

SAINT CHRISTOPHER AND NEVIS

THE MERCHANT SHIPPING (LOAD LINE) REGULATIONS 2006

The Minister of Public Works, Utilities, Transport & Posts, in exercise of the power conferred under section 221, Merchant Shipping Act No.24 of 2002 makes these regulations.

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PART I
GENERAL

Citation 1. These Regulations may be cited as the Merchant Shipping (Load Line) Regulations, 2006.

Interpretation
requires- 2. In these Regulations, unless the context otherwise

"Act" means Merchant Shipping Act, No.24 of 2002;

"alteration" includes deterioration;

"amidships" in relation to a ship means the middle of the ship's length (L);

"anniversary date" in relation to a certificate means the day and the month of each year which corresponds to the date of the expiry of the certificate:

"appropriate load line" means the load line directed to be marked on a ship pursuant to regulation 5(2)(b), or in a case of a ship not surveyed under these Regulations, pursuant to an International Load Line Certificate or an International Load Line Certificate (1966) which is in force, indicating the maximum depth to which the ship may be loaded in salt water in a particular zone or area and seasonal period:

"appropriate certificate" means -

- (a) in the case of a Convention-size ship, an International Load Line Certificate or an International Load Line Certificate (1966), and
- (b) in the case of any other ship, a Saint Christopher and Nevis Load Line Certificate;

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

"Assigning Authority" means the Minister or any person or organisation authorised by the Minister for the purposes of these Regulations;

"clearance" includes transire;

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

"Convention Country" has the meaning given to it by sections 219 and 248 of the Act;

"Convention-size" in relation to a ship, means in the case of an existing ship, of not less than 150 gross tons, ascertained in accordance with the law in force on 21st July 1968, and in the case of a new ship, of not less than 24 metres in length;

"Saint Christopher and Nevis Load Line Certificate" means a certificate issued under section 225 of the Act other than an International Load Line Certificate;

"Saint Christopher and Nevis Load Line Exemption Certificate" means a certificate issued under regulation 237 and 238;

"exclusive surveyor" means a surveyor appointed by and working exclusively for an Assigning Authority;

"Exemption Certificate" means an International Load Line Exemption Certificate or a Saint Christopher and Nevis Load Line Exemption Certificate;

"freeboard" means the distance measured vertically downwards at amidships from the upper edge of the deck-line described in regulation 12 to the position at which the upper edge of the load line appropriate to the freeboard is to be marked;

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

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

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

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

"length" and "L" in relation to a ship means the greater of the following distances-

- (a) 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or
- (b) the length from the fore-side of the stem to the axis of the rudder stock on that water line.

Where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length and the fore-side of the stem respectively shall be taken at the vertical projection to that waterline of the

aftermost point of the stem contour, above that waterline. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

"load line" means a mark on the ship indicating the maximum depth to which a ship may be loaded;

"material date" for the purposes of the definitions of a new and existing ship is-

- (a) in relation to a ship whose parent country is a Convention country other than Saint Christopher and Nevis, the date on which the 1966 Convention entered into force for that country; and
- (b) in relation to any other ship, 21 July 1968;

"moulded depth" in relation to a ship means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side, except that-

- (a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;
- (b) where the form at the lower part of the midship section of the ship is of a hollow character or where thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (c) in the case of a ship having rounded gunwales it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design; and
- (d) where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

"Near Coastal Voyage" is a voyage within the Caribbean Trading Area in the course of which the ship is at no time more than 150 miles from a safe port of refuge. And the Caribbean Trading Area is the area bounded by the east coasts of North, Central and South America; and a line from the east coast of the United States in latitude 32 ° 30'N to a point 20°N: 60 ° W, thence to a point 10°N: 50 °W, and thence south to the coast of South America.

"new ship" means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date: and "existing ship" means a ship which is not a new ship;

"non Saint Christopher and Nevis ship" means any ship other than a Saint Christopher and Nevis ship within the meaning of section 5 of the Act;

"parent country", in relation to a ship, means the country or territory in which the ship is registered or, where the ship is not registered anywhere, it means the country or territory whose flag the ship flies;

"pleasure vessel" has the same meaning as in the Act;

"rake of keel" means the inclination of the keel to a horizontal baseline;

"relevant entry into force date" means the date when the 1988 Protocol enters into force in respect of the Government of the parent country of the ship in question;

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

"surveyor" means a surveyor appointed by the Minister or an exclusive surveyor of any other Assigning Authority;

"watertight" in relation to any part of the ship, means capable of preventing the passage of water in any direction.

Application

3. These Regulations apply to Saint Christopher and Nevis ships, wherever they may be and to other ships while they are in Saint Christopher and Nevis waters, except-

- (a) ships of war;
- (b) ships solely engaged in fishing;
- (c) pleasure vessels.

PART II

SURVEYS AND CERTIFICATES

Survey and
Inspection of ships

4. (1) A Saint Christopher and Nevis ship shall be subject to the surveys specified below-

- (a) An initial survey before the ship is put into service, which shall include a complete inspection of its structure and equipment as required by these Regulations. This survey shall be such as to ensure that the arrangements, materials and scantlings comply fully with the requirements of these Regulations.
- (b) A renewal survey at intervals not exceeding five years, except where sub regulations (2)(a), (5), (6) or (7) of regulation 26 are applicable, which shall be such as to ensure that the structure, equipment, arrangements, materials and scantlings comply fully with the requirements of these Regulations.

- (c) An annual survey within the period of three months before or after each anniversary date of the appropriate certificate to ensure that-
 - (i) alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line;
 - (ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters are maintained in an effective condition;
 - (iii) the appropriate marks are correctly and permanently indicated; and
 - (iv) information is provided in accordance with regulations 24 and 25.

(2) The owner and master shall ensure that after any of the surveys referred to in sub regulation (1) has been completed, no material alteration is made to the ship, its structure and equipment, without the approval of the Assigning Authority.

(3) After a satisfactory annual survey referred to in sub regulation (1)(c), the surveyor shall endorse the International Load Line Certificate, the International Load Line Certificate (1966) or, as the case may be, the Saint Christopher and Nevis Load Line Certificate accordingly.

PART III

FREEBOARDS

5. (1) The Assigning Authority shall assign freeboards to a Saint Christopher and Nevis ship in accordance with the requirements of these Regulations.

Assignment of
freeboards

(2) The Assigning Authority shall-

- (a) determine the particulars of the freeboard to be assigned;
- (b) determine which of the load lines described in Part IV are to be marked on the sides of the ship in accordance with the requirements of that part;
- (c) determine the position where the load lines, the deck-line and the load line mark are to be so marked; and
- (d) complete a copy of the record of particulars relating to the conditions of assignment.

(3) Where a passenger ship is marked with subdivision load lines, and the lowest of those lines is lower than the line which is the appropriate load line then that subdivision load line shall have effect as if it is the appropriate load line for the purposes of these Regulations.

6. (1) The freeboards that can be assigned to a ship under these Regulations are-

Types of freeboard

- (i) the Summer freeboard;
- (ii) Tropical freeboard;
- (iii) Winter freeboard;

- (iv) Winter North Atlantic freeboard; and
- (v) Fresh Water freeboard and Tropical Fresh Water freeboard;

(2) In the case of ships carrying Timber the freeboards that can be assigned to them under these Regulations are-

- (i) Summer Timber freeboard;
- (ii) Winter Timber freeboard;
- (iii) Winter North Atlantic Timber freeboard;
- (iv) Tropical Timber freeboard;
- (v) Fresh Water Timber freeboard; and
- (vi) Tropical Fresh Water Timber freeboard.

Determination of freeboards

7. The freeboards assigned to a new ship shall be determined in accordance with the provisions of the First Schedule.

Greater than minimum freeboards

8. (1) A freeboard determined in accordance with regulation 8 is the minimum freeboard that may be assigned to the ship.

(2) (a) Subject to sub regulation (b) the Assigning Authority may, where it is satisfied that the ship complies with the requirements of these Regulations, assign freeboards, other than Timber freeboards, which exceed the minimum freeboards by such an amount as it may determine.

(b) Timber freeboards shall not be assigned to a ship to which greater than minimum freeboards have been assigned.

(3) Where a freeboard greater than the minimum is assigned to a ship and the load line appropriate to that freeboard corresponds to, or is lower than, the position at which the lowest of the load lines appropriate to minimum freeboards would be marked then-

- (a) load lines only appropriate to the greater than minimum Summer freeboard and Fresh Water freeboard shall be marked on the sides of the ship;
- (b) the load line appropriate to the greater than minimum Summer freeboard shall be known as the "All Seasons load line" and shall consist of the horizontal line intersecting the load line mark;
- (c) the vertical line described in regulation 14 shall be omitted;
- (d) subject to the provisions of sub regulation (c), the Fresh Water load line shall be as described in regulation 14 (1) and be marked accordingly.

Special position of deck-line: correction of freeboards

9. In any ship where the deck line is marked in accordance with regulation 12(3), the freeboards assigned to the ship shall be corrected to allow for the vertical distance by which the position of the deck-line is altered by virtue of that sub regulation. The reference point to which the deck-line has been so marked, and the identity of the deck which has been taken as the freeboard deck, shall be specified in the appropriate certificate issued in respect of the ship.

Determination of freeboard deck

10. The freeboard deck shall be the deck from which the freeboards assigned to the ship are calculated, being-

- (a) the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings open to the weather, and below which all openings in the sides of