



Jersey

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SHIPPING (LOAD LINE) (JERSEY) REGULATIONS 2004

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SHIPPING (LOAD LINE) (JERSEY) REGULATIONS 2004

*Made**17th February 2004**Coming into force**in accordance with Regulation 48(2)*

THE STATES, in pursuance of Article 49(1)(a) and (b), (4) and (6) to (8) and Article 50(1) and (2) of the Shipping (Jersey) Law 2002,¹ have made the following Regulations –

PART 1 GENERAL

1 Interpretation

- (1) In these Regulations, except where the context otherwise requires –
- “1966 Convention” means the International Convention on Load Lines, 1966;
 - “1988 Protocol” means the Protocol of 1988 relating to the 1966 Convention;
 - “alteration” includes deterioration;
 - “amidships”, in relation to a ship, means the middle of the ship’s length;
 - “anniversary date”, in relation to a certificate, means, subject to Regulation 8(6), the day and the month of each year that corresponds to the date of expiry of the certificate;
 - “annual survey”, in respect of a ship, means the survey the ship is required to undergo in compliance with Regulation 8(1)(c);
 - “appropriate certificate” means –
 - (a) in the case of a Convention-size ship, an International Load Line Certificate or an International Load Line Certificate (1966); and
 - (b) in the case of any other ship, a Jersey Load Line Certificate;

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

“Assigning Authority” means the Committee or a person or organisation authorized by the Committee in accordance with Regulation 7;

“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice MSN 1776 (M);

“clearance” includes transire;

“club pleasure vessel” means a ship –

- (a) that is wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure; and
- (b) that is not used except 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, with no other payments being made by or on behalf of users of the ship, other than by the owner;

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

“Convention certificate” means an International Load Line Certificate, an International Load Line Certificate (1966), an International Load Line Exemption Certificate or an International Load Line Exemption Certificate (1966);

“Convention country” means –

- (a) a country the Government of which is party to the 1966 Convention, or to the 1966 Convention as amended by the 1988 Protocol; or
- (b) a territory to which the 1966 Convention, or the 1966 Convention as amended by the 1988 Protocol, extends;

“Convention-size”, in relation to a ship, means a ship that is 24 metres or more in length;

“corporate pleasure vessel” means a ship –

- (a) that is owned by a body corporate;
- (b) that is not used except for sport or pleasure by the owner’s employees or officers, or their immediate family or friends; and
- (c) that is used for voyages or excursions for which the owner does not receive money to operate the ship or to carry passengers, other than as a contribution to the direct expenses of the operation of the ship incurred during the voyage or excursion, with no other payments being made by or on behalf of users of the ship, other than by the owner;

“deck line” means the line mentioned in Regulation 23;

“existing ship” means a ship that is not a new ship;

“freeboard”, in respect of a ship, means the distance measured vertically downwards at amidships from the upper edge of the deck-line of the ship to the upper edge of the appropriate load line;

“freeboard deck”, in respect of a ship, means the deck from which the position of the deck line is to be determined and hence the freeboards assigned to the ship are to be calculated, being the deck that is –

- (a) the uppermost complete deck exposed to weather and sea that 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 Committee, a deck lower than that described in paragraph (a), being a complete and permanent deck that is continuous both in a fore and aft direction at least between the machinery space and peak bulkheads of the ship, and athwart ships,

with a deck that is stepped being taken to consist, for the purpose of this definition, of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck;

“immediate family”, in respect of an individual, means, the individual’s spouse, and a brother, sister, ancestor or lineal descendant relative of the individual or of the individual’s spouse;

“International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention as amended by the 1988 Protocol;

“International Load Line Certificate (1966)” means an International Load Line Certificate issued under the 1966 Convention before the relevant entry into force date (if any);

“International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention as amended by the 1988 Protocol;

“International Load Line Exemption Certificate (1966)” means an International Load Line Exemption Certificate issued under the 1966 Convention before the relevant entry into force date (if any);

“international voyage” means a voyage between –

- (a) a port in Jersey and a port outside Jersey; or
- (b) a port in a Convention country (other than Jersey) and a port in any other country or territory (whether a Convention country or not) that is outside Jersey;

“Jersey issued load line Certificate” means –

- (a) in the case of a Convention-size ship, an International Load Line Certificate issued under these Regulations; and
- (b) in the case of any other ship, a Jersey Load Line Certificate;

“Jersey certificate” means a Jersey Load Line Certificate or a Jersey Load Line Exemption Certificate;

“Jersey Load Line Certificate” means a certificate issued under Regulation 9(1)(b);

“Jersey Load Line Exemption Certificate” means a certificate issued under Regulation 19(1);

“length”, in respect of 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,

except that –

- (c) if the stem contour of a ship 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); or
- (d) if the ship is designed with a rake of keel, the waterline on which the waterline length is to be measured shall be a line parallel to the designed waterline;

“load line”, in respect of a ship, means a line directed to be marked on the ship –

- (a) pursuant to Regulation 4(1)(b); or
- (b) in the case of a ship not surveyed under these Regulations, pursuant to an International Load Line Certificate or an International Load Line Certificate (1966),

that indicates the maximum depth to which the ship may be loaded in the zone and seasonal period relevant to the load line;

“load line mark” means the mark described in Regulation 24;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport;

“material date”, for the purposes of the definitions “new ship” and “existing ship” means –

- (a) in respect of a ship whose parent country is a Convention country other than Jersey, the date on which the 1966 Convention entered into force for that country; and
- (b) in respect of any other ship, the date these Regulations came into force;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, and if a particular Merchant Shipping Notice is mentioned, means that notice as for the time being amended or replaced by any other Merchant Shipping Notice;

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

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- (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 with 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 of the ship 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;

“near-coastal voyage”, in respect of a ship, means a voyage during which the ship is never more than 150 nautical miles from a safe haven in Jersey;

“new ship” means a ship the keel of which is laid, or is at a similar stage of construction, on or after the material date;

“non-Jersey ship” means a ship other than a Jersey ship within the meaning of Article 49(3) of the Shipping (Jersey) Law 2002;²

“parent country”, in respect of a ship, means –

- (a) the country or territory in which the ship is registered; or
- (b) if the ship is not registered, the country or territory the flag of which it flies;

“personal pleasure vessel” means a ship –

- (a) that is wholly owned by an individual or by individuals;
- (b) that is not used except for the sport or pleasure of the owner, the immediate family of the owner or friends of the owner; and
- (c) that is used on voyages or excursions for which the owner does not receive money to operate the ship or to carry passengers, other than as a contribution to the direct expenses of the operation of the ship incurred during the voyage or excursion with no other payments being made by or on behalf of users of the ship, other than by the owner;

“pleasure vessel” means a club pleasure vessel, a corporate pleasure vessel or a personal pleasure vessel;

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

“relevant entry into force date”, in respect of a ship, means the date when the 1988 Protocol entered into force in respect of the Government of the parent country of the ship;

“renewal survey”, in respect of a ship, means the survey the ship is required to undergo in compliance with Regulation 8(1)(b);

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

“sea” does not include Category A, B, C or D waters;

“surveyor” means a surveyor appointed by the Committee or a surveyor appointed by and working exclusively for an Assigning Authority;

“valid Convention certificate” means –

- (a) an International Load Line Certificate (1966) or an International Load Line Exemption Certificate (1966); or
- (b) an International Load Line Certificate or an International Load Line Exemption Certificate,

that is in force;

“watertight”, in respect of part of a ship, means able to prevent water entering or leaving the ship.

- (2) In determining if a ship is on an international voyage no account is to be taken of any deviation by the ship from its intended voyage if the deviation was solely due –
 - (a) to stress of weather; or
 - (b) to other circumstance that neither the master, the owner nor any charterer of the ship could have prevented or forestalled.
- (3) A reference in these Regulations to the 1966 Convention includes any amendment of it specified in a Merchant Shipping Notice.
- (4) An approval given pursuant to these Regulations is of no effect unless it is given in writing and specifies the date on which it takes effect and the conditions (if any) subject to which it is given.

2 Application

- (1) These Regulations apply to –
 - (a) a Jersey ship wherever it is; and
 - (b) any other ship while it is within Jersey waters.
 - (2) However these Regulations do not apply to the following ships –
 - (a) a ship of war;
 - (b) a ship engaged solely in fishing;
 - (c) a pleasure vessel;
 - (d) a ship that does not go to sea;
 - (e) a ship that is under 80 net tons, that is engaged solely in the coasting trade, that does not carry cargo and that falls within one of the classes of ships specified in paragraph (3).
 - (3) Those classes are –
 - (a) tugs or salvage ships;
 - (b) hopper barges or dredgers;
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- (c) ships approved by the Committee that are used by or on behalf of the States or by an agency of the States, or by a contractor of the States or of an agency of the States;
 - (d) ships in respect of which passenger certificates are in force specifying limits beyond which the ships must not ply, and that operate solely within those limits.
- (4) Despite paragraph (2)(e) a ship mentioned in that paragraph that falls within the class of ships specified in paragraph (3)(d) is excepted from these Regulations although it may be carrying cargo if the carriage of the cargo is expressly authorized by its passenger certificate.

3 Exemptions

- (1) The Committee may exempt from these Regulations –
 - (a) a ship that embodies novel features if the development of the features and their incorporation into ships engaged on international voyages might be seriously impeded were the ship to be required to comply with these Regulations;
 - (b) a ship plying on an international voyage between near neighbouring ports if the Committee is satisfied in respect of the matters mentioned in paragraph (2).
 - (2) Those matters are –
 - (a) that the sheltered nature and condition of the voyage makes it unreasonable or impracticable to apply these Regulations; and
 - (b) that the Government of the other country or of each of the other countries agrees.
 - (3) The Committee may exempt from these Regulations –
 - (a) a ship that is not a Convention-size ship; or
 - (b) any other ship that does not ply on international voyages.
 - (4) The Committee may exempt from these Regulations a Jersey ship that does not normally ply on international voyages while it is engaged on a single international voyage it is required to undertake in exceptional circumstances.
 - (5) An exemption conferred under this Regulation may be conferred subject to such conditions as the Committee thinks fit.
 - (6) An exemption conferred subject to conditions has no effect unless the conditions are complied with.
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PART 2

ENFORCEMENT

4 General compliance before going to sea

- (1) The master and owner of a ship are each guilty of an offence and liable to a fine if the ship proceeds or attempts to proceed to sea unless the ship –
 - (a) has been surveyed in accordance with these Regulations;
 - (b) is marked with the appropriate marks;
 - (c) is in compliance with the conditions of assignment applicable to it; and
 - (d) has available on board the information mentioned in Regulations 32 and 33.
- (2) Paragraph (1) does not apply to a non-Jersey ship if a valid Convention certificate in respect of the ship is produced when clearance for the ship is requested.
- (3) The master and owner of a ship are each guilty of an offence and liable to a fine if the ship proceeds or attempts to proceed to sea unless a Convention certificate or a Jersey certificate is in force in respect of the ship.
- (4) If a ship proceeds or attempts to proceed to sea in contravention of this Regulation it may be detained until it can proceed to sea without being in contravention of this Regulation.

5 Compliance with loading limits

- (1) The master and owner of a ship are each guilty of an offence and liable to a fine if the ship is loaded so that any part of its appropriate load line is permanently submerged.
 - (2) In paragraph (1) “appropriate load line” means the load line that indicates the maximum depth to which the ship may be loaded in the zone and during the seasonal period in which the ship is for the time being.
 - (3) It shall be a defence for a person charged with an offence under paragraph (1) to prove –
 - (a) that the contravention was due solely to a deviation or delay; and
 - (b) that the deviation or delay was caused solely by stress of weather or other circumstances that neither the master nor the owner nor any charterer could have prevented or forestalled.
 - (4) If a ship proceeds to sea so loaded that at some time during its proposed voyage it must be in contravention of paragraph (1) –
 - (a) the master of the ship; and
 - (b) any other person who with reason to believe that the ship was so loaded still sent or was a party to sending it to sea,are each guilty of an offence and liable to a fine.
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- (5) If a valid Convention certificate cannot be produced in respect of a ship its freeboard deck and its freeboard shall be determined in accordance with these Regulations and its appropriate load line shall be determined accordingly.
- (6) If a passenger ship is marked with subdivision load lines and the lowest of those lines is lower than the line that would otherwise be the appropriate load line for the ship, the subdivision load line shall have effect as if it were the appropriate load line for the purposes of this Regulation.
- (7) If a ship proceeds or attempts to proceed to sea in contravention of this paragraph (4) it may be detained until it can proceed to sea without being in contravention of that paragraph.

6 Certificate to be produced before clearance

- (1) The master of a ship must produce a Convention certificate or a Jersey certificate that is in force in respect of the ship to the customs officer from whom a clearance for the ship is demanded before the ship can proceed to sea on an international voyage from a port in Jersey.
- (2) If the certificate is not produced –
 - (a) clearance shall not be granted; and
 - (b) the ship shall be detained until the certificate is produced.

PART 3

SURVEYS AND CERTIFICATES

7 Committee may appoint Assigning Authority

The Committee may authorize, in writing, a person or organisation with, in either case, the appropriate qualifications to be an Assigning Authority for the purposes of these Regulations.

8 Initial, renewal and annual surveys

- (1) A Jersey ship must have the following surveys, namely –
 - (a) an initial survey to be carried out before the ship is put into service;
 - (b) a renewal survey to be carried out at intervals generally not exceeding 5 years;
 - (c) an annual survey to be carried out within the period starting 3 months before and ending 3 months after each anniversary date of the Jersey certificate.
 - (2) An initial survey of a ship must –
 - (a) include a complete inspection of its structure and equipment; and
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- (b) be such as to ensure that the arrangements, materials and scantlings of the ship comply fully with the requirements of these Regulations.
- (3) A renewal survey of a ship must be such as to ensure that the structure, equipment, arrangements, materials and scantlings of the ship fully comply with the requirements of these Regulations.
- (4) An annual survey of a ship must be such as to ensure that –
 - (a) alterations have not been made to the hull or superstructures of the ship that would affect the calculations that determine the position of its load lines;
 - (b) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters of the ship are in an effective condition;
 - (c) the appropriate marks are correctly and permanently indicated on the ship; and
 - (d) information is provided on the ship in accordance with Regulations 37 and 38.
- (5) If, after an annual survey of a ship, the surveyor finds it to be satisfactory the surveyor must endorse the ship's International Load Line Certificate or Jersey Load Line Certificate accordingly.
- (6) If an annual survey of a ship is completed before the period mentioned in paragraph (1)(c) –
 - (a) an Assigning Authority must endorse a new anniversary date on the certificate issued in respect of the ship being a date that is not be more than 3 months after the completion of the annual survey; and
 - (b) the subsequent annual surveys of the ship required by paragraph (1)(c) must be carried out within the period starting 3 months before and ending 3 months after the new anniversary date.

9 Issue of certificates

- (1) When a Jersey ship has had an initial or renewal survey and has been found to be satisfactory and to have been marked in accordance with these Regulations the Assigning Authority that carried out the survey must issue in respect of the ship –
 - (a) an International Load Line Certificate if the ship is a Convention-size ship; or
 - (b) a Jersey Load Line Certificate in any other case.
 - (2) An International Load Line Certificate shall be in the form prescribed by Annex III to the 1988 Protocol.
 - (3) A Jersey Load Line Certificate shall, with necessary amendments, be in the form prescribed in Schedule 8 to Merchant Shipping Notice MSN 1752 (M).
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10 General period of validity of certificates

- (1) In general the period of validity of a certificate issued under these Regulations after an initial or renewal survey shall not exceed 5 years from the completion of the survey.
- (2) If a certificate is issued with a period of validity of less than 5 years, an Assigning Authority may subsequently extend its period of validity to a period not exceeding 5 years.
- (3) If the period of validity of a certificate is extended in accordance with paragraph (2) the dates when annual surveys are to be carried out shall be amended accordingly.

11 Period of validity of certificates after renewal survey

- (1) If a renewal survey is completed within 3 months before the expiry of the existing certificate, any new certificate shall be valid for a period that starts on the completion of the renewal survey and ends not more than 5 years after the expiry of the existing certificate.
- (2) If a renewal survey is completed after the expiry of the existing certificate, any new certificate shall be valid for a period that starts on the completion of the renewal survey and ends not more than 5 years after the expiry of the existing certificate.
- (3) If a renewal survey is completed more than 3 months before the expiry of the existing certificate, the new certificate shall be valid for a period that starts on the completion of the renewal survey and ends not more than 5 years after the completion of the renewal survey.

12 Extension of period of validity of certificate - ship not in port

- (1) This Regulation applies if –
 - (a) the period of validity of a certificate issued in respect of a ship expires; and
 - (b) the ship is not in the port in which it is to be surveyed.
 - (2) An Assigning Authority may extend the period of validity of the certificate if it is satisfied that it is proper and reasonable to do so to allow the ship to complete its voyage to the port in which it is to be surveyed.
 - (3) The period of validity of the certificate may be extended by no more than 3 months.
 - (4) An extension does not authorize the ship after its arrival in the port in which it is to be surveyed to leave that port.
 - (5) The next renewal certificate issued in respect of the ship shall be valid for a period not exceeding 5 years from the expiry of the previous certificate before the extension was granted.
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13 Extension of period of validity of certificate - special circumstances

- (1) This Regulation applies if –
 - (a) the period of validity of a certificate has been extended; and
 - (b) an Assigning Authority is satisfied that circumstances exist that makes it inappropriate for the period of validity of the new certificate issued after a renewal survey to start on the expiry of the period of validity of the previous certificate before it was extended.
- (2) An Assigning Authority may issue a certificate with a period of validity that ends not more than 5 years after the completion of the renewal survey.

14 Issue of certificate on transfer of ship from another register

- (1) This Regulation applies in respect of a ship that has been transferred to the Jersey registry from the registry of another country.
- (2) An Assigning Authority may, subject to any survey requirements it considers necessary, issue in respect of the ship –
 - (a) an International Load Line Certificate if the ship is a Convention-size ship; or
 - (b) a Jersey Load Line Certificate in any other case.
- (3) It shall not do so unless it is 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 1966 Convention applicable to the ship; and
 - (c) since the surveys referred to in subparagraph (a) were completed no material change has been made to the ship, its structure or equipment, the subject of those surveys, without the approval of an appropriate authority of the country in which the ship was previously registered.
- (4) A certificate issued under this Regulation is valid for the period determined by the Assigning Authority being a period ending no later than the period of validity of the certificate last issued in respect of the ship by an appropriate authority of the country in which the ship was previously registered.

15 Jersey ship may be surveyed elsewhere

- (1) The Committee may request, through a proper officer or otherwise, the Government of a Convention country to survey a Jersey ship and, if satisfied that it complies with the requirements of the 1966 Convention –
 - (a) to issue or authorize the issue of an International Load Line Certificate if the ship is a Convention-size ship or a Jersey Load Line Certificate in any other case; or
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- (b) in the case of an annual survey, to endorse or authorize the endorsement of the ship's International Load Line Certificate or Jersey Load Line Certificate accordingly.
- (2) A certificate issued in accordance with a request made under this Regulation that contains a statement that it has been so issued shall have the same effect as if it had been issued by the Committee.
- (3) An endorsement made in accordance with a request made under this Regulation that contains a statement that it has been so made, shall have the same effect as if it had been made by a surveyor.

16 Committee may survey non-Jersey ships

- (1) This Article applies if the Government of a Convention country requests the Committee to survey or arrange to have surveyed a ship registered in that country.
- (2) The Committee may –
 - (a) survey the ship or arrange to have it surveyed by an Assigning Authority; and
 - (b) if satisfied that the ship complies with the requirements of the 1966 Convention as amended by the 1988 Protocol, issue an International Load Line Certificate in respect of the ship or, in the case of an annual survey, endorse such a certificate issued in respect of the ship in accordance with the requirements of that Convention, as amended.
- (3) The Committee must include in a certificate issued in accordance with paragraph (2)(b) or add to an endorsement made in accordance with that paragraph a statement that the Certificate was issued or the endorsement made in accordance with that paragraph.
- (4) If the statement mentioned in paragraph (3) is added to a certificate or endorsement mentioned in paragraph (2)(a) the certificate or endorsement shall have the same effect as if it was issued or made by or on behalf of the Government that made the request.

17 Committee may issue Jersey Load Line Certificate to non-Jersey ship

- (1) An Assigning Authority may issue a Jersey Load Line Certificate to a non-Jersey ship that has been surveyed and marked in accordance with these Regulations.
- (2) Subject to paragraph (3), a certificate issued under paragraph (1) shall be subject to the same conditions and have the same effect as a similar certificate issued to a Jersey ship.
- (3) A certificate issued under paragraph (1) in respect of a ship registered in a Convention country shall be valid only so long as the ship is not plying on international voyages.
- (4) The Committee must cancel the certificate if it has reason to believe that the ship is plying on international voyages.

18 Issue of exemption certificates – Regulation 3(1) and (4)

- (1) The Committee must issue an International Load Line Exemption Certificate in respect of a ship it exempts under Regulation 3(1) or (4).
- (2) The Certificate must –
 - (a) be in the form prescribed by the 1966 Convention as amended by Annex III to the 1988 Protocol; and
 - (b) state any conditions with which the ship is to comply.

19 Issue of exemption certificates – Regulation 3(3)

- (1) The Committee must issue a Jersey Load Line Exemption Certificate in respect of a ship it exempts under Regulation 3(3).
- (2) The Certificate must –
 - (a) be in the form prescribed in Schedule 8 of Merchant Shipping Notice MSN 1752 (M); and
 - (b) state any conditions with which the ship is to comply.
- (3) Except in so far as the nature or terms of the exemption otherwise requires –
 - (a) the ship must be assigned freeboards in accordance with Regulation 21;
 - (b) the ship shall be subject to surveys in accordance with Regulation 8; and
 - (c) Regulations 8 to 11 shall apply in relation to Jersey Load Line Exemption Certificates as they apply in relation to a Jersey issued load line Certificate, subject to the substitution, for references to an Assigning Authority, of references to the Committee.

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

- (1) A certificate issued in respect of a Jersey ship ceases to be valid if –
 - (a) a material alteration that would necessitate the assignment of an increased freeboard to the ship is made in its hull or superstructure;
 - (b) any of the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters of the ship are not in an effective condition;
 - (c) after an annual survey the certificate is not endorsed to show the ship has undergone that survey;
 - (d) the structural strength of the ship is 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 Jersey ship.
 - (2) The Committee may cancel a certificate issued in respect of a Jersey ship if it is satisfied that –
 - (a) the certificate was issued on false or erroneous information;
-

- (b) information on the basis of which any freeboards were assigned to the ship was incorrect in a material particular; or
 - (c) the ship has ceased to comply with its conditions of assignment.
- (3) If the Committee proposes to cancel a certificate issued in respect of a Jersey ship, it must first serve a written notice on the owner of the ship specifying the grounds for the proposed cancellation.
- (4) Unless the Committee considers that urgent safety considerations otherwise require, it shall not cancel a certificate issued in respect of a Jersey ship –
 - (a) until its owner has been given a reasonable opportunity to make representations to the Committee; and
 - (b) the Committee has considered any representations so made.
- (5) The requirement that the notice referred to in paragraph (3) must be written is satisfied if its text –
 - (a) is transmitted by electronic means;
 - (b) is received in legible form; and
 - (c) is capable of being used for subsequent reference.
- (6) The Committee may direct that a certificate that has ceased to be valid or has been cancelled under this Regulation be surrendered to it.

PART 4

LOAD LINES AND MARKS

21 Assignment of freeboard

An Assigning Authority may, in respect of a Jersey ship –

- (a) determine in accordance with Schedule 2 to the Merchant Shipping Notice MSN 1752(M) the particulars of the freeboards to be assigned to the ship;
- (b) determine which load lines are to be marked on it;
- (c) determine the position where the deck-line, the load line mark and the load lines are to be marked on it; and
- (d) complete a copy of the record of particulars relating to the conditions of assignment in the form set out in Schedule 3 to the Merchant shipping Notice MSN 1752(M) and give it to the owner of the ship.

22 Marking

- (1) The owner of a ship must mark on each side of the ship in accordance with the directions of an Assigning Authority –
 - (a) the load lines;
 - (b) the deck-line; and
-

- (c) the load line mark.
- (2) The owner of the ship must mark the ship in accordance with Regulation 29(4) if a Jersey Load Line Exemption Certificate is issued in respect of the ship in association with the assignment of special freeboards for the ship that are less than those required by Regulation 35.

23 Deck-line

- (1) The deck-line shall –
 - (a) consist of a horizontal line 300 millimetres in length and 25 millimetres in width; and
 - (b) be marked amidships on each side of the ship so as to indicate the position of the freeboard deck.
- (2) Subject to paragraph (3), the deck-line must be marked in such a position on the side of the ship so 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.

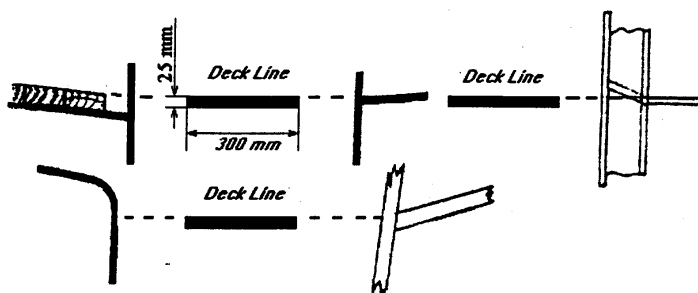


Figure 1: Deck-line

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

24 Load line mark

- (1) The load line mark, the layout of which is illustrated in Figure 2, 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.
- (2) The centre of the ring must be marked amidships vertically below the deck-line so that, except as otherwise provided 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.

25 Load lines

- (1) Load lines shall –
 - (a) consist of horizontal lines of 230 millimetres in length and 25 millimetres in width;
 - (b) extend forward of or abaft a vertical line 25 millimetres in width marked 540 millimetres forward of the centre of the ring of the load line mark; and
 - (c) be at right angles to that line,as shown in Figure 2.
- (2) Except in respect of sailing ships there shall be the following individual load lines –
 - (a) a *Summer load line*, which shall extend forward of the vertical line mentioned in paragraph (1)(b), shall correspond horizontally with the line passing through the centre of the ring of the load line mark and shall be marked S;
 - (b) a *Winter load line*, which shall extend forward of the vertical line, and be marked W;
 - (c) a *Winter North Atlantic load line*, which shall extend forward of the vertical line, and be marked WNA;
 - (d) a *Tropical load line*, which shall extend forward of the vertical line, and be marked T;
 - (e) a *Fresh Water load line*, which shall extend abaft the vertical line, and be marked F; and
 - (f) a *Tropical Fresh Water load line*, which shall extend abaft the vertical line and be marked TF.
- (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) only a *Winter North Atlantic load line* and a *Fresh Water load line* shall be marked on the ship, as shown in Figure 3.

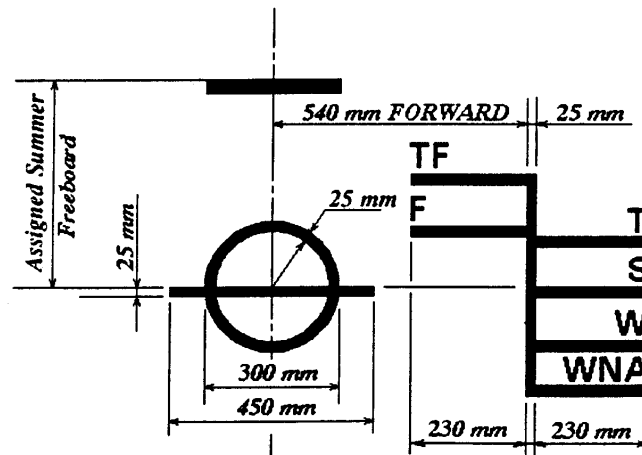


Figure 2: Load Line Mark and Lines to be used with this mark

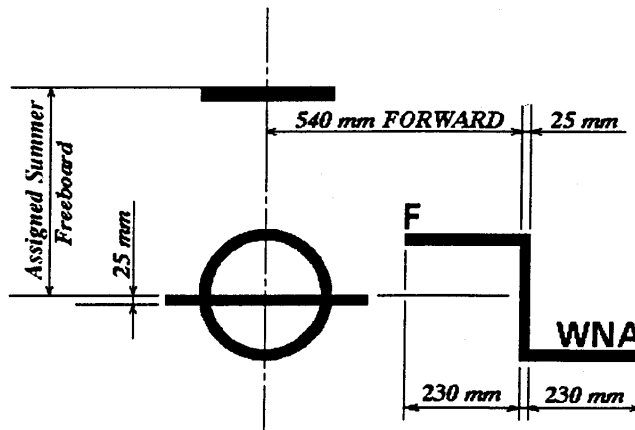


Figure 3: Load Line Mark and Lines for Sailing Ships

- (4) The maximum depth to which a ship may be loaded in relation to a load line referred to in paragraph (2) is the depth indicated by the upper edge of the load line.

26 Timber load lines

- (1) Timber load lines shall –
- consist of horizontal lines of 230 millimetres in length and 25 millimetres in width;
 - extend forward of or abaft a vertical line 25 millimetres in width marked 540 millimetres abaft the centre of the ring of the load line mark; and
 - be at right angles to that line,
- as shown in Figure 4.

- (2) There shall be the following individual load lines –
- (a) a Summer Timber load line, which shall extend abaft the said vertical line and be marked LS;
 - (b) a Winter Timber load line, which shall extend abaft the vertical line and be marked LW;
 - (c) a Winter North Atlantic Timber load line, which shall extend abaft the vertical line and be marked LWNA;
 - (d) a Tropical Timber load line, which shall extend abaft of the vertical line and be marked LT;
 - (e) a Fresh Water Timber load line, which shall extend forward of the vertical line and be marked LF; and
 - (f) a Tropical Fresh Water Timber load line, which shall extend forward of the vertical line and be marked LTF.

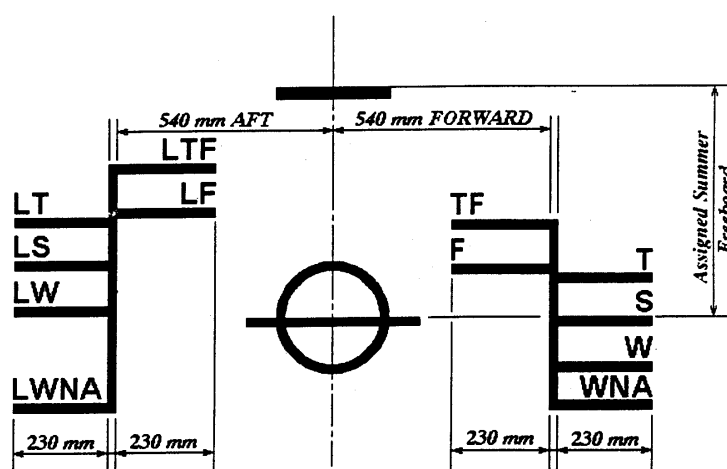


Figure 4: Timber Load Line Mark and Lines to be used with this mark

- (3) The maximum depth to which a ship may be loaded in relation to a Timber load line referred to in paragraph (1) is the depth indicated by the upper edge of the Timber load line.

27 Freeboard assigned for each load line

The freeboard assigned for each load line shall be ascertained in accordance with the provisions of Schedule 1 to the Merchant Shipping Notice MSN 1752(M).

28 Position of load lines

Each load line shall be marked on each side of the ship so 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 for that load line.

29 Method of marking

- (1) The appropriate marks in respect of a ship must be marked so as to be plainly visible.
- (2) They must be marked –
 - (a) if the sides of the ship are of metal, by being cut in, centre punched or welded;
 - (b) if the sides of the ship are of wood, by being cut into the planking to a depth of not less than 3 millimetres;
 - (c) if the sides of the ship are of other material that makes the methods mentioned in subparagraph (a) or (b) ineffective, by being permanently affixed by bonding or some other effective method.
- (3) The marks must be painted in white or yellow if the background is dark, and in black if the background is light.
- (4) If, in respect of a ship, a Jersey Load Line Exemption Certificate has been issued in association with the assignment of special freeboards that are less than those required by Regulation 35, the load lines and the load line marks must –
 - (a) be marked on the ship by being painted in red on a contrasting background; and
 - (b) comply with paragraph (2).

30 Mark of Assigning Authority

- (1) The identity of the Assigning Authority may be marked alongside the ring of the load line mark either above the horizontal line which passes through the centre of the ring, or above and below it.
- (2) The mark must not consist of not more than 4 initials each measuring approximately 115 millimetres in height and 75 millimetres in width.

PART 5**CONDITIONS OF ASSIGNMENT****31 Requirements relevant to the assignment of freeboards**

A 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 the Merchant Shipping Notice MSN 1752 (M).

32 Compliance with conditions of assignment

- (1) A ship ceases to comply with the conditions of assignment applicable to it if after the assignment of freeboards to it its hull, superstructure, fittings or appliances are altered in such a way that –
 - (a) a requirement applicable to the ship under Regulation 31 is not complied with; or
-

- (b) the ship differs in a material respect from the record of particulars provided in accordance with Regulation 33.
- (2) Despite undergoing an alteration referred to in paragraph (1)(a) a ship shall be taken to continue to comply with the conditions of assignment applicable to it if –
 - (a) amended freeboards appropriate to the condition of the ship are assigned to the ship;
 - (b) the ship is marked with the new load lines; and
 - (c) a new certificate is issued to the owner of the ship.
- (3) A ship shall also be taken to continue to comply with the conditions of assignment applicable to it despite undergoing an alteration if –
 - (a) the alteration has been inspected by a surveyor on behalf of an 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
 - (b) the particulars of the alteration together with the date and place of the inspection are endorsed by the surveyor on the record referred to in Regulation 33(1).

33 Record of particulars

- (1) The Assigning Authority in respect of a ship shall issue a record of particulars of the ship to its owner.
- (2) The record shall be in the form set out in Schedule 3 to the Merchant Shipping Notice MSN 1752(M).
- (3) A ship ceases to comply with the conditions of assignment applicable to it if the record of particulars issued in respect of the ship is not on board.

PART 6

FREEBOARDS

34 Types of freeboard

- (1) There may be assigned to a ship –
 - (a) a Tropical Fresh Water freeboard;
 - (b) a Fresh Water freeboard;
 - (c) a Tropical freeboard;
 - (d) a Summer freeboard;
 - (e) a Winter freeboard; and
 - (f) a Winter North Atlantic freeboard.
- (2) If a ship carries timber there may be assigned to it –
 - (a) a Tropical Fresh Water Timber freeboard;

- (b) a Fresh Water Timber freeboard;
- (c) a Tropical Timber freeboard;
- (d) a Summer Timber freeboard;
- (e) a Winter Timber freeboard; and
- (f) a Winter North Atlantic Timber freeboard.

35 Determination of freeboards

- (1) Except if paragraph (2) applies, an Assigning Authority must determine the freeboards assigned to a ship in accordance with Schedule 4 to Merchant Shipping Notice MSN 1752 (M).
- (2) If, in respect of a particular ship, an Assigning Authority considers it appropriate to do so it may assign to the ship freeboards (other than Timber freeboards) that exceed those that would be assigned to the ship in accordance with paragraph (1).
- (3) An Assigning Authority must not assign Timber freeboards to a ship in respect of which it has assigned freeboards in accordance with paragraph (2).
- (4) If the least freeboard assigned to a ship in accordance with paragraph (2) is equal to or more than the most freeboard that would have been assigned to the ship in accordance with paragraph (1) only load lines indicating the Summer freeboard and Fresh Water freeboard shall be marked on the ship.
- (5) If paragraph (4) applies in respect of a ship –
 - (a) the load line indicating its Summer freeboard shall consist of the horizontal line that forms part of the load line mark and except when the ship is in fresh water, shall be the appropriate load line for all areas and seasons; and
 - (b) the load line indicating its Fresh water load line shall be marked in the position where it would otherwise have been marked in accordance with Regulation 25 and marked F but the vertical line mentioned in that Regulation shall be omitted.

36 Special position of deck-line: correction of freeboards

- (1) This Regulation applies if the deck line of a ship is marked in accordance with Regulation 23(3).
 - (2) 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 Regulation 23(3).
 - (3) The Assigning Authority shall specify in the Jersey issued load line Certificate issued in respect of the ship –
 - (a) the reference point by which the deck-line has been so marked; and
 - (b) the identity of the deck that has been taken as the freeboard deck.
-

PART 7
INFORMATION FOR THE MASTER

37 Information as to stability of ships

- (1) The owner of a ship must provide for the guidance of its master information relating to the stability of the ship.
 - (2) The information must –
 - (a) be in the form of a book; and
 - (b) be kept on the ship in the custody of the master.
 - (2) If the ship is a Jersey ship this information must –
 - (a) include the matters specified Schedule 6 to Merchant Shipping Notice MSN 1752 (M); and
 - (b) be in the form required by that Schedule; and
 - (c) comply with paragraphs (3) and (6).
 - (3) Except as provided by paragraphs (4) and (5), the information must be based on the determination of stability of the ship taken from an inclining test carried out in the presence of –
 - (a) in the case of a ship listed in Part II of Schedule 6 to Merchant Shipping Notice MSN 1752 (M), an Assigning Authority; or
 - (b) in any other case, a surveyor appointed by the Committee.
 - (4) The inclining test may be dispensed with in respect of a ship if –
 - (a) basic stability data is available from the inclining test of a sister ship; and
 - (b) the Assigning Authority or the surveyor appointed by the Committee, as the case may be, is satisfied that reliable stability information can be obtained from the data.
 - (5) The inclining test may also be dispensed with in the case of a ship in a class of ships specially designed to carry liquids or ore in bulk if the Assigning Authority or the surveyor appointed by the Committee, as the case may be, is satisfied that the information available in respect of ships within that class of ships shows that the ship's proportions and arrangements will ensure sufficient stability in all probable loading conditions.
 - (6) The owner of a ship must not issue information under this Regulation to the master of the ship unless –
 - (a) if the ship is of a type listed in Part II of Schedule 6 to Merchant Shipping Notice MSN 1752 (M), it has been approved by the surveyor appointed by the Committee or by the Assigning Authority that assigned freeboards to the ship; or
 - (b) in any other case, it has been approved by a surveyor appointed by the Committee.
-

- (7) If alterations are made to a ship or changes occur to it that materially affect the information issued under this Regulation the owner of the ship shall be taken not to have complied with this Regulation unless –
 - (a) the stability of the ship has been redetermined, if necessary by an inclination test; and
 - (b) the information issued under this Regulation has been amended accordingly.

38 Information as to loading and ballasting of ships

- (1) This Regulation applies to ships that –
 - (a) are more than 150 metres in length; and
 - (b) are specially designed to carry liquids or ore in bulk.
- (2) The owner of a ship to which this Regulation applies must provide its master with information relating to the loading and ballasting of the ship.
- (3) The information must –
 - (a) indicate the maximum stresses permissible for the ship; and
 - (b) specify the manner in which the ship is to be loaded and ballasted to avoid the creation of unacceptable stresses in its structure.
- (4) The owner of a Jersey ship to which this Regulation applies ship must not issue information mentioned in this Regulation to the master of the ship unless –
 - (a) if the ship is of a type listed in Part II of Schedule 6 to Merchant Shipping Notice MSN 1752 (M), it has been approved by the surveyor appointed by the Committee or by the Assigning Authority that assigned freeboards to the ship; or
 - (b) in any other case, it has been approved by a surveyor appointed by the Committee.
- (5) The owner of a ship must ensure that information approved in accordance with paragraph (4) is included in the book mentioned in Regulation 37(1)(a).

PART 8

MISCELLANEOUS PROVISIONS

39 Equivalents

- (1) An Assigning Authority may, with the approval of the Committee, allow a 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 a fitting, material, appliance, apparatus or provision required under these Regulations, if satisfied by trial or otherwise that it is at least as effective as that so required.
 - (2) An Assigning Authority may, with the approval of the Committee, allow in an exceptional case departure from a requirement of these Regulations
-

in respect of a ship if the freeboards assigned to the ship are increased to an extent that satisfies the Committee that the safety of the ship and the protection afforded to its crew will be no less than they would have been if the ship had fully complied with the requirement and there had been no increase in the freeboards of the ship.

40 Ship not to be materially altered without consent

The owner and master of a ship are each guilty of an offence and liable to a fine if after the completion of a survey of the ship a material alteration is made to its structure or equipment without the approval of an Assigning Authority.

41 Certificate to be returned

The owner of a ship is guilty of an offence and liable to a fine not exceeding level 2 on the standard scale³ if upon being required to do so by the Committee, the owner fails within the time specified by the Committee to return to the Committee a certificate issued under these Regulations in respect of the ship that has expired, ceased to be valid, or has been cancelled.

42 Certificate to be displayed

The owner and master of a Jersey ship are each guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁴ if a Jersey certificate issued in respect of the ship is not posted up in some conspicuous place on board the ship and kept legible.

43 Notification of draught to be displayed

- (1) The master of a Jersey ship, other than a ship employed on a near-costal voyage, is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁵ if –
 - (a) the ship proceeds to sea and there is not posted up in some conspicuous place on board the ship a notice specifying particulars relating to the depth to which the ship is loaded; or
 - (b) the notice is not kept posted and in a legible state until the ship arrives at its next place of call.
- (2) The notice must be in the form specified in Schedule 7 to the Merchant Shipping Notice MSN 1752 (M).

44 Display of appropriate marks

The owner and owner of a ship are each guilty of an offence and liable to a fine not exceeding level 4 on the standard scale⁶ if the appropriate marks marked on the ship in accordance with these Regulations are concealed, removed, altered, defaced or obliterated except with the authority of an Assigning Authority.

45 Offences and penalties in relation to certificates and surveys

- (1) A person who does any of the actions mentioned in paragraph (2) is guilty of an offence and liable to a fine and imprisonment for a term not exceeding 6 months.
- (2) Those actions are –
 - (a) to alter a certificate referred to in these Regulations with intent to deceive;
 - (b) to falsely make a certificate referred to in these Regulations;
 - (c) to knowingly or recklessly furnish false information in connection with a survey required by these Regulations;
 - (d) to use, lend, or allow to be used by another, a certificate referred to in these Regulations with intent to deceive.
- (3) A person who fails to surrender a certificate to the Committee when directed to do so in accordance with Regulation 20(6) is guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.⁷

46 Detention

- (1) Article 177 of the Shipping (Jersey) Law 2002⁸ (which relates to the detention of a ship) shall have effect in relation to a ship that is liable to be detained under these Regulations with the modification that for the words “this Law” there is substituted the words “the Shipping (Load Line) (Jersey) Regulations 2004⁹”.
- (2) Articles 59 and 60 of the Shipping (Jersey) Law 2002¹⁰ shall apply in relation to a detention notice issued under these Regulations as they apply in relation to detention notices issued under Article 59, and in their application “the relevant inspector” mentioned in them shall be taken to mean the person issuing the detention notice.

47 Repeals

The following provisions of the Shipping (Jersey) Law 2002 are repealed –

- (a) Article 49(9);¹¹
- (b) in Article 159(4)(a)(ii), the words “and Schedule 2,”;¹²
- (c) Schedule 2;¹³
- (d) in paragraph 3 of Schedule 9, the words “, paragraph 27 of Schedule 2”.¹⁴

48 Citation and commencement

- (1) These Regulations may be cited as the Shipping (Load Line) (Jersey) Regulations 2004.
 - (2) They shall come into force on the same day as the Shipping (Jersey) Law 2002.
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A.H. HARRIS

Deputy Greffier of the States.

¹ *Recueil des Lois, Volume 2002, pages 864, 865, 867, 868 and 869.*

² *Recueil des Lois, Volume 2002, page 864.*

³ *Recueil des Lois, Volume 1992-1993, page 437.*

⁴ *Recueil des Lois, Volume 1992-1993, page 437.*

⁵ *Recueil des Lois, Volume 1992-1993, page 437.*

⁶ *Recueil des Lois, Volume 1992-1993, page 437.*

⁷ *Recueil des Lois, Volume 1992-1993, page 437.*

⁸ *Recueil des Lois, Volume 2002, page 1004.*

⁹ *R&O 10/2004.*

¹⁰ *Recueil des Lois, Volume 2002, pages 878 and 879.*

¹¹ *Recueil des Lois, Volume 2002, page 868.*

¹² *Recueil des Lois, Volume 2002, page 984.*

¹³ *Recueil des Lois, Volume 2002, page 1032.*

¹⁴ *Recueil des Lois, Volume 2002, page 1159.*