
THE MERCHANT SHIPPING SAFETY CONVENTION (GUERNSEY)
NO. 1 ORDER, 1935.

1935 No. 562

At the Court at Buckingham Palace, the 6th day of June, 1935.

PRESENT,

The King's Most Excellent Majesty.

Lord President.	Sir George H. Murray.
Marquess of Linlithgow.	Sir Tej Bahadur Sapru.
Lord Steward.	Mr. Attlee.
Secretary Sir Samuel Hoare.	Mr. Hore-Belisha. Captain R. C. Bourne.

22 & 23 Geo.
5. c. 9.

Whereas by subsection (1) of Section 36 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, (hereinafter referred to as "the Act") it is provided that His Majesty may by Order in Council direct that the provisions of Part I of the Act and (so far as may appear to His Majesty to be expedient for the purpose of giving effect to the provisions of Part I of the Act) the provisions of any other Act relating to Merchant Shipping, including any enactments for the time being in force amending or substituted for the provisions of Part I of the Act

(a) S.R. & O. 1932 No. 917, p. 302 above.

or of any other such Act, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any Colony :

And whereas, by virtue of an Order in Council dated the tenth day of November, nineteen hundred and thirty-two,^(a) made in pursuance of Section 39 of the Act, Part I of the Act came into operation in the United Kingdom on the first day of January, nineteen hundred and thirty-three :

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the said subsection (1) of Section 36, is pleased, by and with the advice of His Privy Council, to direct, and it is hereby directed, as follows :—

1. The provisions of Part I of the Act set out in the First Schedule hereto as adapted and modified therein shall extend to the Bailiwick of Guernsey.

2. The provisions of Section 9 of the Merchant Shipping Act, 1906, set out in the Second Schedule hereto as adapted and modified therein, and of the Merchant Shipping (Wireless Telegraphy) Act, 1919, set out in the Third Schedule hereto as adapted and modified therein, shall extend to the Bailiwick of Guernsey.

6 Edw. 7.
c. 48.

9 & 10 Geo.
5. c. 38.

3. This Order shall come into operation on the first day of July, nineteen hundred and thirty-five.

4. This Order may be cited as the Merchant Shipping Safety Convention (Guernsey) No. 1 Order, 1935.

M. P. A. Hankey.

THE FIRST SCHEDULE TO THE ORDER

PART I OF THE MERCHANT SHIPPING (SAFETY AND LOAD LINE CONVENTIONS) ACT, 1932

CONSTRUCTION AND SURVEYS

2.—(1) A declaration of survey made by a ship surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (d) of subsection (3) of section six of the Act of 1915, state the voyages or class of voyages on which, as regards construction and equipment, the steamer is in the surveyor's judgment fit to ply.

Amendments
as to declara-
tions of
survey.

(2) A declaration of survey made by an engineer surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (e) of subsection (4) of the said section six of the Act of 1915, state the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply.

(3) If in the judgment of any such surveyor a passenger steamer is fit to ply on international voyages while engaged in a special passenger trade only, his declaration of survey shall state that fact.

3.—(1) The owner or master of a passenger steamer to which this section applies shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Supervisor containing full particulars of the alteration, and, if notice is not so given, the owner

Alteration of
ships and
additional
surveys.

(a) S.R. & O. 1932 No. 917, p. 302 above.

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or master of the steamer shall for each offence be liable to a fine not exceeding fifty pounds.

(2) If the Supervisor has reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies—

- (a) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamer ; or
- (b) the hull, equipments or machinery of the steamer have sustained any injury or are otherwise insufficient ;

the Supervisor may, without prejudice to his powers under section thirteen of the Act of 1915, require the steamer to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any certificate issued in respect of the steamer under section eight of the Act of 1915 or under this Part of this Act.

(3) This section applies to every passenger steamer registered in the Bailiwick, in respect of which any such certificate as aforesaid has been issued by the Supervisor and is for the time being in force, and for the purpose of this section the expression "alteration" in relation to the hull, equipments or machinery of a steamer includes the renewal of any part thereof.

LIFE-SAVING APPLIANCES

Amendments
of Act of 1915
as to
Life-Saving
Appliances.

5.—(2) Subsection (1) of section twenty-four of the Act of 1915 (which imposes penalties for failure to comply with the rules for life-saving appliances) shall be amended by inserting after paragraph (d) thereof the following paragraph :—

"(e) if any provision of the rules for life-saving appliances applicable to the ship is contravened or not complied with."

(3) The following section shall be substituted for section twenty-five of the Act of 1915 :—

"25.—(1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in her case, and for the purpose of any such inspection shall have all the powers of a Board of Trade Inspector under this Act.

(2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules have not been complied with, and what, in his opinion, is required to rectify the matter.

(3) Every notice so given shall be communicated in manner directed by the Supervisor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified."

(4) Subsection (4) of section six of the Act of 1915 (which relates to the statements to be made in the declaration of survey made by an engineer surveyor) shall be amended by substituting in paragraph (c) thereof the words "appliances for the prevention, detection and extinction of fire" for the words "fire hose," and subsection (2) of section eighteen of the Act of 1915 shall cease to have effect.

WIRELESS TELEGRAPHY

Appointment
of wireless
telegraphy
surveyors.

8. A person appointed by the Board of Trade under section sixty-one of the Act of 1915 to be a surveyor of ships may be appointed as a wireless telegraphy surveyor.

Prevention of Accidents (Safety Convention Provisions) (Guernsey)

9.—(1) The surveys of a passenger steamer required by the Act of 1915 shall, in the case of every survey made after the commencement of this Part of this Act in respect of a sea-going steamer which is not exempt under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick, from the obligations imposed by those provisions, include a survey by a wireless telegraphy surveyor, and accordingly subsection (1) of section six of the Act of 1915 shall be amended by inserting after the words “engineer surveyor of ships” the words “and, in the case of a sea-going passenger steamer required to be provided with a wireless telegraph installation, by a wireless telegraphy surveyor.”

Survey of passenger steamers by wireless telegraphy surveyors.

(2) The following subsection shall be inserted at the end of the said section six of the Act of 1915 :—

“(5) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars, namely :—

- (a) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply ;
- (b) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy rules ;
- (c) that the certificate of the wireless telegraphy operators and watchers are such as are required by those rules.”

(3) Section nine of the Act of 1915 (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be amended by inserting the words “or wireless telegraphy surveyor” after the words “engineer surveyor” in both places where they occur.

10. The owner of every British ship of sixteen hundred tons gross tonnage or upwards registered in the Bailiwick, not being a passenger steamer or a ship exempt under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick, from the obligations imposed by those provisions, shall, before the ship first proceeds to sea on an international voyage from a port in the Bailiwick after the expiration of twelve months from the commencement of this Part of this Act and once in each year thereafter, cause the ship to be surveyed by a wireless telegraphy surveyor in the same manner as if she were a passenger steamer required to be provided with a wireless telegraph installation, and the provisions of sections six, seven and nine of the Act of 1915 shall apply accordingly.

Survey of ships other than passenger steamers by wireless telegraphy surveyors.

CERTIFICATES

11.—(1) If the Supervisor, on receipt of declarations of survey in respect of a passenger steamer, is satisfied that the steamer complies with all the construction regulations, rules for life-saving appliances and wireless telegraphy rules applicable to passenger steamers plying on international voyages, the Supervisor shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention, and any certificate issued under this subsection is hereafter in this part of this Act referred to as “a general safety certificate.”

Issue of safety certificates and passenger steamers' exemption certificates.

(2) If, on receipt of declarations of survey in respect of a passenger steamer plying on short international voyages, the Supervisor is satisfied that the steamer complies with the construction regulations and the rules for life-saving appliances applicable to such steamers and also complies with the wireless telegraphy rules applicable to steamers plying on international voyages, the Supervisor shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention applicable to a short international voyage, and any certificate issued under this subsection

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is hereafter in this Part of this Act referred to as "a short voyage safety certificate."

(3) If the Supervisor, on receipt of declarations of survey in respect of a passenger steamer, is satisfied that the steamer—

- (a) complies with all the construction regulations and rules for life-saving appliances applicable to passenger steamers plying on international voyages or with such of those regulations and rules as are applicable to steamers plying on short international voyages, and also is exempt under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick, from the obligations imposed by those provisions ;

the Supervisor shall, on the application of the owner of the steamer, issue in respect of the steamer—

- (i) a safety certificate stating in what respects the steamer complies with the requirements of the Safety Convention ; and
(ii) an exemption certificate stating that so long as the steamer plies on the voyages, and is engaged in the trades, and complies with the conditions (if any) specified in the certificate, the steamer is exempt in other respects from the requirements of the said Convention ;

and any safety certificate and exemption certificate issued under this subsection are hereafter in this Part of this Act respectively referred to as "a qualified safety certificate" and "a passenger steamer's exemption certificate."

(4) For the purposes of this section the Supervisor may treat—

- (a) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one (not being a steamer converted to passenger service on or after that date) as complying with the construction regulations applicable in the circumstances ; and
(b) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, as complying with the rules for life-saving appliances applicable in the circumstances ;

if the Surveyor is satisfied that such steps (if any) as are reasonable and practicable have been taken to make the steamer comply with those regulations or rules, as the case may be.

(5) The provisions of this section shall, subject to the provisions hereafter contained in this Part of this Act, apply only to British passenger steamers registered in the Bailiwick.

Modification of safety certificates as respects life-saving appliances.

12.—(1) If, on any international voyage, a British passenger steamer registered in the Bailiwick in respect of which a safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Supervisor, or any person authorised by him for the purpose, may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(2) Every such memorandum shall be returned to the Supervisor at the end of the voyage to which it relates, and, if it is not so returned, the master of the steamer shall be liable to a fine not exceeding twenty pounds.

Issue of wireless telegraphy certificates and wireless telegraphy exemption certificates.

13.—(1) On receipt of a declaration of survey by a wireless telegraphy surveyor in respect of a British ship registered in the Bailiwick not being a passenger steamer, the Supervisor shall, if satisfied that the ship complies with the wireless telegraphy rules applicable to ships (other than passenger steamers) plying on international voyages, issue a certificate stating that the ship complies with the requirements of the Safety Convention relating to wireless telegraphy, and any certificate issued under this subsection is

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hereafter in this Part of this Act referred to as "a wireless telegraphy certificate."

(2) Where any such ship is exempted under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick from the obligations imposed by those provisions, the Supervisor, on the application of the owner of the ship, shall issue an exemption certificate stating that the ship is exempted from the requirements of the Safety Convention relating to wireless telegraphy and specifying the voyages on which, and conditions (if any) on which, the ship is so exempted, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy exemption certificate."

14.—(1) No ship to which this section applies shall proceed to sea on an international voyage from a port in the Bailiwick after the expiration of twelve months from the commencement of this Part of this Act, unless there is in force in respect of the ship—

Prohibition on proceeding to sea without certificate.

(a) in the case of a ship being a passenger steamer, either—

- (i) a general safety certificate ; or
- (ii) a short voyage safety certificate ; or
- (iii) a qualified safety certificate and passenger steamer's exemption certificate ;

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged ;

(b) in the case of a ship not being a passenger steamer, either—

- (i) such certificate or certificates as would be required in her case by the foregoing provisions of this section if she were a passenger steamer ; or
- (ii) a wireless telegraphy certificate ; or
- (iii) a wireless telegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.

(2) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—

(a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, or under the Act of 1915, be liable for each offence to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the master or owner of any tender by means of which passengers are taken on board the steamer shall for each offence be liable to a like penalty for every passenger so taken on board ; and

(b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(3) The master of every ship to which this section applies shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage, the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.

(4) Where a passenger steamer's exemption certificate or wireless telegraphy exemption certificate issued in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(5) This section applies to British ships registered in the Bailiwick, being passenger steamers or being ships of sixteen hundred tons gross tonnage or upwards.

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Miscellaneous provisions as to certificates.

15.—(1) A safety certificate, wireless telegraphy certificate, or exemption certificate issued by the Supervisor shall not be in force for more than one year from the date of its issue, nor after notice is given by the Supervisor to the owner, agent, or master of the ship in respect of which it has been issued, that the Supervisor has cancelled the certificate.

(2) If a British ship registered in the Bailiwick in respect of which any such certificate has been issued, is absent from the Bailiwick at the date when the certificate expires, the Supervisor, or any person authorised by him for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to the Bailiwick, but no such extension shall have effect for a period exceeding five months from the said date.

(3) Every such certificate shall be issued in such form as is prescribed by Rules made by the Board of Trade under the Merchant Shipping Acts for that purpose and a safety certificate may be combined in one document with a passenger steamer's certificate.

(4) Any such certificate and any passenger steamer's certificate combined in one document with a safety certificate, may be signed on behalf of the Supervisor by any person authorised by the Supervisor for the purpose, and a certificate purporting to be so signed shall be admissible in evidence.

(5) The following provisions of the Act of 1915 shall apply to and in relation to every such certificate issued by the Supervisor in the same manner as they apply to and in relation to a passenger steamer's certificate, namely, section ten (which relates to the transmission of the certificate to the owner of the steamer), section eleven (which relates to the fees to be paid for the certificate), section thirteen (which relates to the cancellation of the certificate), section fourteen (which relates to the delivery up of the certificate) and section fifteen (which relates to the posting up of the certificate on the ship).

PROVISIONS AS TO SAFETY CONVENTION SHIPS NOT REGISTERED IN THE UNITED KINGDOM

Certificates of Convention ships not registered in United Kingdom.

16.—(2) For the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in the United Kingdom, the expression "a valid Safety Convention certificate" means a certificate or certificates complying with such of those regulations made by the Board of Trade under the Merchant Shipping Acts with respect to the validity of certificates purporting to have been issued in accordance with the Safety Convention as are applicable in the circumstances.

(3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in the United Kingdom, and there is attached to the certificate a memorandum which—

(a) has been issued by or under the authority of the Government of the country to which the steamer belongs ; and

(b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances ;

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Modifications as to survey of passenger steamers holding Convention certificate.

17.—(1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

(a) the provisions of the Act of 1915 and of this Act as to the survey of passenger steamers by engineer and wireless telegraphy surveyors shall be deemed to have been complied with in the case of the steamer ;

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- (b) the survey by the ship surveyor shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the declaration of survey made by that surveyor to contain a statement of any further particulars than those set out in paragraph (e) of subsection (3) of section six of the Act of 1915 (which relates to the said number of passengers) ;
- (c) on receipt of such a declaration, the Supervisor shall issue a certificate under section eight of the Act of 1915 containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.

(2) Where there is produced in respect of any such passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs showing the number of passengers which the steamer is fit to carry, and the Supervisor is satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in the United Kingdom, the Supervisor may if he thinks fit dispense with the survey of the steamer mentioned in the last foregoing subsection and direct that the last mentioned certificate shall have effect as a passenger steamer's certificate.

18. Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

Miscellaneous privileges of passenger steamers holding Convention certificate.

- (a) the steamer shall be exempt from the provisions of sections twenty-two to twenty-five of the Act of 1915 ; and
- (b) the steamer shall not be deemed to be unsafe for the purposes of sections forty-two or forty-five of the Act of 1915 by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

19.—(1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—

Wireless telegraphy provisions applicable to ships holding Convention certificate.

- (a) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick.
- (b) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the following provisions of this section shall apply to the ship in lieu of the provisions of the said Act.

(2) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.

(3) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.

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(4) Every notice so given shall be communicated in manner directed by the Supervisor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire and to the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and a clearance or transire shall not be granted to the ship, and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

Duty to produce Convention certificate.

20. The master of every Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, shall produce a valid Safety Convention certificate to the officer of customs, from whom a clearance for the ship is demanded in respect of an international voyage from a port in the Bailiwick after the expiration of twelve months from the commencement of this Part of this Act, and a clearance shall not be granted, and the ship may be detained, until such a certificate is so produced.

Modification of existing provisions for exemption of foreign ships.

21.—(1) The proviso to section twenty-six of the Act of 1915 (which provides for the exemption, in certain circumstances, of foreign ships from the provisions of the Principal Act relating to life-saving appliances) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

MISCELLANEOUS PROVISIONS FOR FURTHERING SAFETY OF LIFE AT SEA

Duties as to watertight doors and other contrivances.

22. The rules set out in the Third Schedule to this Act with respect to watertight doors and other contrivances shall be complied with in every British passenger steamer registered in the Bailiwick, and if any of the said rules is contravened in the case of any such steamer, the master thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

Submersion of subdivision load lines.

23.—(1) Where—

(a) a British passenger steamer registered in the Bailiwick has been marked with subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers ; and

(b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of Part II of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, in force in the Bailiwick to be loaded ;

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

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(5) The foregoing provisions of this section shall apply to passenger steamers not registered in the Bailiwick, while they are within any port in the Bailiwick, as they apply to British passenger steamers registered in the Bailiwick.

24.—(1) The master of any British ship registered in the Bailiwick, on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with the rules made by the Board of Trade under the Merchant Shipping Acts with respect to navigational warnings, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

Report of dangers to navigation.

(3) If the master of a ship fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4) Every person in charge of a wireless telegraph station which is under the control of the Postmaster General, or which is established or installed under licence of the Postmaster General, shall, on receiving the signal prescribed by the said rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Board of Trade, shall transmit the message in such manner as may be required by the Board, and compliance with this subsection shall be deemed to be a condition of every licence granted by the Postmaster General under the Wireless Telegraphy Act, 1904 :

4 Edw. 7.
c. 24.

Provided that nothing in this subsection shall interfere with the transmission by wireless telegraphy of any signal of distress or urgency prescribed by His Majesty in Council under the Merchant Shipping Acts, as a signal of distress or urgency.

(5) For the purposes of this section, the expression "tropical storm" means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

25.—(3) If the master of a ship uses or displays or causes or permits any person under his authority to use or display—

Provisions as to signals.

(a) any signal prescribed by His Majesty in Council under the Merchant Shipping Acts, as a signal of distress or urgency except in the circumstances and for the purposes prescribed by the rules made by the Board of Trade under the Merchant Shipping Acts with respect to distress signals ; or

(b) any private signal, whether registered or not, which is liable to be mistaken for any signal so prescribed by Order in Council ;

he shall for each offence be liable to a fine not exceeding fifty pounds and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

26.—(1) The master of a British ship registered in the Bailiwick, on receiving on his ship a signal of distress by wireless telegraphy from any other ship, shall proceed with all speed to the assistance of the persons in distress, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.

Obligation to render assistance on receiving wireless distress call.

(2) The master of any ship in distress may, after consultation so far as possible with the masters of the ships which answer his signal of distress, requisition such one or more of those ships as he considers best able to

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render assistance, and it shall be the duty of the master of any British ship registered in the Bailiwick, which is so requisitioned, to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed by the master of the ship requisitioned, or where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.

(4) A master shall be released from the obligation imposed by subsection (1) of this section and, if his ship has been requisitioned, from the obligation imposed by subsection (2) of this section, if he receives information that assistance is no longer required.

(5) If the master of a British ship registered in the Bailiwick fails to comply with the foregoing provisions of this section, he shall be guilty of a misdemeanour.

(6) If the master of a British ship registered in the Bailiwick, on receiving on his ship a signal of distress by wireless telegraphy from another ship, is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of that other ship accordingly, and enter in the official log-book his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding one hundred pounds.

1 & 2 Geo. 5.
c. 57. (7) Nothing in this section shall affect the provisions of section six of the Maritime Conventions Act, 1911, and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

Signalling
lamps.

27. No British ship registered in the Bailiwick, being a ship of over one hundred and fifty tons gross tonnage, shall proceed to sea on an international voyage, unless the ship is provided with a signalling lamp of a type approved by the Board of Trade, and if any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine not exceeding twenty pounds.

Carriage of
dangerous
goods.

28.—(2) If any of the rules with respect to the carriage of goods on passenger steamers plying on international voyages made by the Board of Trade under the Merchant Shipping Acts is contravened in the case of any British passenger steamer registered in the Bailiwick, the master or owner of the steamer shall for each offence be liable to a fine not exceeding three hundred pounds, and the steamer shall be deemed for the purposes of section forty-two of the Act of 1915 to be unsafe by reason of improper loading.

(4) The provisions of this section shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so however that nothing in this section shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.

(5) The foregoing provisions of this section and the rules made thereunder shall apply to passenger steamers not registered in the Bailiwick, while they are within any port in the Bailiwick, as they apply to British passenger steamers registered in the Bailiwick.

Careful
navigation
near ice.

30.—(1) The master of a British ship registered in the Bailiwick, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.

(2) If the master of any such ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

SUPPLEMENTAL

33. For the purposes of Part II of the Act of 1915, the expression "passenger" shall not include any person who is on board a ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled, and accordingly section four of the Act of 1915 shall be amended by inserting after the words "family and servants" the words "and persons on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled."

Amendment
of s. 4 of the
Act of 1915.

38.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

General.

"Act of 1915" means the Law entitled "Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey" registered on the records of the Island of Guernsey on the sixth day of June, nineteen hundred and sixteen ;

"Board of Trade" means the Lords of the Committee for the time being of H.M. Privy Council appointed for the consideration of matters relating to trade and foreign plantations ;

"Construction regulations" means such of the regulations made under section seven hundred and twenty-four of the Principal Act as prescribe the matters with respect to which a surveyor of ships must be satisfied before he states in a declaration of survey that a passenger steamer is fit to ply on any particular voyages or class of voyages specified in the regulations ;

"Contravention" includes, in relation to any provision, failure to comply with that provision, and the expression "contravenes" shall be construed accordingly ;

"Country to which the Safety Convention applies" means—

(a) a country the Government of which has been declared by His Majesty in Council to have ratified, or acceded to, the Safety Convention, and has not been so declared to have denounced that Convention ;

(b) a country to which it has been so declared that the Safety Convention has been applied under the provisions of Article sixty-two thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article ;

"Declaration of survey" means a declaration made under section six of the Act of 1915 ;

"International voyage" means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, "short international voyage" means an international voyage in the course of which a ship does not go more than two hundred miles from land, and "international coasting voyage" means an international voyage in the course of which a ship does not go more than twenty miles from land, so however that for the purpose of this provision—

(a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled ; and

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(b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country ;

“ Merchant Shipping Acts ” means the Merchant Shipping Acts, 1894 to 1928, and this Act ;

“ Misdemeanour ” shall have the meaning assigned to it in the Act of 1915 ;

“ Passenger ” has the same meaning as it has for the purpose of Part II of the Act of 1915 ;

“ Passenger steamer ” means a steamer carrying more than twelve passengers ;

“ Principal Act ” means the Merchant Shipping Act, 1894 ;

“ Rules for life-saving appliances ” means the rules made under section four hundred and twenty-seven of the Principal Act ;

“ Safety Convention ” means the Convention signed on behalf of the Government of the United Kingdom in London on the thirty-first day of May nineteen hundred and twenty-nine for promoting Safety of Life at Sea by establishing in common agreement uniform principles and rules directed thereto ;

“ Safety Convention ship ” means a ship belonging to a country to which the Safety Convention applies, and the expression “ Safety Convention passenger steamer ” shall be construed accordingly ;

“ Supervisor ” means the States Supervisor of the Island of Guernsey ;

“ Wireless telegraphy rules ” means the rules made under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919.

(2) Where any foreign ship is detained under this Act and where any proceedings are taken under this Act against the master or owner of any such ship notice shall forthwith be served on the Consular Officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

(3) Where a ship is detained in pursuance of any provision of this Act which provides for the detention of a ship until a certain event occurs, subsection (2) of section forty-three of the Act of 1915 (which makes provision as to the costs of the Supervisor of and incidental to the detention and survey of the ship) shall apply as if the ship had been finally detained within the meaning of that subsection.

(4) The provisions of section sixteen of the Act of 1915 (which imposes penalties for the forgery of passenger steamers' certificates) shall apply with respect to any certificate required for the purposes of this Act as they apply with respect to a passenger steamer's certificate.

(5) In this Act reference to a ship constructed before or after any date shall be construed as reference to a ship the keel of which has been laid before or after that date, as the case may be.

(6) Any references in this Act to any provision of the Merchant Shipping Acts, 1894 to 1928, which has been amended by any subsequent Act, including this Act, shall be construed as a reference to that provision as so amended.

Repeal.

39. The enactments set out in the Fourth Schedule to this Act shall be repealed, to the extent specified in the second column of that Schedule, as from the commencement of this Part of this Act.

THIRD SCHEDULE TO THE MERCHANT SHIPPING (SAFETY AND LOAD LINE CONVENTIONS) ACT, 1932

RULES WITH RESPECT TO WATERTIGHT DOORS AND OTHER CONTRIVANCES

1. The following contrivances shall be securely closed so as to be watertight before the steamer proceeds to sea, and shall always be kept closed while the steamer is at sea, that is to say :—

- (a) hinged watertight doors below the margin line, which are fitted in main transverse bulkheads dividing cargo between deck spaces ;
- (b) sidescuttles in any between deck space, wherein the sill of any side-scuttle which can be opened is below a line drawn on the side of the steamer parallel to the bulkhead deck and having its lowest point four and a half feet, in addition to two and a half per centum of the breadth of the steamer, above the water at the time when the steamer proceeds to sea ;
- (c) sidescuttles below the margin line which will not be accessible while the steamer is at sea, together with their dead-lights ;
- (d) gangway, cargo and coaling ports below the margin line.

Provided that in fair weather in tropical waters sub-paragraph (b) of this paragraph shall have effect as if “ three and a half feet ” were substituted for “ four and a half feet.”

For the purpose of this paragraph, a contrivance shall be deemed to be below the margin line if the sill thereof is below that line, and a sidescuttle mentioned in sub-paragraph (b) of this paragraph shall not be deemed to be closed unless it is locked.

2. Every watertight door fitted in a main transverse bulkhead, not being a door mentioned in sub-paragraph (a) of the last foregoing paragraph, shall be kept closed while the steamer is at sea except so far as it is necessary to open it for the working of the steamer, and when open shall be kept ready to be closed forthwith.

3. Every portable plate closing an opening in a bulkhead, being an opening which is wholly or partly below the margin line, shall be in place before the steamer proceeds to sea, and no such plate shall be removed at sea except in case of urgent necessity, and in replacing any such plate all reasonable precautions shall be taken to ensure that the joints are watertight.

4. The cover and valve of every ash-shoot, rubbish-shoot or other similar contrivance, having its inboard opening below the margin line, shall be kept securely closed when the contrivance is not in use.

5. The opening and closing of all such watertight doors and other contrivances as are mentioned in sub-paragraphs (a), (b) and (c) of paragraph 1 and paragraphs 2 and 4 of this Schedule, and of the closing mechanism of all scuppers having their inboard opening below the margin line, shall be practised once a week and also before the steamer proceeds to sea on any voyage which is likely to last more than a week :

Provided that while the steamer is at sea—

- (a) the opening and closing of all such watertight doors, which are in use and are hinged or operated by power, shall be practised daily ;
- (b) nothing in this paragraph shall be taken to authorise the opening of any watertight door or other contrivance which is required by paragraph 1 of this Schedule to be kept closed.

6. Every valve, the closing of which is necessary to make any compartment watertight, and every watertight door in a main transverse bulkhead and the mechanism and indicators connected therewith, shall be inspected at least once a week.

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7. A record shall be entered in the official log-book—

- (a) of the time of opening and closing every watertight door operated by power which is fitted between bunkers in the between decks below the bulkhead deck, every such portable plate as is mentioned in paragraph 3 of this Schedule and every such watertight door, and other contrivance as is mentioned in paragraph 1 of this Schedule ; and
- (b) of every occasion on which the opening and closing of watertight doors and other contrivances is practised on board the ship in pursuance of this Schedule ; and
- (c) of every occasion on which watertight doors and other contrivances have been inspected in pursuance of this Schedule.

8. In this Schedule the expressions “ bulkhead deck ” and “ margin line ” have the same meaning as in the construction regulations.

FOURTH SCHEDULE TO THE MERCHANT SHIPPING (SAFETY AND LOAD LINE CONVENTIONS) ACT, 1932

ENACTMENTS REPEALED

Short Title	Extent of Repeal
Act of 1915 	In section six, paragraph (d) of sub-section (3) and paragraph (e) of sub-section (4); sub-section (2) of section eighteen.

THE SECOND SCHEDULE TO THE ORDER

SECTION 9 OF THE MERCHANT SHIPPING ACT, 1906

(1) The master of every British ship registered in the Bailiwick of Guernsey shall enter or cause to be entered in the official log-book, a statement, or if there is no official log-book, cause a record to be kept, of every occasion on which boat drill is practised on board the ship, and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use, and if, in the case of a passenger steamer, boat drill is not practised on board the ship in any week, the master shall enter a statement of the reasons why boat drill was not practised in that week.

(2) The master shall, if and when required by any officer authorised by the Supervisor, produce for inspection any record kept by him for the purposes of this section.

(3) If the master of a ship fails to comply with any requirement of this section, he shall be liable on conviction for each offence to a fine not exceeding ten pounds.

THE THIRD SCHEDULE TO THE ORDER

THE MERCHANT SHIPPING (WIRELESS TELEGRAPHY) ACT, 1919

Wireless telegraphy requirements.

1.—(1) Every seagoing British ship registered in the Bailiwick being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph installation, and shall maintain a wireless telegraph service which shall be at least sufficient to comply with

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the Wireless Telegraphy Rules, and shall be provided with one or more certified operators and watchers, at least, in accordance with those rules :

Provided that the Supervisor may exempt from the obligations imposed by this Act any ships or classes of ships if the Board of Trade are of the opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph apparatus is unnecessary or unreasonable ; provided that the Supervisor shall not exempt any ship plying on International voyages from the said obligations unless the exemption of the ship appears to the Board of Trade to be authorised by paragraph 2 of Article 27, or by Article 28, of the Safety Convention.

(3) If this section is not complied with in the case of any ship, the master or owner of the ship shall be liable in respect of each offence to a fine not exceeding one hundred pounds.

(4) A surveyor of ships or a wireless telegraphy inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under the Act of 1915.

If the said surveyor or inspector finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

Every notice so given shall be communicated in the manner directed by the Supervisor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of any such surveyor or inspector is produced to the effect that the ship is properly provided with wireless telegraph installation and certified operators and watchers in conformity with this Act.

3. If the master of a British ship registered in the Bailiwick fails to comply with any requirement of the Wireless Telegraphy Rules requiring him to make entries in the official log-book, or if any operator or watcher on any such ship contravenes the said Rules, he shall for each offence be liable to a fine not exceeding ten pounds.

“ Wireless Telegraphy Rules ” means the Rules in respect of wireless telegraphy made by the Board of Trade under the Merchant Shipping Acts.

“ Safety Convention ” means the Convention signed on behalf of the Government of the United Kingdom in London on the thirty-first day of May, nineteen hundred and twenty-nine, for promoting Safety of Life at Sea by establishing in common agreement uniform principles and rules directed thereto.

“ Act of 1915 ” means the Law entitled “ Loi relative à la Marine Marchande dans le Bailliage de L’Ile de Guernesey ” registered on the records of the Island of Guernsey on the sixth day of June, nineteen hundred and sixteen.