



BERMUDA

MERCHANT SHIPPING (INTERNATIONAL LOAD LINE CONVENTION) REGULATIONS 2020

BR 141 / 2020

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The Minister responsible for Maritime Administration, after consulting the persons referred to in section 94(3) of the Merchant Shipping Act 2002, and in exercise of the powers conferred by section 93 and 94 of that Act, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (International Load Line Convention) Regulations 2020.

Interpretation

2 In these Regulations—

“1966 Convention” means the International Convention on Load Lines 1966 as modified by the 1988 Protocol and as amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28);

“1988 Protocol” means the Protocol of 1988 relating to the 1966 Convention as amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93);

“alteration” includes deterioration;

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

“Annex” has the meaning given to it in regulation 5;

“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 Convention certificate;

“annual survey” means a survey of a ship required under regulation 12(1)(c);

“applicable Convention requirements” means the requirements of the 1966 Convention, except where regulation 4(4) applies;

“appropriate load line” means the line directed to be marked on a ship indicating the maximum depth to which a ship may be loaded in a particular zone or area and seasonal period (as defined in Annex II) and which is calculated in accordance with Annex I;

“appropriate marks” means the appropriate load lines, the deck-line and the load line mark;

“Assigning Authority” has the meaning given to it in regulation 3;

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

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- “constructed” means that the keel of the ship has been laid or is at a similar stage of construction;
- “Contracting Government” means the Government of a State which is a party to the 1966 Convention or to the 1988 Protocol;
- “Convention certificate” means an International Load Line Certificate or an International Load Line Exemption Certificate;
- “Convention country” means a country or territory which is either—
- (a) a country, the Government of which is party to the 1966 Convention or to the 1988 Protocol; or
 - (b) a territory to which the 1966 Convention or the 1988 Protocol extends, whether or not it is subject to the amendments or reservations to either instrument;
- “deck-line” means the line marked on a ship, the position of which is ascertained in accordance with Annex I;
- “existing ship” means a ship which is not a new ship;
- “fishing vessel” means a ship used for catching fish, whales, seals, walruses or other living resources of the sea;
- “flag State”, in relation to a ship, means the state whose flag the ship is entitled to fly;
- “freeboard” means the distance measured vertically downwards at amidships from the upper edge of the deck-line to the upper edge of the related load line;
- “initial survey” means a survey of a ship required under regulation 12(1)(a);
- “International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention;
- “International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention;
- “international voyage” means a voyage between—
- (a) a port in Bermuda and a port outside Bermuda; or
 - (b) a port in a Convention country (other than Bermuda) and a port in any other country or territory (whether a Convention country or not) which is outside Bermuda;
- “length” in relation to a ship means length as defined by the 1966 Convention;
- “load line” means the line marked on a ship indicating the maximum depth to which a ship may be loaded;
- “load line mark” means a ring with a width of 25 millimetres and an outer diameter of 300 millimetres and a horizontal line with a width of 25 millimetres and a length of 450 millimetres, the upper edge of which bisects the ring, and both

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of which are placed on the side of a ship at amidships port and starboard such that the assigned summer freeboard corresponds to the distance between the upper edge of the horizontal line and the upper edge of the deck-line;

“Merchant Shipping Notice” means a Notice described as such and issued by the Chief Marine Surveyor, or the equivalent UK Merchant Shipping Notice, as applicable;

“new ship” means a ship, the keel of which is laid, or which is at a similar stage of construction, on or after the date of the coming into force of the 1966 Convention or the 1988 Protocol, for any State not also a party to the 1966 Convention, for each Contracting Government;

“non-Bermuda ship” means any ship other than a Bermuda ship within the meaning of section 16(3) of the Merchant Shipping Act 2002;

“pleasure vessel” means—

- (a) a vessel which, at the time that it is being used, is—
 - (i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the passengers are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by or on behalf of users of the vessel other than by the owner; or
- (b) any vessel wholly owned by or on behalf of a member’s club formed for the purpose of sport or pleasure and which, at the time that it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and no other payments are made by or on behalf of users of the vessel other than by the owner,

and, for the purposes of this definition “immediate family” means in relation to an individual, the husband or wife of the individual and a relative of the individual and “relative” means brother, sister, ancestor or lineal descendant;

“renewal survey” means a survey of a ship required under regulation 12(1)(b);

“sea” means the inland and territorial waters of Bermuda;

“valid” in the context of an International Load Line Certificate or an International Load Line Exemption Certificate means, in force.

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Assigning Authorities

3 (1) In these Regulations, “Assigning Authority” means the Minister or any person authorised by the Minister.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally.

(3) Unless the Assigning Authority is the Minister, the Assigning Authority must comply with Regulation 2-1 of Annex I (authorisation of recognised organisations).

(4) The Assigning Authority must assign freeboards to a Bermuda ship in accordance with the requirements of these Regulations.

(5) The Assigning Authority must in particular—

- (a) determine the particulars of the freeboards to be assigned;
- (b) determine which of the load lines described in Annex I are to be marked on the sides of the ship in accordance with the requirements of that Annex;
- (c) determine the position where the appropriate marks are to be so marked; and
- (d) complete a record of the conditions of assignment.

(6) Notwithstanding paragraph (2), conditions may impose limitations on any person’s authorisation relating to—

- (a) individual ships;
- (b) classes of ships; and
- (c) the extent of any survey to be carried out by that person.

(7) The Minister may direct, in relation to an individual case or to a class of cases, that a survey, or part of a survey, is carried out by the Minister and not by another Assigning Authority.

(8) An Assigning Authority other than the Minister is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of the Crown.

Application

4 (1) Subject to paragraphs (2) and (4), these Regulations apply to—

- (a) Bermuda ships engaged on international voyages; and
- (b) non- Bermuda ships while they are within Bermuda waters and engaged on international voyages.

(2) These Regulations do not apply to—

- (a) ships of war, naval auxiliaries or other ships owned or operated by the Bermuda government and engaged only on governmental non-commercial service;

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- (b) new ships of less than 24 metres in length;
 - (c) existing ships of less than 150 gross tons;
 - (d) pleasure vessels;
 - (e) fishing vessels; and
 - (f) ships solely navigating—
 - (i) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island and on the north side of Anticosti Island, the meridian of longitude 63 degrees W;
 - (ii) the Caspian Sea; or
 - (iii) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay.
- (3) Subject to paragraphs (4) and (6), a ship must comply with Annex I.
- (4) Existing ships which do not fully comply with Annex I to the 1966 Convention must meet the requirements applicable to such ships engaged on international voyages under the law in force immediately before 21 July 1968.
- (5) Where an existing ship requires a reduction in freeboard, that ship must comply with all the requirements under these Regulations applicable to new ships.
- (6) New ships constructed on or after 21 July 1968 but before 1 January 2005 must comply with the requirements in Annex I to the 1966 Convention which were applicable to such ships engaged on international voyages and as they applied immediately before 1 January 2005.
- (7) Any amendment to the 1966 Convention which relates to the structure of a ship applies only to ships the keels of which are laid, or which are at a similar stage of construction, on or after the date on which the amendment comes into force.

Ambulatory reference

- 5 (1) In these Regulations, “Annex I”, “Annex II” and “Annex III” mean Annex I, Annex II and Annex III of the 1966 Convention and any reference to Annex I, Annex II or Annex III is to be construed—
- (a) as a reference to that Annex as modified from time to time; and
 - (b) if that Annex is replaced by another instrument, as a reference to that instrument.
- (2) For the purposes of paragraph (1), an Annex is modified if—
- (a) omissions, additions or other alterations to the text take effect in accordance with Article 29 of the 1966 Convention or with Article VI of the 1988 Protocol; or

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- (b) supplementary provision made under Article 29 of the 1966 Convention or under Article VI of the 1988 Protocol takes effect.

(3) A modification to or a replacement of an Annex by virtue of paragraph (1) has effect at the time such modification or replacement comes into force in accordance with paragraph (4) of Article 28 of the 1966 Convention or Article VI of the 1988 Protocol.

(4) No modification or replacement of a reference to an Annex by virtue of paragraph (1) affects any right or liability arising before the date on which the modification or replacement has effect.

- (5) This regulation does not apply to regulation 4(4) or (6).

General compliance

6 (1) Subject to paragraph (2), a ship must not proceed, or attempt to proceed to sea, unless—

- (a) it has been surveyed in accordance with the applicable Convention requirements;
- (b) it is marked with the appropriate marks where required;
- (c) it has a valid Convention certificate;
- (d) it complies with the conditions of assignment applicable to it; and
- (e) the information required under Regulation 10 of Annex I is provided by the owner of the ship, to the master.

(2) Paragraph (1) does not apply to a non-Bermuda ship in respect of which a valid Convention certificate is produced.

(3) An Assigning Authority may assign a freeboard greater than the minimum freeboard prescribed by Chapter III of Annex I.

(4) In applying these Regulations, the Minister must give due regard to any deviation or delay caused by any ship owing to stress of weather or any other cause of force majeure.

Exemptions

7 (1) Subject to paragraph (2), the Minister may exempt from any of the provisions of these Regulations—

- (a) a ship engaged on an international voyage between near neighbouring ports so long as—
 - (i) it remains engaged on such voyage; and
 - (ii) the Minister and the governments of the states in which such ports are situated are satisfied that the sheltered nature or conditions of such voyage between such ports make it unreasonable or impracticable to apply these Regulations;

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- (b) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements of these Regulations; and
- (c) any ship which does not normally engage on international voyages but is in exceptional circumstances, required to undertake a single international voyage.

(2) An exemption under paragraph (1) may be granted subject to such safety requirements as the Minister thinks fit, to ensure the overall safety of the ship.

(3) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

Equivalents

8 (1) Subject to paragraph (2), an Assigning Authority may—

- (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 which is required under these Regulations, if satisfied by trial or otherwise that it is at least as effective as that so required by the applicable Convention requirements; or
- (b) allow in an exceptional case, departure from the applicable Convention requirements on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Minister 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.

(2) Where the Assigning Authority is not the Minister, the Assigning Authority may allow an equivalent under paragraph (1), only with the approval of the Minister.

Repairs, alterations and modifications

9 (1) A ship which undergoes repairs, alterations, modifications and any related outfitting must continue to comply with the requirements previously applicable to the ship.

(2) Repairs, alterations and modifications of a major character and any related outfitting made to an existing ship must meet such requirements for a new ship as the Assigning Authority deems reasonable and practicable.

(3) A ship which has undergone an alteration will continue to comply with its conditions of assignment if—

- (a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with appropriate load lines and a new International Load Line Certificate has been issued to the owner of the ship; or

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- (b) the alteration has been inspected by an Assigning Authority and the Assigning 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 have been endorsed by the Assigning Authority on the record referred to in regulation 25.

Zones and areas

10 A ship must comply with the load line requirements applicable to it under these Regulations in the zones and areas described in Annex II.

Submersion

11 (1) Except as provided for in paragraphs (3) to (5), a ship must not be so loaded that the appropriate load lines on the sides of the ship—

- (a) are submerged when the ship is in salt water and has no list; or
- (b) would be submerged if the ship were in salt water and had no list.

(2) A ship must not proceed to sea when it is in contravention of paragraph (1).

(3) When a ship is in fresh water of a density of one tonne per cubic metre, the appropriate load line may be submerged by the amount of the fresh water allowance shown on the International Load Line Certificate.

(4) When a ship is in water of a density other than one tonne per cubic metre, an allowance is to be made proportional to the difference between salt water density of 1.025 tonnes per cubic metre and the actual density.

(5) When a ship departs from a port situated on a river, deeper loading is permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

Initial, renewal and annual surveys

12 (1) A Bermuda ship must be subjected to—

- (a) an initial survey before the ship is put into service, which includes a complete inspection of its structure and equipment to ensure the ship complies with the applicable Convention requirements;
- (b) a renewal survey at intervals not exceeding five years (except where regulation 17(3) and regulation 18(4) and (7) apply), to ensure the ship complies with the applicable Convention requirements; and
- (c) an annual survey within three months before or after each anniversary date of the Convention 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;

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- (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 freeboard marks are correctly and permanently indicated; and
- (iv) the information required by Regulation 10 of Annex I is provided to the master of the ship.

(2) After a satisfactory annual survey, the Assigning Authority must endorse the Convention certificate accordingly.

Maintenance of conditions after survey

13 The owner and master must ensure that after completion of any survey required under regulation 12, no material alteration is made to the ship, its structure, equipment, arrangements, material or scantlings covered by the survey without the approval of the Assigning Authority that issued the Convention certificate.

Issue of Convention certificates

14 Upon satisfactory completion of an initial or renewal survey to a Bermuda ship, and upon payment of any appropriate fee, the Assigning Authority must issue a Convention certificate in respect of the ship.

Issue or endorsement of International Load Line Certificates by another Government and on behalf of other Contracting Governments

15 (1) The Minister may request a Contracting Government—

- (a) to survey a Bermuda ship to which these Regulations apply; and
- (b) to issue, or authorise the issue of, or endorse, or authorise the endorsement of, an International Load Line Certificate in accordance with the requirements of the 1966 Convention in respect of that ship if the Contracting Government is satisfied that the ship complies with the applicable Convention requirements.

(2) Where an International Load Line Certificate is issued pursuant to paragraph (1), the Minister is to be treated as the Assigning Authority in relation to it.

(3) When requested to do so by a Contracting Government, the Minister —

- (a) may cause a survey to be carried out in respect of a ship to which these Regulations apply; and
- (b) must, subject to payment of any appropriate fee, issue or endorse an International Load Line Certificate in respect of that ship, in accordance with the applicable Convention requirements, if the Minister is satisfied that the ship complies with the applicable Convention requirements.

(4) An International Load Line Certificate issued pursuant to paragraph (3) must contain a statement that it has been issued at the request of the Contracting Government

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and that it has the same effect as a certificate issued by the Contracting Government which made the request referred to in paragraph (3).

(5) The Minister must send as soon as possible, to the Contracting Government which made the request referred to in paragraph (3), a copy of—

- (a) the International Load Line Certificate;
- (b) the survey report used for computing the freeboard; and
- (c) the computations.

(6) The Minister must not issue an International Load Line Certificate in respect of a ship which—

- (a) is registered in a country whose government is not a Contracting Government; or
- (b) is not registered but is entitled to fly the flag of a country whose government is not a Contracting Government.

Form of Convention certificates

16 A Convention certificate must be in the form prescribed by Annex III.

Duration and validity of an International Load Line Certificate

17 (1) Subject to paragraphs (2) to (4) and to regulation 18, the duration of an International Load Line Certificate is for such period as is specified in the certificate, not exceeding five years beginning with the date of completion of the initial or renewal survey.

(2) Subject to regulation 18(9), where a renewal survey is completed within three months before the expiry of the existing certificate, the new certificate is 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.

(3) Subject to regulation 18(9), where a renewal survey is completed after the expiry of the existing certificate, the new certificate is 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.

(4) Subject to regulation 18(9), where a renewal survey is completed more than three months before the expiry of the existing certificate, the new certificate is 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 that renewal survey.

Extension of periods of validity of an International Load Line Certificate

18 (1) If an International Load Line 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 a period not exceeding five years beginning with the date of completion of the initial or renewal survey, provided that the annual surveys applicable when a certificate is issued for a period of five years are carried out, as appropriate.

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(2) If, after the renewal survey, 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 must not exceed five months, if the Assigning Authority is satisfied that there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard.

(3) Where an extension is granted pursuant to paragraph (2), the Assigning Authority must endorse the extension on the existing certificate.

(4) If, at the time when a certificate expires, a ship is not in the port in which it is to be surveyed, the Assigning Authority may extend the validity of the certificate for a period no longer than three months beginning with the date of expiry of the certificate if—

- (a) the Assigning Authority is satisfied that it is proper and reasonable to extend the validity of the certificate, for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed; and
- (b) the Assigning Authority, if not the Minister, has the authority of the Minister to grant such an extension.

(5) Where a ship has been granted an extension pursuant to paragraph (4), on its arrival in the port in which it is to be surveyed, the ship must be subject to a renewal survey.

(6) Subject to paragraph (9), a certificate issued following a renewal survey referred to in paragraph (5), must have an expiry date not exceeding five years from the date of expiry of the previous certificate before the extension was granted pursuant to paragraph (4).

(7) Where a certificate has been issued to a ship engaged on short voyages and the validity of that certificate has not been extended pursuant to paragraph (1), (2) or (4), the Assigning Authority may extend the validity of that certificate for a period of not more than one month beginning with the date of its expiry.

(8) Subject to paragraph (9), where a renewal survey is completed following an extension granted pursuant to paragraph (7), the Assigning Authority must ensure that the new certificate is 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.

(9) In special circumstances, as determined by the Assigning Authority, a new certificate need not be dated from the expiry of the existing certificate as required by paragraphs (4) and (6) to (8) and may instead, 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.

(10) If an annual survey is completed before the period specified in regulation 12(1)(c), then—

- (a) the Assigning Authority must endorse a new anniversary date on the certificate which is not more than three months later than the date on which the annual survey was completed;
- (b) the Assigning Authority must complete the subsequent annual survey at the intervals prescribed by regulation 12(1)(c), using the new anniversary date; and

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- (c) the Assigning Authority may permit the expiry date to remain unchanged, provided one or more annual surveys are carried out so that the maximum intervals between surveys prescribed by regulation 12(1)(c) are not exceeded.

(11) An International Load Line Certificate issued in respect of a Bermuda ship ceases to be valid where—

- (a) material alterations have taken place in the hull or superstructures such as would necessitate the assignment of an increased freeboard;
- (b) the fittings and appliances mentioned in regulation 12(1)(c)(ii) are not maintained in an effective condition;
- (c) the certificate is not endorsed in accordance with regulation 12(2), to show the ship has been surveyed in accordance with regulation 12(1)(c);
- (d) the structural strength of the ship is lowered to such an extent that the ship is unsafe; or
- (e) the ship ceases to be a Bermuda ship.

(12) In this regulation “short voyages” means voyages where neither the distance from the port in which a voyage begins and the final port of destination nor the return voyage exceeds 1,000 nautical miles.

Duration and validity of an International Load Line Exemption Certificate

19 (1) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 7(1)(a) or 7(1)(b) applies, is for such period as specified in the certificate, not exceeding five years beginning with the date of completion of the initial survey or most recent renewal survey, as appropriate.

(2) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 7(1)(c) applies, is limited to the single voyage for which it is issued.

(3) Except for regulation 17(1), regulations 17 and 18 apply in relation to an International Load Line Exemption Certificate as they apply in relation to an International Load Line Certificate.

Procedure to be adopted when a ship is deficient

20 (1) This regulation applies where an Assigning Authority determines that—

- (a) the condition of a Bermuda ship or its equipment does not correspond substantially with the requirements applicable to it under Annex I and in relation to which a Convention certificate has been issued in respect of that ship; or
- (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to human life or the marine environment.

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(2) In the circumstances described in paragraph (1), the Assigning Authority must—

- (a) advise the owner or master, of the corrective action which in the opinion of the Assigning Authority, is required to be taken; and
- (b) where an International Load Line Certificate has been issued in respect of the ship and is still valid, notify the Assigning Authority that issued the certificate—
 - (i) that the Assigning Authority has so advised the owner or master as the case may be; and
 - (ii) if that corrective action is not taken.

(3) Where a Convention certificate has been issued in respect of the ship and is still valid, the Assigning Authority may suspend the validity of the certificate until the corrective action has been taken.

(4) Where the Assigning Authority suspends the validity of a certificate issued in respect of a ship, it must immediately give notice in writing, of such suspension—

- (a) to the owner of the ship; and
- (b) where the ship is in a port outside Bermuda, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship in question, of the suspension.

(6) The requirement that the notification referred to in paragraph (4) should be in writing is satisfied where the text of a notification is—

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

Cancellation of International Load Line Certificates and surrender of Convention certificates

21 (1) The Minister may cancel an International Load Line Certificate issued in respect of a Bermuda ship where the Minister is satisfied that—

- (a) the certificate was issued on false or erroneous information;
- (b) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular; or
- (c) the ship ceases to comply with the conditions of assignment relating to it.

(2) Where the Minister proposes to cancel a certificate, the Minister must first notify the owner in writing, specifying the ground for the proposed cancellation.

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(3) Subject to paragraph (4), the Minister must not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Minister has considered any such representations made.

(4) Paragraph (3) does not apply where the Minister considers that urgent safety considerations require immediate cancellation of the certificate.

(5) The Minister may direct any Convention certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered.

(6) The requirement that the notification referred to in paragraph (2) should be in writing is satisfied where the text of a notification is—

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

Acceptance of Convention certificates

22 (1) The Minister must accept a valid Convention certificate issued by a Contracting Government (other than Bermuda) in respect of a non- Bermuda ship.

(2) The Minister must accept a valid Convention certificate issued in respect of a Bermuda ship by another Contracting Government under regulation 15(1).

Control of non- Bermuda ships holding a valid Convention certificate

23 (1) A non- Bermuda ship holding a valid Convention certificate is subject to the control of officers authorised by the Minister, when it is in a Bermuda port.

(2) So far as is reasonable and practicable, the control that authorised officers may exercise over a non- Bermuda ship purporting to hold a valid Convention certificate when such ship is in a Bermuda port is for the purpose of verifying whether or not there is on board that ship, a valid Convention certificate relating to it.

(3) If there is a valid International Load Line Convention Certificate on board the ship, such control must be limited to the purpose of determining that—

- (a) the ship is not loaded beyond the limits allowed by the certificate;
- (b) the position of the load line of the ship corresponds with the certificate; and
- (c) the ship has not been so materially altered in respect of the matters set out in Article 19(9)(a), (b) and (d) of the 1966 Convention, that the ship is manifestly unfit to proceed to sea without danger to human life.

(4) If there is a valid International Load Line Exemption Certificate on board the ship, the control exercised must be for the purpose of determining that any conditions stipulated in that certificate are complied with.

(5) If control is exercised to determine the matters described under paragraph (3) (c), it must only be exercised in so far as it may be necessary to ensure that the ship does not sail until it can proceed to sea without danger to passengers or the crew.

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(6) In the event of the control provided for in this regulation giving rise to intervention of any kind, the Minister must immediately inform the ship's flag administration or diplomatic representative of the ship's flag State in writing, of the intervention and of all the circumstances in which the intervention was deemed necessary.

(7) The requirement that the notification referred to in paragraph (6) should be in writing, is satisfied where the text of a notification is—

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

Authorisation of removal etc., of appropriate marks

24 After the appropriate marks have been made on a ship—

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

Record of conditions of assignment

25 (1) A record containing the conditions of assignment required by the Assigning Authority must be provided by the Assigning Authority, to the ship and be—

- (a) retained on board at all times; and
- (b) available for inspection by an authorised person on request.

(2) A ship ceases to comply with the conditions of assignment if the record is not on board and available for inspection in accordance with paragraph (1).

Offences

26 (1) Any contravention of regulation 6(1)(a), (b), (d) or (e) is an offence by each of the master and the owner.

(2) Any contravention of regulation 6(1)(c) is an offence by the master.

(3) An offence under paragraph (1) or (2) is punishable on summary conviction, to an unlimited fine and on conviction on indictment, to an unlimited fine.

(4) Any contravention of regulation 11(1) is an offence by each of the owner and master.

(5) An offence under paragraph (4) is punishable—

- (a) on summary conviction, to an unlimited fine and by such additional fine, not exceeding an amount calculated in accordance with paragraph (6), as the court thinks fit, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention; and
- (b) on conviction on indictment, to an unlimited fine.

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(6) Any additional fine imposed under paragraph (5)(a) must not exceed \$2,000 for each complete centimetre by which—

- (a) in a case falling within regulation 11(1)(a), the appropriate load line on each side of the ship was submerged; and
- (b) in a case falling within regulation 11(1)(b), the appropriate load line on each side of the ship would have been submerged.

(7) In any proceedings for a contravention of regulation 11(1), it is a defence for the person charged to prove 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 nor the owner nor the charterer (if any) could have prevented or forestalled.

(8) Any contravention of regulation 11(2) is an offence by the master and any other person who, having reason to believe that the ship is so loaded, sends or is party to sending the ship to sea.

(9) An offence under paragraph (8) is punishable (without prejudice to any liability for a fine in respect of an offence under paragraph (4))—

- (a) on summary conviction, to a fine not exceeding \$10,000; and
- (b) on conviction on indictment, to an unlimited fine.

(10) Any contravention of regulation 24(a) is an offence by both the owner and the master, punishable on summary conviction, to a fine not exceeding \$10,000.

(11) Any contravention of regulation 24(b) by any person is an offence, punishable on summary conviction, to a fine not exceeding \$10,000.

(12) It is a defence for a person charged with an offence under paragraph (10) or (11) to show that the person had reasonable excuse for the contravention.

(13) It is an offence to—

- (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) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations; or
- (e) fail to surrender as directed, a certificate required to be surrendered under regulation 21(5).

(14) An offence under paragraph (13) is punishable—

- (a) on summary conviction, to a fine not exceeding \$10,000; and
- (b) on conviction on indictment, to imprisonment for a term not exceeding six months or to an unlimited fine, or both.

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Detention

27 (1) Any ship which, in contravention of regulation 6(1), proceeds or attempts to proceed to sea without being surveyed and marked, may be detained until it has been so surveyed and marked.

(2) Any ship which does not comply with the conditions of assignment applicable to it and does not retain on board the record issued by the Assigning Authority detailing the conditions of assignment, is liable to be detained until it complies.

(3) Any ship which is loaded so as to submerge the load line may be detained until it ceases to be so loaded.

(4) Section 242(1) of the Merchant Shipping Act 2002 (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation, as if—

(a) references to detention of a ship under that Act were references to detention of the ship in question under this regulation; and

(b) subsections (7) and (8) were omitted.

(5) Sections 104 and 105 of the Merchant Shipping Act 2002 (except section 104(3) and the words “as a dangerously unsafe ship” in section 104(5)) apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 103, and in such application “the relevant inspector” means a person issuing the detention notice.

Certificates issued under the Merchant Shipping (Load Line) Regulations 2015

28 Any International Load Line Certificate or International Load Line Exemption Certificate issued under regulation 8 or 11 of the Merchant Shipping (Load Line) Regulations 2015, which is valid immediately before the day on which these Regulations come into force—

(a) has effect on and after that date as if it were issued under these Regulations; and

(b) subject to these Regulations, continues to be valid until the expiry of that certificate.

Revocation

29 The Merchant Shipping (Load Line) Regulations 2015 are revoked.

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Made this 22nd day of December 2020

Minister of Transport

[Operative Date: 29 December 2020]