

Merchant Shipping (Load Line) Regulations 1993

GN No. 77 of 1993

THE MERCHANT SHIPPING ACT 1986

**Regulations made by the Minister under section 129
of the Merchant Shipping Act 1986**

1. These regulations may be cited as the Merchant Shipping (Load Line) Regulations 1993.

2. In these regulations-

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

"Convention Country" means a State, the Government of which is a party to the Load Line Convention;

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

"fishing vessel", means a ship used for catching fish and other non-restricted living resources of the sea;

"international voyage" means a voyage from a port in one State to a port in another State;

"Load Line Convention" means the International Convention on Load Line 1966;

"Load Line Convention Ship" means an International Load Line ship belonging to a convention country;

"Load Line Regulation", other than the present regulations means the Load Line Regulations of any Convention country or other country as appropriate;

"load line ship" means--

- (a) an International Load Line Ship, that is to say, an existing ship of not less than one hundred and fifty gross register tons or a new ship of twenty four metres or more in length which carries cargo or passengers on international voyages; and
- (b) a Local Load Line Ship, that is to say, a ship, other than an international load line ship, which carries cargo or passengers;

"new ship" means a ship whose keel is laid or which is at a similar stage of construction on or after-

- (a) in the case of a ship registered in or flying the flag of a State other than Mauritius which is a Convention State, the date from which it is declared that the Government of that State has ratified or acceded to the Load Line Convention, or that it is a State to which that Convention applies;

(b) in the case of any other ship, 15 January 1991.

3. These regulations shall not apply to-

(a) ships of war;

(b) pleasure yachts or similar boats not engaged in trade.

4. The Minister may from time to time publish a list of states that have ratified, acceded to or denounced the Load Line Convention.

5. The Minister may prescribe Load Line requirements for the issue of Local Load Line Certificates in respect of ships to which the Load Line Convention does not apply.

6. An International Load Line Certificate may be issued to ship which has been surveyed and marked in accordance with the Line Convention.

7. An International Load Line Exemption Certificate may be issued to any ship to which an exemption has been granted in accordance with the Load Line Convention.

8. (1) The Minister may request the Government of a Convention country to issue an International Load Line Certificate in respect of a Mauritius ship, and a certificate so issued and containing a statement that it was so issued shall be recognised as valid in Mauritius.

(2) Where a valid Load Line Certificate issued in pursuance of paragraph (1) is produced in respect of a Mauritius Ship that ship shall be deemed to have been surveyed under the Load Line Regulations and, the deck line and load lines correspond with the marks specified in certificate, the ship shall be deemed to be marked as required.

9. (1) The Minister may, at the request of the Government of a convention State, issue an International Load Line Certificate in respect of a ship of that State if he is satisfied that, as in the case of a Mauritius ship, he can properly issue the certificate.

(2) Where a certificate is issued at such a request, it shall contain a statement to the effect that it has been so issued.

10. (1) Subject to regulation II, on the application of the owner of a Mauritius ship which is either an existing ship of not less than one hundred and fifty gross register tons or a new ship of not less than twenty four metres in length, the Minister may exempt the ship from compliance with these regulations if in his opinion the ship embodies features of a novel kind such that, if the ship had to comply with all, the requirements of these regulations, the development of those features and their incorporation in the ship might be seriously impaired.

4 (2) Subject to regulation 11, on the application of the owner of a Mauritius ship which is either-

(a) an existing ship of less than one hundred and fifty gross register tons or a new ship of not less than twenty-four metres in length; or

- (b) a ship, not falling within paragraph (a), which does not ply on international voyages, the Minister may exempt the ship from complying with these regulations.

11. (1) Any exemption under regulation 10 may be granted subject to such conditions as the Minister thinks fit, and where any such exemption is granted subject to conditions, the exemption shall not have effect unless those conditions are complied with.

(2) Any reference to exempting a ship shall be considered as a reference to, exempting the ship either-

- (a) from all the provisions of these regulations; or
- (b) from such of those provisions as are specified in the instrument granting the exemption.

12. Where the Minister exempts a ship the Director shall issue such appropriate certificate to the owner of the ship as he may determine.

13. Where a valid load line certificate issued under these regulations is produced in respect of the ship to which the certificate relates-

- (a) the ship shall be deemed to have been surveyed; and
- (b) where lines are marked on than ship indicating the deck line and the various load lines as required by any Load Line Regulations, and the positions of those lines so marked correspond to the positions of the deck line and load lines as specified in the, certificate, the ship shall be deemed to be marked as required by those regulations.

14. (1) Every Load Line Certificate issued by or under the authority of the Minister shall, unless it is renewed in accordance with paragraph (2), expire at the end of such period as may be specified therein but not exceeding five years from the date of its issue.

(2) Any such Load Line Certificate may, after a survey that is not less effective than the survey required by any Load Line Regulations, be renewed from time to time by the Director or by any person authorised by him to issue a Load Line Certificate for such period not exceeding five years on any occasion as the Director or other authorised person renewing the certificate thinks fit.

(3) The owner of every ship, in respect of which any such certificate remains in force, shall cause the ship to be surveyed in the prescribed manner at least once in every period of twelve months after the issue of the certificate for the purpose of ascertaining whether the certificate should remain in force, having regard to paragraph (2), and if the ship is not so surveyed, the Minister shall cancel the certificate, but may, if he thinks fit, extend the said period by a maximum of three months.

15. (1) Subject to any exemption granted by or under these regulations, no Mauritius ship being an International Load Line Ship shall proceed to sea on an international voyage unless there is in force in respect of such ship an International Load Line Certificate.

(2) No Mauritius ship, being a local load line ship, shall proceed to sea unless there is in force in respect of such ship a Local Load Line Certificate.

(3) The master of every Mauritius Load Line ship shall produce to the customs or other authorities from which a clearance for the ship is requested the certificate that is required by this regulation to be in force when the ship proceeds to sea, and a clearance shall not be granted and the ship shall be detained until that certificate is so produced.

16. A Surveyor of ships or other Marine Officer may inspect any Mauritius load line ship for the purpose of ensuring that the provisions of these regulations have been complied with.

17. (1) The owner or master of a Mauritius ship in respect of which a Load Line Certificate issued under these regulations is in force shall, as soon as practicable after any structural alteration which affects the load line marks is made in the hull or superstructures of the ship, give notice in writing to the Director containing full particulars of the alteration.

(2) Where notice has not been given as required by paragraph (1), the Director may exercise with respect to any such ship his powers specified in paragraph

(3) where he has reason to believe that-

(a) material alterations have taken place in the hull or super-Structure of the ship which affect the load line marks: or

(b) fittings and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were when the certificate was issued.

(3) In any such case the Director may-

(a) cancel the Load Line Certificate; or

(b) require the owner to have that ship surveyed again to such an extent as the Director thinks fit, and, if that requirement is not complied with, he may cancel the Load Line Certificate.

(4) Where a Load Line Certificate has expired or has been cancelled, the Director may require the owner or master of the ship to which the certificate relates to deliver the certificate as he directs.

18. (1) No ship shall be so, loaded as to submerge, in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say the load line indicating the maximum depth to which the ship is for the time being permitted under any Load Line Regulations to be loaded.

(2) Without prejudice to any other proceedings any ship which is loaded in contravention of this regulation may be detained until it ceases to be so loaded.

19. (1) No Mauritius Load Line ship shall proceed to sea unless-

(a) the ship has been surveyed in accordance with any load Line Regulations either by a Surveyor of ships or by any organisation authorised to act in that behalf by the Minister

or, at his request, by the Government of any Convention Country;

- (b) the ship complies with the conditions for the assignment of load lines prescribed in any Load Line Regulations;
- (c) the ship is marked on each side with a mark (hereinafter referred to as a "deck-line") indicating the position of the uppermost deck and with marks hereinafter referred to as load lines indicating the several maximum depths to which the ship is permitted to load in various circumstances prescribed by any Load Line Regulations; and
- (d) the deck-line and load lines are of the descriptions and the positions required by any Load Line Regulations.

(2) Where the ship proceeds or attempts to proceed to sea in contravention of this regulation, the ship may be detained until she has been so surveyed and marked.

20. The master of every Load Line Convention Ship shall upon request, produce valid Load Line Certificate to the Customs or other authorities from which a clearance for the ship from a port in Mauritius is requested, and a clearance shall not be granted and the ship may be detained until the certificate is produced.

21. Unless a valid Load Line Certificate is produced in respect of a foreign ship, regulation 20 shall apply to that ship proceeding, or attempting to proceed, to sea from a port in Mauritius as they apply to a Mauritius ship.

22. Regulation 18 shall apply to foreign ships while they are in the waters of Mauritius as they apply to Mauritius ships, provided that no Load Line Convention Ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of that regulation except after an inspection by a Surveyor.

23. (1) A Surveyor of ships or other marine officer may board any ship when such ship is within the waters of Mauritius and may demand the production of any Load Line Certificate for the time being in force in respect of that ship.

(2) Where a valid Load Line Certificate is produced to the Surveyor his powers of inspecting the ship with respect to Load Lines shall be limited to ensuring-

- (a) that the ship is not loaded beyond the limits allowed by the certificate;
- (b) that the markings of the load lines on the ship correspond with those specified in the certificate,
- (c) that no material alterations have taken place in the hull or superstructure of the ship which affect the markings of the Load Lines;
- (d) that the fittings and appliances for the protection of openings, guard rails, freeing ports and the means of access to the crew's quarters have been maintained on the ship in as

effective a condition as they were when the-certificate was issued.

(3) Where a valid Load Line Certificate is not produced to the Surveyor, he shall have the same power of inspecting the ship as provided for in Article 20 as if the ship were a Mauritius ship.

24. (1) Where it is found upon an inspection referred to in regulation 16 that a ship is loaded in contravention of regulation 18, the ship may be detained and legal proceedings may be taken against the master or owner thereof.

(2) Where the Lead Lines on the ship are not marked as specified in the certificate, the ship may be detained until the matter has been agreed rectified to the satisfaction of the Surveyor.

(3) Where on an inspection a ship is found to have been so materially altered in respect of the matters referred to in regulation that she is manifestly unfit to proceed to sea without danger to human life, the ship shall be detained but where the ship has been so detained, the Director shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

Made by Minister on 24 November 1992.