



MERCHANT SHIPPING (LOAD LINES) REGULATIONS 2020

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Statutory Document No. 2020/0552



Merchant Shipping Act 1985

MERCHANT SHIPPING (LOAD LINES) REGULATIONS 2020

Laid before Tynwald: 15 December 2020

Coming into Operation: 18 December 2020

The Department for Enterprise, having carried out the consultation required by section 1(1) and section 2(2) of the Merchant Shipping Act 1985, makes the following Regulations under section 1 and section 2 of that Act.

PART 1 – INTRODUCTORY

1 Title

These Regulations are the Merchant Shipping (Load Lines) Regulations 2020.

2 Commencement

These Regulations come into operation on 18 December 2020.

3 Interpretation

(1) In these Regulations –

“**1966 Convention**” means the International Convention on Load Lines 1966 including all amendments up to and including those adopted by IMO Resolution A.1083(28) adopted on 4 December 2013, which came into force on 28 February 2018;

“**1988 Protocol**” means the Protocol of 1988 relating to the 1966 Convention including all amendments up to and including those adopted by IMO Resolution MSC.375(93) on 22 May 2014 which came into force on 1 January 2016;

“**2008 IS Code**” means the International Code on Intact Stability 2008 including all amendments up to and including those adopted by IMO Resolution MSC.444(99) on 24 May 2018 which came in to force on 1 January 2020;

“**Act**” means the Merchant Shipping Act 1985;

“**Annex B to the Load Lines Convention**” means Annex B to the Load Lines Convention entitled “Annexes to the Convention as Modified by the Protocol of 1988 relating thereto, as amended”;

“**Assigning Authority**” means in respect of a —

- (a) Manx ship, the Department or RO by whom the load lines of the ship are assigned in accordance with the Load Lines Convention; or
- (b) foreign ship, the Authority by whom the load lines of the ship are assigned in accordance with the Load Lines Convention;

“**company**” in relation to a ship means —

- (a) the owner of a ship; or
- (b) any other organisation or person (for example, the manager, or bareboat charterer of the ship) —
 - (i) that has assumed responsibility for operation of the ship from the owner; and
 - (ii) that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the Load Lines Convention;

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

“**Contracting Government**” means the Government of a party to the 1966 Convention or to the Load Lines Convention;

“**controlled marine area**” has the meaning given by section 7 (controlled marine area) of the *Marine Infrastructure Management Act 2016*;

“**Convention country**” means a country or territory which is either —

- (a) a country the government of which is a Contracting Government; or
- (b) a territory to which the 1966 Convention or the Load Lines Convention extends whether or not it is subject to the amendments or reservations to either instrument;

“**Department**” means the Department for Enterprise;

“**fishing vessel**” means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

“**foreign ship**” means any ship that is not a Manx ship;

“**gross tonnage**” means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on

Tonnage Measurement of Ships, 1969 adopted by IMO on 23 June 1969 and which came into force 18 July 1982;

“**IMO**” means the International Maritime Organization;

“**inspector**” means a person appointed as an inspector under section 3 (inspectors) of the Act;

“**International Load Line Certificate**” means the certificate specified in Article 16(1) (issue of certificates) of the Load Lines Convention;

“**International Load Line Exemption Certificate**” means the exemption certificate specified in Article 16(2) (issue of certificates) of the Load Lines Convention;

“**international voyage**” means a voyage between –

- (a) a port in the Island and a port outside the Island; or
- (b) a port in a Convention country and a port in any other country or territory (whether a Convention country or not) which is outside the Island;

“**Load Lines Convention**” means the 1966 Convention as modified by the 1988 Protocol;

“**Load Lines Convention Annex I**” means Annex I (regulations for determining load lines) to Annex B to the Load Lines Convention;

“**Load Lines Convention Annex II**” means Annex II (zones, areas and seasonal periods) to Annex B to the Load Lines Convention;

“**Load Lines Convention Annex III**” means Annex III (certificates) to Annex B to the Load Lines Convention;

“**Manx Load Line Certificate**” means the certificate issued by the Department to a ship to which Part 3 applies in lieu of the International Load Line Certificate;

“**Manx Load Line Exemption Certificate**” means the exemption certificate issued by the Department to a ship to which Part 3 applies –

- (a) in lieu of the International Load Line Exemption Certificate; and
- (b) to record any exemption issued under regulation 25 (exemption for a Manx ship to which the Load Lines Convention does not apply);

“**Manx ship**” has the meaning given by section 1 (Manx ships) of the *Merchant Shipping Registration Act 1991* and includes a ship registered under Part IV of that Act (register of ships chartered by demise);

“**MSN**” means a Manx Shipping Notice issued by the Department and includes any document amending a Manx Shipping Notice;

“**pleasure vessel**” has the meaning given by regulation 6 (definition of pleasure yachts, pleasure craft or pleasure vessel in certain merchant shipping legislation) of the Merchant Shipping (Pleasure Vessel) Regulations 2003¹;

“**RO**” means any recognised organisation specified in MSN 020; and

“**territorial waters of the Island**” means —

- (a) the territorial sea adjacent to the Isle of Man (as that term is defined in section 1(1) of the *Territorial Sea Act 1987* (as applied to the Island²); and
 - (b) the controlled marine area.
- (2) In these Regulations a reference to an Article is a reference to an Article so numbered in Annex A (Articles of the Convention) to the Load Lines Convention.

4 Application

- (1) Parts 1 and 2 of these Regulations apply to a Manx ship, wherever it may be, which engages on international voyages and which —
- (a) if constructed on or after 21 July 1968, is 24 metres or more in length; or
 - (b) if constructed before 21 July 1968, is 150 gross tonnage or more.
- This paragraph is subject to paragraphs (4) and (5) and to any more specific provision in these Regulations.
- (2) Parts 1 and 3 of these Regulations apply to a Manx ship to which paragraph (1) does not apply by virtue of its length, gross tonnage or nature of its voyage.
- This paragraph is subject to paragraphs (4) and (5).
- (3) Parts 1 and 4 of these Regulations apply to a foreign ship which engages on international voyages, whilst it is within the territorial waters of the Island.
- This paragraph is subject to paragraph (4) and to any more specific provision in these Regulations.
- (4) These Regulations do not apply to a Manx ship or a foreign ship which is a —
- (a) pleasure vessel;
 - (b) fishing vessel;
 - (c) ship of war; or
 - (d) ship solely navigating the —
 - (i) Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West

¹ SD 396/03

² 1987 c. 49, as extended to the Island by SI 1991/1722.

Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63°W;

- (ii) Caspian Sea; or
 - (iii) 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.
- (5) To avoid doubt, these Regulations do not apply to a vessel registered under Part 3 of the Harbours Act 2010³ (pleasure craft and certain other vessels).

5 Company's responsibility

- (1) A company must ensure a ship complies with such of the requirements of these Regulations as apply in relation to a ship of its description.
- (2) Paragraph (1) applies whether or not these Regulations impose an obligation on another person.
- (3) A company which fails to comply with paragraph (1) commits an offence and is liable —
 - (a) on conviction on information —
 - (i) in the case of a body corporate, to a fine; or
 - (ii) in the case of an individual, to a fine or custody for a term not exceeding 2 years, or both; or
 - (b) on summary conviction, to a fine not exceeding level 5 on the standard scale.

6 Provisions relating to offences

- (1) It is a defence for a person charged with an offence under these Regulations to show that the person took all reasonable steps to avoid the commission of the offence.
- (2) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person —
 - (a) commits the offence; and
 - (b) may be charged with and convicted of the offence by virtue of this regulation,whether or not proceedings are taken against the first-mentioned person.

³ 2010 c.9

PART 2 – MANX SHIPS

7 Requirement to comply with the Load Lines Convention Annex I – regulations for determining load lines

- (1) Subject to paragraphs (2) to (5), a ship must comply with such of the requirements of the Load Lines Convention Annex I as is applicable to a ship of its description.
- (2) A ship constructed before 21 July 1968 which does not fully comply with the Load Lines Convention Annex I must comply with the requirements applicable to such ships engaged on international voyages under the law in force immediately before 21 July 1968⁴.
- (3) If a ship constructed before 21 July 1968 requires a reduction in freeboard that ship must comply with the requirements applicable to ships constructed on or after 21 July 1968 under the Load Lines Convention Annex I.
- (4) A ship constructed on or after 21 July 1968 but before 1 January 2005 must comply with the requirements of the Load Lines Convention Annex I which were applicable to such ships engaged on international voyages as they applied immediately before 1 January 2005⁵.
- (5) Any amendment to the Load Lines Convention Annex I 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.
- (6) For the purposes of the Load Lines Convention Annex I, regulation 10(2) (information to be supplied to the master), the form that is approved by the Department for the provision of stability information is specified in MSN 073.
- (7) For the purposes of the Load Lines Convention Annex I, regulation 23(1) (side scuttles, windows and sky lights) the approved design for side scuttles and windows, together with their glasses, deadlights and storm covers, is specified in MSN 073.
- (8) For the purposes of the Load Lines Convention Annex I, regulation 44(6) (special requirements for ships assigned timber freeboards - stowage), the lashing system acceptable to the Department is specified in MSN 073.
- (9) Unless the context clearly indicates otherwise, a reference to ‘Administration’ or “Assigning Authority” in the Load Lines Convention

⁴ Part II of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (1932 c. 9) as applied in the Island by the Merchant Shipping Load Line Convention (Isle of Man) Order 1935 (S.R & O 1935 No.714)

⁵ Load Lines Convention Annex I up to and including amendments made by IMO resolution A.784 (19)

Annex I is to be read as a reference to the Department or RO, subject to any more specific provision in these Regulations or MSN 073.

8 Requirement to comply with the 2008 IS Code

- (1) For the purposes of the Load Lines Convention Annex I, regulation 1(3)(a) (strength and intact stability of ships), for a ship constructed before 1 July 2010 the stability standards acceptable to the Department are specified in MSN 073.
- (2) In accordance with the Load Lines Convention Annex I, regulation 1(3)(b), a ship constructed on or after 1 July 2010 must comply with the requirements of Part A of the 2008 IS Code.

9 Load Lines Convention Annex II – zones and areas

In accordance with Article 11 (zones and areas), a ship must comply with the requirements applicable to that ship under the Load Lines Convention in the zones and areas described in the Load Lines Convention Annex II.

10 Load Lines Convention Annex III – form of certificates

In accordance with Article 18 (form of certificates), an International Load Line Certificate or, where appropriate, an International Load Line Exemption Certificate must be in the form prescribed in the Load Lines Convention Annex III.

11 Footnotes in the Load Lines Convention

If there is a footnote in the Load Lines Convention, and it is clear from the wording and the context that the content of the footnote or of a document referred to in the footnote is intended to form part of the requirement, then such content must be treated as part of the requirement.

12 Prohibition on proceeding to sea

- (1) A ship must not proceed, or attempt to proceed, to sea unless –
 - (a) it has been surveyed, marked and has a valid International Load Line Certificate or, where appropriate, a valid International Load Line Exemption Certificate in accordance with the Load Lines Convention;
 - (b) it complies with the conditions of assignment applicable to it in accordance with the Load Lines Convention; and
 - (c) the information required under the Load Lines Convention Annex I, regulation 10 (information to be supplied to the master) is provided by the company of the ship to the master.

- (2) In accordance with Article 3(2) (general provisions), the Department or RO may assign a greater freeboard to a ship than the minimum freeboard determined in accordance with the Load Lines Convention Annex I.

13 Exemptions

- (1) In accordance with Article 6(1) (exemptions), the Department may exempt a ship engaged on international voyages between the near neighbouring ports of two or more States from the provisions of the Load Lines Convention.
- (2) An exemption under paragraph (1) may only be granted to a ship subject to the following conditions –
 - (a) the ship remains engaged on such voyages; and
 - (b) the Governments of the States in which the ports are situated are satisfied that the sheltered nature or conditions of such voyages between such ports make it unreasonable or impracticable to apply the provisions of the Load Lines Convention to ships engaged on such voyages.
- (3) In accordance with Article 6(2), the Department may exempt any ship which embodies features of a novel kind from any of the provisions of the Load Lines Convention which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages.
- (4) An exemption under paragraph (3) may only be granted to a ship if the Department is satisfied that the ship complies with safety requirements which –
 - (a) are adequate for the service for which the ship is intended and are such as to ensure the overall safety of the ship; and
 - (b) are acceptable to the Governments of the States to be visited by the ship.
- (5) In accordance with Article 6(3), an exemption granted to a ship under paragraphs (1) or (3), must be notified to IMO by the Department.
- (6) In accordance with Article 6(4), a ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage, may be exempted by the Department from any of the requirements of the Load Lines Convention.
- (7) An exemption under paragraph (6) may only be granted to a ship if the Department is satisfied that the ship complies with safety requirements which are adequate for the voyage to be undertaken.

14 Force majeure

In accordance with Article 7 (force majeure), in applying the provisions of the Load Lines Convention, the Department must give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other cause of force majeure.

15 Equivalentents

- (1) In accordance with Article 8 (equivalentents), if the Load Lines Convention requires that –
 - (a) a particular fitting, material, appliance or apparatus to be fitted in a ship; or
 - (b) any other provision to be made in a ship,the Department may allow any other fitting, material, appliance or apparatus to be fitted or any other provision to be made in that ship.
- (2) An equivalent arrangement may only be permitted under paragraph (1) if the Department is satisfied by trial or otherwise of the fitting, material, appliance or apparatus, or provision that it is at least as effective as that required by the Load Lines Convention.
- (3) In accordance with Article 8(2), an equivalent arrangement granted to a ship under paragraph (1) must be notified to IMO by the Department.

16 Approvals for experimental purposes

- (1) In accordance with Article 9(1) (approvals for experimental purposes), the Department may make specific approvals for experimental purposes for a ship to which the Load Lines Convention applies.
- (2) In accordance with Article 9(2), an approval granted to a ship under paragraph (1) must be notified to IMO by the Department.

17 Repairs, alterations and modifications

- (1) In accordance with Article 10 (repairs, alterations and modifications), a ship which undergoes repairs, alterations, modifications and related outfitting must continue to comply at least with the requirements previously applicable to the ship.
- (2) A ship constructed before 21 July 1968 must not, as a rule, comply to a lesser extent with the requirements for a ship constructed on or after 21 July 1968 than it did before undergoing such repairs, alterations, modifications or related outfitting.
- (3) Repairs, alterations and modifications of a major character and outfitting related to such repairs, alterations and modifications must meet the requirements for a ship constructed on or after 21 July 1968, in so far as the Department or RO deems reasonable and practicable.

18 Submersion

- (1) In accordance with Article 12(1) (submersion), the appropriate load lines on the sides of the ship corresponding to the season of the year and the zone or area in which the ship may be must not be submerged at any time when the ship puts to sea, during the voyage or on arrival.

Paragraph (1) is subject to paragraphs (2) to (4).

- (2) If a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of the fresh water allowance shown on the International Load Line Certificate.
- (3) If the density is other than unity, an allowance must be made proportional to the difference between 1.025 and the actual density.
- (4) When a ship departs from a port situated on a river or inland waters, 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.

19 Initial, renewal and annual survey

- (1) In accordance with Article 14 (initial, renewal and annual survey), a ship must be subjected to the surveys specified in Article 14(1).
- (2) For the purposes of Article 14(1)(b), a renewal survey must be conducted at intervals specified by the Department which intervals must not exceed 5 years except if paragraphs (2), (5), (6) or (7) of Article 19 (duration and validity of certificates) are applicable.
- (3) In accordance with Article 14(2), annual surveys must be endorsed on the International Load Line Certificate, or the International Load Line Exemption Certificate issued to a ship exempted under Article 6(2) (exemptions).

20 Maintenance of conditions after survey

In accordance with Article 15 (maintenance of conditions after survey), after any survey of a ship has been completed under Article 14 (initial, renewal and annual survey), no change may be made in the structure, equipment, arrangements, material or scantlings covered by the survey, without the approval of the Department or RO.

21 Issue or endorsement of certificates by another government

- (1) In accordance with Article 17 (issue or endorsement of certificates by another government), the Department may request a Contracting Government to survey a Manx ship.
- (2) If the Contracting Government, on surveying the Manx ship, is satisfied that the provisions of the Load Lines Convention are complied with, it must —

- (a) issue or authorise the issue of the International Load Line Certificate to the ship; and
 - (b) where appropriate, endorse or authorise the endorsement of the International Load Line Certificate on the ship in accordance with the Load Lines Convention.
- (3) When acting in accordance with paragraph (1), the Department must specifically request that any certificate issued under paragraph (2) contains a statement to the effect that it has been issued at the request of the Government of the Isle of Man.

22 Duration and validity of certificates

- (1) Subject to paragraph (2), for the purposes of Article 19(1) (duration and validity of certificates), an International Load Line Certificate is valid for the period stated in it, not exceeding five years beginning with the date of completion of the relevant initial or renewal survey (as required under regulation 19(1) (initial, renewal and annual survey)) which immediately preceded the issue of the certificate.
- (2) Despite paragraph (1) and subject to paragraphs (12) and (13), where the renewal survey referred to in Article 14(1)(b) (initial, renewal and annual survey) is completed –
 - (a) within 3 months before the expiry date of the existing International Load Line 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 5 years from the date of expiry of the existing certificate;
 - (b) after the expiry date of the existing International Load Line 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 5 years from the date of expiry of the existing certificate; or
 - (c) more than 3 months before the expiry date of the existing International Load Line 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 5 years from the date of completion of that renewal survey.
- (3) If an International Load Line Certificate is issued for a period of less than 5 years, the Department or RO may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), provided that the annual surveys referred to in Article 14 applicable when a certificate is issued for a period of 5 years are carried out as appropriate.
- (4) If, after the renewal survey referred to in Article 14(1)(b), a new International Load Line Certificate cannot be issued to the ship before the expiry date of the existing International Load Line Certificate, the

Department or RO carrying out the survey may extend the validity of the existing certificate for a period which must not exceed 5 months.

- (5) An extension under paragraph (4) —
 - (a) may only be granted if there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard; and
 - (b) must be endorsed on the existing International Load Line Certificate.
- (6) If at the time when an International Load Line Certificate expires a ship is not in a port in which it is to be surveyed, the Department or RO may extend the period of validity of the International Load Line Certificate.

This paragraph is subject to paragraphs (7) to (9).
- (7) An extension under paragraph (6) —
 - (a) may only be granted in cases where in the opinion of the Department or RO it appears proper and reasonable to do so for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed; and
 - (b) may extend the validity of the International Load Line Certificate for a maximum period of 3 months from the date of the expiry of the certificate.
- (8) A ship to which an extension is granted under paragraph (6) shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of the extension to leave that port without having a new International Load Line Certificate.
- (9) When the renewal survey is completed on a ship to which an extension is granted under paragraph (6), subject to paragraphs (12) and (13) the new International Load Line Certificate is valid for a period ending on a date which does not exceed 5 years from the date of expiry of the existing International Load Line Certificate before the extension was granted.
- (10) An International Load Line Certificate issued to a ship engaged on short voyages, which has not been extended under the provisions of paragraphs (2) to (9), may be extended by the Department or RO for a period of up to one month beginning with the date of expiry stated on it.
- (11) When the renewal survey is completed on a ship to which an extension is granted under paragraph (10), subject to paragraphs (12) and (13) the new International Load Line Certificate is valid for a period ending on a date which does not exceed 5 years from the date of expiry of the existing International Load Line Certificate before the extension was granted.
- (12) In special circumstances, as determined by the Department, a new International Load Line Certificate need not be dated from the date of expiry of the existing International Load Line Certificate before the extension was granted, as required by paragraphs (2), (9) and (11).

- (13) In the special circumstances determined under paragraph (12), the new International Load Line Certificate is valid for a period ending on a date which does not exceed 5 years from the date of completion of the renewal survey.
- (14) If an annual survey is completed before the period specified in Article 14 (initial, renewal and annual survey), then—
 - (a) the anniversary date shown on the International Load Line Certificate must be amended by endorsement to a date not more than 3 months later than the date on which the annual survey was completed;
 - (b) the subsequent annual survey required by Article 14 must be completed at the intervals prescribed by Article 14 using the new anniversary date; and
 - (c) the expiry date of the International Load Line Certificate may remain unchanged provided that one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by Article 14 are not exceeded.
- (15) An International Load Line Certificate ceases to be valid in any of the following circumstances —
 - (a) material alterations have taken place in the hull or superstructures of the ship such as would necessitate the assignment of an increased freeboard;
 - (b) the fittings and appliances mentioned in Article 14(1)(c) are not maintained in an effective condition;
 - (c) the certificate is not endorsed to show that the ship has been surveyed in accordance with Article 14(1)(c); or
 - (d) the structural strength of the ship is lowered to such an extent that the ship is unsafe.
- (16) The duration of an International Load Line Exemption Certificate issued to a ship exempted under regulation 13(3) (exemptions) must not exceed 5 years.
- (17) An International Load Line Exemption Certificate is subject to the renewal, endorsement, extension and cancellation procedures provided for an International Load Line Certificate under this regulation.
- (18) The duration of an International Load Line Exemption Certificate issued to a ship exempted under regulation 13(6) is limited to the single voyage for which it is issued.

23 Validity of approvals, exemptions, and equivalents

An approval required by the Load Lines Convention, or an exemption or equivalent permitted by the Load Lines Convention, is only valid if —

- (a) it is in writing;
- (b) it specifies the date on which it takes effect; and
- (c) for an approval or exemption, any conditions stated in it are complied with.

PART 3 – MANX SHIPS TO WHICH THE LOAD LINES CONVENTION DOES NOT APPLY

24 Manx ships to which the Load Lines Convention does not apply

- (1) Part 2 of these Regulations applies to a Manx ship to which the Load Lines Convention does not apply by virtue of its length, gross tonnage or by nature of its voyage, subject to paragraphs (2) to (4) and regulation 25 (exemption for a Manx ship to which the Load Lines Convention does not apply).
- (2) Regulation 10 (Load Lines Convention Annex III - form of certificates) and regulation 21 (issue or endorsement of certificates by another government) do not apply to a Manx ship to which Part 2 of these Regulations applies by virtue of paragraph (1).
- (3) In the application of Part 2 under this regulation, a reference to an International Load Line Certificate or an International Load Line Exemption Certificate –
 - (a) in Part 2 of these Regulations; or
 - (b) in the Load Lines Convention Annex I or the Load Lines Convention Annex II, as they are applied to Manx ships by regulations 7 to 9,is to be read as a reference to a Manx Load Line Certificate or a Manx Load Line Exemption Certificate respectively.
- (4) To avoid doubt, nothing in this Part shall be taken to apply any of the provisions of these Regulations to a vessel specified in regulations 4(4) or 4(5).

25 Exemption for a Manx ship to which the Load Lines Convention does not apply

- (1) The Department may exempt a Manx ship to which the Load Lines Convention does not apply by virtue of its length, gross tonnage or by nature of its voyage from all or any of the provisions of these Regulations applicable to such a ship under regulation 24(1) –
 - (a) as may be specified in a Manx Load Line Exemption Certificate;
 - (b) on such terms (if any) as it may so specify; and

- (c) subject to giving reasonable notice, may alter or cancel any such exemption.
- (2) An exemption issued under paragraph (1) is only valid if –
 - (a) it is in writing;
 - (b) it specifies the date on which it takes effect; and
 - (c) any conditions stated in it are complied with.

PART 4 – FOREIGN SHIPS

26 Requirement for a foreign ship to comply with the Load Lines Convention Annex I – regulations for determining load lines

- (1) Subject to paragraphs (2) to (5), a foreign ship must comply with such of the requirements of the Load Lines Convention Annex I as is applicable to a ship of its description.
- (2) A foreign ship constructed before 21 July 1968 which does not fully comply with the Load Lines Convention Annex I must comply with the requirements applicable to such ships engaged on international voyages under the law in force immediately before 21 July 1968⁶.
- (3) If a foreign ship constructed before 21 July 1968 requires a reduction in freeboard, that ship must comply with the requirements applicable to ships constructed on or after 21 July 1968 under the Load Lines Convention Annex I.
- (4) A foreign ship constructed on or after 21 July 1968 but before 1 January 2005 must comply with the requirements of the Load Lines Convention Annex I which were applicable to such ships engaged on international voyages as they applied immediately before 1 January 2005⁷.
- (5) Any amendment to the Load Lines Convention Annex I 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.

27 Requirement for a foreign ship to comply with the 2008 IS Code

In accordance with the Load Lines Convention Annex I, regulation 1(3)(b) (strength and intact stability of ships), a foreign ship constructed on or after 1 July 2010 must comply with the requirements of Part A of the 2008 IS Code.

⁶ Part II of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (1932 c. 9) as applied by the Merchant Shipping Load Line Convention (Isle of Man) Order 1935 (S.R. & O. 1935 No.714)

⁷ Load Lines Convention Annex I up to and including amendments made by IMO resolution A.784 (19)

28 Load Lines Convention Annex II — zones and areas for a foreign ship

- (1) In accordance with Article 11 (zones and areas), a foreign ship (in the territorial waters of the Island) must comply with the requirements applicable to that ship under the Load Lines Convention Annex II in the zones and areas applicable to the territorial waters of the Island.
- (2) For the purposes of paragraph (1), the zones and areas applicable to the territorial waters of the Island are specified in the Load Lines Convention Annex II.

29 Load Lines Convention Annex III — form of certificates for a foreign ship

- (1) In accordance with Article 18 (form of certificates), an International Load Line Certificate or, where appropriate, an International Load Line Exemption Certificate must be in the form prescribed in the Load Lines Convention Annex III.
- (2) The certificates specified in paragraph (1), if not written in English or French, must be accompanied by a translation into one of those languages.

30 Foreign ship — prohibition on proceeding to sea

- (1) Subject to paragraph (2), a foreign ship must not proceed, or attempt to proceed, to sea from a port in the Island unless –
 - (a) it has been surveyed in accordance with the applicable requirements of the Load Lines Convention;
 - (b) it is marked with the appropriate marks in accordance with the applicable requirements of the Load Lines Convention;
 - (c) it complies with the conditions of assignment applicable to it in accordance with the Load Lines Convention; and
 - (d) the information required under the Load Lines Convention Annex I, regulation 10 (information to be supplied to the master), is provided by the company of the ship to the master.
- (2) Paragraph (1) does not apply to a foreign ship in respect of which a valid International Load Line Convention Certificate or, where appropriate, a valid International Load Line Exemption Certificate is produced.

31 Force majeure relating to a foreign ship

In accordance with Article 7 (force majeure), in applying the provisions of the Load Lines Convention the Department must give due consideration to any deviation or delay caused to a foreign ship owing to stress of weather or any other cause of force majeure.

32 Submersion of load lines on a foreign ship

- (1) In accordance with Article 12(1) (submersion), the appropriate load lines on the sides of a foreign ship must not be submerged when the foreign ship puts to sea from a port in the Island, whilst the foreign ship is on a voyage in the territorial waters of the Island or on arrival to a port in the Island.
- (2) For the purposes of paragraph (1), the appropriate load lines are those corresponding to the season of the year and the area or zone applicable to the territorial waters of the Island in accordance with the Load Lines Convention Annex II.

33 Control of foreign ships holding a valid Convention Certificate

- (1) In accordance with Article 21 (control), a foreign ship in a port of the Island holding an International Load Line Certificate or an International Load Line Exemption Certificate issued under Article 16 (issue of certificates) or Article 17 (issue or endorsement of certificates by another government) is subject to the control of an inspector.
- (2) The control an inspector may exercise under paragraph (1) is exercisable so far as is reasonable and practicable for the purpose of verifying whether or not there is on board that ship a valid International Load Line Certificate or International Load Line Exemption Certificate (as the case may be) relating to it.
- (3) In accordance with Article 21, if there is a valid International Load Line Certificate on board the ship, such control is 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) or (b) (duration and validity of certificates) that the ship is manifestly unfit to proceed to sea without danger to human life.
- (4) In accordance with Article 21, if there is a valid International Load Line Exemption Certificate on board the ship, such control is limited to determining that any conditions stipulated in that certificate are complied with.
- (5) If control is exercised 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.
- (6) For the purposes of paragraph (2), an inspector may accept any certificate that the inspector considers to be equivalent to an International Load Line Certificate or an International Load Line Exemption Certificate, if the flag

State of the foreign ship is not a Party to the 1966 Convention or the Load Lines Convention.

- (7) In the event of the control provided for under this regulation giving rise to intervention of any kind, the inspector carrying out the control must immediately inform the Consul or the diplomatic representative of the State whose flag the ship is flying in writing of the intervention and of all the circumstances in which the intervention was deemed to be necessary.

34 Provisions relating to detention

- (1) A ship which, in contravention of regulation 30 (1)(a) or (b), proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been so surveyed and marked.
- (2) A 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) A ship which is so loaded so as to submerge the load line may be detained until it ceases to be so loaded.
- (4) All reasonable efforts must be made to avoid a foreign ship being unreasonably delayed or detained in any of the following circumstances—
 - (a) where an inspection is conducted under regulation 33;
 - (b) where control measures are taken in accordance with regulation 33;
 - (c) where measures are taken under paragraphs (1), (2) or (3).
- (5) Where a foreign ship is liable to be detained under regulation 33 or paragraphs (1), (2) or (3), section 74 of the Merchant Shipping Registration Act 1991 (detention of ships) has effect with the following modifications—
 - (a) in both subsections (1) and (2), after “any officer of the Department,” insert “or any inspector, ”;
 - (b) a reference to “inspector” in that section as modified means an inspector appointed under section 3 of the Merchant Shipping Act 1985; and
 - (c) in subsection (3), for “this Act” (wherever occurring) substitute “the Merchant Shipping (Load Lines) Regulations 2020”.

PART 5 – REPEALS, REVOCATIONS AND CONSEQUENTIAL AMENDMENTS

DIVISION 1 – REPEALS AND REVOCATIONS

35 Repeals

- (1) Sections 1 to 25, 27 to 32 and Schedule 1 of the Merchant Shipping (Load Lines) Act 1981 are repealed.
- (2) Section 16(2)(a)(vi) of the Merchant Shipping (Miscellaneous Provisions) Act 1996 is repealed.

36 Revocations

The following are revoked —

- (a) The Merchant Shipping (Load Line) Regulations 2000⁸; and
- (b) The Merchant Shipping (Load Line)(Amendment) Regulations 2001⁹.

DIVISION 2 - CONSEQUENTIAL AMENDMENTS

37 The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2018 amended

- (1) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2018¹⁰ are amended as follows.
- (2) In Schedule 1, in the table entitled ‘Regulations disapplied’ —
 - (a) omit the following entry —

“

SD492/00	Merchant Shipping (Load Line) Regulations 2000
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”; and

- (b) before the first entry, insert —

☐

SD 2020/0552	Merchant Shipping (Load Lines) Regulations 2020
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☐.

⁸ SD 492/00

⁹ SD 736/01

¹⁰ SD2018/0312

38 The Merchant Shipping (SOLAS Chapter II-1)(Ships constructed from 1 July 1986) Regulations 2016 amended

- (1) The Merchant Shipping (SOLAS Chapter II-1)(Ships constructed from 1 July 1986) Regulations 2016¹¹ are amended as follows.
- (2) In regulation 4 (interpretation), before the first definition insert —
 - “2008 IS Code” has the meaning given in regulation 3 (interpretation) of the Merchant Shipping (Load Lines) Regulations 2020¹²; **22**.
- (3) In regulation 7 (requirement to comply with SOLAS Chapter II-1)—
 - (a) number the existing paragraph “(1)”; and
 - (b) after paragraph (1) insert —
 - 23**(2) In accordance with SOLAS Chapter II-1, Part B-1, regulation 5(1), a ship constructed on or after 1 July 2010 must comply with the requirements of Part A of the 2008 IS Code as required by regulation 8(2) of the Merchant Shipping (Load Lines) Regulations 2020.¹³ **22**.

39 The Merchant Shipping (Additional Safety Measures for Bulk Carriers – SOLAS Chapter XII) Regulations 2006 amended

- (1) The Merchant Shipping (Additional Safety Measures for Bulk Carriers – SOLAS Chapter XII) Regulations 2006¹⁴ are amended as follows.
- (2) In regulation 2 (interpretation) —
 - (a) in the definition of “length” for the words “Merchant Shipping (Load Line) Regulations 2000” substitute **24**Load Lines Convention²²; and
 - (b) before the definition of “Manx ship” insert —
 - 25**“Load Lines Convention” has the meaning given by regulation 3 (interpretation) of the Merchant Shipping (Load Lines) Regulations 2020¹⁵; **22**; and
- (3) In regulation 4(4)(a) (damage stability requirements applicable to bulk carriers), for the words “Merchant Shipping (Load Line) Regulations 2000” (wherever appearing) substitute **26**Load Lines Convention²².

¹¹ SD 2016/0202

¹² SD 2020/0552

¹³ SD 2020/0552

¹⁴ SD 156/06

¹⁵ SD 2020/0552

40 The Merchant Shipping (Tonnage) Regulations 1998 amended

- (1) The Merchant Shipping (Tonnage) Regulations 1998¹⁶ are amended as follows.
- (2) In regulation 2 (interpretation) —
 - (a) omit the definition of “Load Line Rules”; and
 - (b) in the definition of “moulded draught” for the words “Load Line Rules” substitute **☒** Merchant Shipping (Load Lines) Regulations 2020¹⁷ **☒**.
- (3) In regulation 11 (change of net tonnage necessitating the issue of certificate) in paragraph (2) for the words “Load Line Rules” substitute **☒** Merchant Shipping (Load Lines) Regulations 2020¹⁸ **☒**.

41 The Merchant Shipping (Cargo Ship Construction) Regulations 1998 amended

- (1) The Merchant Shipping (Cargo Ship Construction) Regulations 1998¹⁹ are amended as follows.
- (2) In Part I regulation 2 (interpretation) in paragraph (1) —
 - (a) for the definition of “freeboard deck” substitute—

☒ “freeboard deck” has the meaning given by the Load Lines Convention; **☒**;
 - (b) for the definition of “length” substitute—

☒ “length” has the meaning given by the Load Lines Convention; **☒**;
 - (c) omit the definition “Load Line Rules”; and
 - (d) before the definition of “machinery alarm and control centre” insert—

☒ “Load Lines Convention” has the meaning given by regulation 3 (interpretation) of the Merchant Shipping (Load Lines) Regulations 2020²⁰; **☒**.
- (3) In Part III (stability of ships) —
 - (a) in regulation 13, (interpretation) in the definition of “deepest subdivision load line” for the words “Load Line Rules” substitute **☒** Merchant Shipping (Load Lines) Regulations 2020²¹ **☒**; and
 - (b) in regulation 16 (stability information) for paragraph (4) substitute —

¹⁶ SD 513/98¹⁷ SD 2020/0552¹⁸ SD 2020/0552¹⁹ SD 603/98²⁰ SD 2020/0552²¹ SD 2020/0552

- 4(a) The information required to be supplied by this regulation must before it is supplied to the master be submitted for approval to the Assigning Authority.
- (b) In this paragraph “Assigning Authority” has the meaning given by regulation 3 (interpretation) of the Merchant Shipping (Load Lines) Regulations 2020. 22.

42 The Merchant Shipping (Demise Charter Register) Regulations 1991 amended

- (1) The Merchant Shipping (Demise Charter Register) Regulations 1991²² are amended as follows.
- (2) In Schedule 2, Part I (in the table entitled “Application of provisions of Acts of Tynwald and of Parliament”) omit the following entry —

1981 c.24	Merchant Shipping (Load Lines) Act 1981	The Whole Act
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- (3) In Schedule 2, Part II (in the table entitled “Application of Subordinate Legislation”) omit the following entry —

232/84	Merchant Shipping (Load Lines) (Modification) Order 1984	The Whole Order
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43 The Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 as applied to the Island amended

- (1) The Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984²³ (as they have effect in the Island) are amended as follows.
- (2) In Part I (general) regulation 1(2) (citation, commencement, interpretation and application) —
- (a) for the definition of “freeboard deck” substitute —
- “freeboard deck” has the meaning given by the Load Lines Convention; 24;
- (b) before the definition of “machinery space” insert—

²² GC 394/91

²³ SI 1984 No. 1216 as applied to the Island by GC38/85 Merchant Shipping (Safety Provisions) (Application) Order 1985 and as amended.

“Load Lines Convention” has the meaning given by regulation 3 (interpretation) of the Merchant Shipping (Load Lines) Regulations 2020; ²⁴; and

(c) for the definition of “Summer load water line” substitute —

“Summer load water line” means the waterline which corresponds to the Summer load line of the ship; ²⁵;

(3) In Part IIA (watertight subdivision) —

(a) in regulation 20 (openings in the shell plating below the margin line) in sub-paragraphs 4(b)(ii) and 4(c)(iii) for the words “Merchant Shipping (Load Lines) (Length of Ship) Regulations 1968” (wherever occurring) substitute “Load Lines Convention”; and

(b) in regulation 25 (subdivision load lines) —

(i) in paragraph (1), omit the words “for any ship to which the Merchant Shipping (Load Lines) Act 1981 (an Act of Tynwald) applies and 300 millimetres in length for any other ship”; and

(ii) in paragraph (3), for the words “Merchant Shipping (Load Line) Rules 1968” substitute “Merchant Shipping (Load Lines) Regulations 2020²⁴”.

44 The Merchant Shipping (Passenger Ship Construction) Regulations 1980 as applied to the Island amended

(1) The Merchant Shipping (Passenger Ship Construction) Regulations 1980²⁵ (as they have effect in the Island) are amended as follows.

(2) In regulation 23 (subdivision load lines), in paragraph (1) omit the words “for any ship to which the Merchant Shipping (Load Lines) Act 1981 (an Act of Tynwald) applies and 305 millimetres in length for any other ship”.

45 The Merchant Shipping (Crew Accommodation) Regulations 1978 as applied to the Island amended

(1) The Merchant Shipping (Crew Accommodation) Regulations 1978²⁶ (as they have effect in the Island) are amended as follows.

(2) In regulation 6 (general) paragraph (1), for the words “provisions of rules made under section 2 of the Merchant Shipping (Load Lines) Act 1967” substitute “Merchant Shipping (Load Lines) Regulations 2020”.

²⁴ SD 2020/0552

²⁵ SI 1980 No. 535 as applied to the Island by GC38/85 Merchant Shipping (Safety Provisions) (Application) Order 1985 and as amended.

²⁶ SI 1978 No. 795 as applied to the Island by GC168/80 Merchant Shipping (Masters and Seamen)(Application) Order 1980 and as amended.

- (3) In Schedule 6 (crew accommodation requirements for existing ships) paragraph 1(1), (position of crew accommodation) for the words “provisions of rules made under section 2 of the Merchant Shipping (Load Lines) Act 1967” substitute **“Merchant Shipping (Load Lines) Regulations 2020”**.

MADE 27 November 2020

LAURENCE SKELLY
Minister for Enterprise

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations give effect to the International Convention on Load Lines 1966 as modified by the 1988 Protocol (“the Load Lines Convention”), and including all amendments up to and including those adopted by IMO Resolution A.1083(28) on 4 December 2013 which came into force on 28 February 2018.

The Load Lines Convention applies to ships of either 24m or more in length or 150gt or above (depending on the ship’s keel laying date), which engage on international voyages. In order to provide a regulatory regime for Manx commercial vessels to which the Load Lines Convention does not apply by virtue of their length, gross tonnage or nature of their voyage, Part 3 of these Regulations require these ships to comply with the Load Lines Convention as if the Convention did apply to them. However, in order to apply the Load Lines Convention practically to these types of ships, an exemption clause is included so a ship may be exempt from any or all of the requirements of the regulations under certain conditions.

The Load Lines Convention contains Annex A (Articles of the Convention), and Annex B which itself consists of 4 Annexes as follows —

Annex I contains the regulations for determining the load lines and is divided into four chapters —

Chapter I - general regulations concerning application;

Chapter II - conditions of assignment of freeboard;

Chapter III - freeboards, and

Chapter IV - special requirements for timber freeboards.

Annex II prescribes zones, areas and seasonal periods.

Annex III prescribes the forms of certificates required by the Load Lines Convention.

Annex IV prescribes audit procedures for flag States.

Ship stability requirements are regulated by the Load Lines Convention and by Chapter II-1 of the International Convention for the Safety of Life at Sea 1974 (SOLAS). Both Conventions require all ships of 24m in length and upwards, constructed on or after 1st July 2010, to comply with the requirements of Part A of the International Code on Intact Stability 2008 (“2008 IS Code”). The requirement to comply with the 2008 IS Code is given effect by regulation 8 of these Regulations.

Subject to regulation 4(4), these Regulations apply to Manx ships wherever they may be and to foreign ships in the territorial waters of the Island and come into operation on 18 December 2020.

These Regulations revoke and replace the Merchant Shipping (Load Line) Regulations 2000 and the Merchant Shipping (Load Line)(Amendment) Regulations 2001. In addition, the substantive provisions of the Merchant Shipping (Load Line) Act 1981 are repealed (sections 1-25, 27-32 and Schedule 1).

Copies of this document and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department for Enterprise, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX and can be accessed via the website: <http://www.iomshipregistry.com>

The International Convention on Load Lines, its Protocol, IMO resolutions and circulars can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR and can be accessed via their website: <http://www.imo.org>