(1) A freeboard determined in accordance with regulation 29 is the minimum freeboard that may be assigned to the ship.

- (2) Notwithstanding subregulation (1), the Assigning Authority-
- (a) may, if it is satisfied that the ship complies with the requirements of these Regulations, assign freeboards, other than timber freeboards, which exceed the minimum freeboards by such an amount as it may determine; and
 - (b) shall not assign timber freeboards, which are greater than the minimum timber freeboard, to a ship to which greater than minimum freeboards have been assigned.
- (3) Where a freeboard greater than the minimum is assigned to a ship and the load line appropriate to that freeboard corresponds to, or is lower than, the position at which the lowest of the load lines appropriate to minimum freeboards would be marked, then-
- (a) load lines only appropriate to the greater than minimum Summer freeboard and Fresh Water freeboard shall be marked on the sides of the ship;
 - (b) the load line appropriate to the greater than minimum Summer freeboard shall be known as the "All Seasons load line" and shall consist of the horizontal line intersecting the load line mark;
 - (c) the vertical line described in regulation 18 shall be omitted; and
 - (d) subject to the provisions of paragraph (c) above, the Fresh Water and the Tropical Fresh Water load line shall be as described in regulation 18(1) and shall be marked accordingly.

Special position of deck-line: correction of freeboards.

31.(1) In any ship where the deck line is marked in accordance with regulation 16(3), the freeboards assigned to the ship shall be corrected to allow for the vertical distance by which the position of the deck-line is altered by virtue of that regulation.

(2) The reference point to which the deck-line has been so marked, and the identity of the deck which has been taken as the freeboard deck, shall be specified in the appropriate certificate issued in respect of the ship.

PART VI
INFORMATION FOR THE MASTER.

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Information as to stability of ships.

32.(1) The owner of every ship to which these Regulations apply shall provide, for the guidance of the master, information relating to the stability of the ship in accordance with this regulation and the information shall be in the form of a book which shall be kept on the ship at all times in the custody of the master.

(2) In the case of a Gibraltar ship the information referred to in subregulation (1) above shall include all matters specified in Schedule 6 to MSN 1752(M), and be in the form required by that Schedule and this information shall also be in accordance with the requirements of subregulations (3), (4) and (5).

(3) Subject to subregulation (4), the information referred to in subregulation (1) above shall be based on the determination of stability taken from an inclining test carried out in the presence of a surveyor appointed by the Administration or, in the case of a ship listed in Part II of Schedule 6 to MSN 1752(M), by the Assigning Authority and this information shall be amended whenever any alterations are made to the ship or changes occur to it which will materially affect this information and, if necessary, the ship shall be re-inclined.

(4) The inclining test may be dispensed with if-

- (a) in the case of any ship basic stability data is available from the inclining test of a sister ship and the Administration or, in the case of a ship listed in Part II of Schedule 6 to MSN 1752 (M), the Assigning Authority is satisfied that reliable stability information can be obtained from such data; and
- (b) in the case of
 - (i) a ship specially designed for the carriage of liquids or ore in bulk, or
 - (ii) of any class of such ships,

the information available in respect of similar ships shows that the ship's proportions and arrangements will ensure more than sufficient stability in all probable loading conditions.

(5) Before this information is issued to the master-

- (a) if it relates to a ship which is listed in Part II of Schedule 6 to MSN 1752 (M), it shall be approved either by the Administration or the Assigning Authority which assigned freeboards to the ship; and

- (b) if it relates to any other ship, it shall be approved by the Administration.

Information as to loading and ballasting of ships.

33.(1) The owner of any ship of more than 150 metres in length specially designed for the carriage of liquids or ore in bulk shall provide, for the guidance of the master, information relating to the loading and ballasting of the ship.

(2) This information shall indicate the maximum stresses permissible for the ship and specify the manner in which the ship is to be loaded and ballasted to avoid the creation of unacceptable stresses in its structure.

(3) In the case of a Gibraltar ship the provisions of regulation 32(5) shall have effect in respect of information required under this regulation, and the information so approved shall be included in the book referred in regulation 32(1).

**PART VII
EQUIVALENTS, PENALTIES AND DETENTION.**

Equivalents.

34. The Assigning Authority may, with the approval of the Administration-

- (a) allow any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, in the place of any fitting, material, appliance, apparatus or provision respectively which is required under any of the provisions of these Regulations, if satisfied by trial or otherwise that it is at least as effective as that so required; or
- (b) allow in an exceptional case departure from the requirements of any of the said provisions on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Administration that the safety of the ship and protection afforded to the crew will be no less effective than would be the case if the ship fully complied with those requirements and there were no such increase of freeboards.

Detention.

35.(1) Any ship which proceeds or attempts to proceed to sea without being surveyed and marked, in contravention of regulation 5(1), may be detained by the Administration or the surveyor appointed by it until that ship has been so surveyed and marked.

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(2) Any ship which does not comply with the conditions of assignment applicable to it shall be liable to be detained until it complies with such conditions.

(3) Without prejudice to any proceedings under regulation 37, any ship which is loaded in contravention of regulation 5(3) may be detained until it ceases to be so loaded.

(4) For the purposes of subregulation (1), (2) or (3), the Administration or a surveyor shall detain the ship by serving a notice, or an order, of detention upon the master of the ship.

(5) An order of detention or a detention notice issued for the purpose of subregulation (1) may-

- (a) include a direction that a ship shall remain in a particular place, or shall move to a particular anchorage or berth; and
- (b) specify circumstances when the master of the ship may move his ship from a specified place for reasons of safety or prevention of pollution.

(6) The detention notice or an order shall not be lifted until the Administration establishes that the ship can, subject to any necessary conditions, proceed to sea.

(7) Where the Administration detains a ship under these Regulations, it may take into custody and retain the principal documents of the ship until the detention notice is lifted.

Prohibition in relation to certificates and surveys.

36. No person shall-

- (a) intentionally alter a certificate referred to in these Regulations;
- (b) falsely make a certificate referred to in these Regulations;
- (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;
- (d) use, lend, or allow to be used by another, with intent to deceive, a certificate referred to in these Regulations; or
- (e) fail to surrender as directed a certificate required to be surrendered under regulation 11(6).

Offences and penalties.

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37.(1) Where there has been any contravention of-

- (a) regulation 5(1), the owner and the master of the ship shall each be guilty of an offence and liable on summary conviction, to a fine not exceeding level 5 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 2 years;
- (b) regulation 5(3), the owner and the master of the ship shall each be guilty of an offence and liable on summary conviction, to a fine not exceeding level 5 on the standard scale and to an additional fine, not exceeding an amount calculated in accordance with subregulation (2) below, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention.

(2) Any additional fine imposed under subregulation (1)(b) shall not exceed £1,000 for each complete centimetre by which-

- (a) in a case falling within regulation 5(3)(a), the appropriate load line on each side of the ship was submerged; or
- (b) in a case falling within regulation 5(3)(b), the appropriate load line on each side of the ship would have been submerged.

(3) Any contravention of regulation 5(4) shall be an offence by the master of the ship and by any other person who, having reason to believe that the ship is so loaded, sends or is party to sending the ship to sea, and shall be liable (without prejudice to any fine liable in respect of an offence under subregulation (1)(b)) on summary conviction, to a fine not exceeding level 5 on the standard scale.

(4) Where a person has been charged with an offence under subregulation (1)(b), it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master of the ship nor the owner nor the charterer, if any, could have prevented or forestalled.

(5) Where there has been any contravention of-

- (a) regulation 5(5), the master of the ship shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;

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- (b) regulation 9(4), the master of the ship shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale; and
 - (c) regulation 13, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale.
- (6) In the case of any contravention of regulation 23, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (7) It shall be a defence for a person charged under subregulation (6) to show that he had reasonable excuse for the contravention.
- (8) If a ship, which has been detained under regulation 35 or as respects which notice of detention or an order of detention has been served on the master, proceeds to sea or attempts to proceed to sea without complying with the directions given by the notice or the order issued under that regulation, the owner and master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (9) Any contravention of regulation 36 shall be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale, or on conviction on indictment by imprisonment for a term not exceeding 2 years, or both.

Appeals.

38.(1) In the case of any dispute or complaint with regard to any decision made by the Administration in carrying out its duties under these Regulations, the owner or operator of a ship or his representative in Gibraltar or the company may, within 7 days, make an appeal to the Minister with responsibility for Shipping and the Minister shall dispose of the appeal as soon as possible in writing by giving reasons for his decision.

- (2) On an appeal under subregulation (1), the Minister shall either-
 - (a) confirm the decision made by the Administration or confirm it with such modifications as he thinks fit; or
 - (b) cancel it.
- (3) A second appeal may be made to the Supreme Court and only on a point of law.

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(4) An appeal under subregulation (3) shall be made within 21 days from the decision made under subregulation (1) and the Court shall give an expedited hearing to that appeal.

(5) An appeal to the Minister or to the Court shall not suspend the operation of a notice of detention of a ship.