

No. 852.

COLONIAL SECRETARY'S DEPARTMENT.

The following Order of His Majesty in Council is published for general information.

R. A. C. NORTH,
Colonial Secretary.

23rd October, 1936.

STATUTORY RULES AND ORDERS
1936 No. 668

MERCHANT SHIPPING
Load Line

THE MERCHANT SHIPPING (SWEDISH LOAD LINE CERTIFICATES)
ORDER, 1936.

AT THE COURT AT BUCKINGHAM PALACE,

THE 12TH DAY OF JUNE, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by Section 445 of the Merchant Shipping Act, 1894 (a) (hereinafter called "the Principal Act") it was enacted that where the Board of Trade certify that the laws and regulations for the time being in force in any foreign country and relating to overloading and improper loading are equally effective with the provisions of the principal Act relating thereto His Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations she shall not when in a port of the United Kingdom be liable to detention for non-compliance with the said provisions of the principal Act nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions :

And whereas by an Order in Council dated the 13th day of October, 1910, (b) after reciting that the Board of Trade had certified that certain statutory regulations which had been approved by the Swedish Government relating to overloading so far as regards the assignment of load lines to Swedish ships were equally effective with the corresponding regulations in force in the United Kingdom respecting the assignment of load lines to British merchant ships it was directed that on proof that Swedish ships had complied with the aforesaid Swedish

(a) 57 & 58 Vict. c. 60. (b) S.R. & O. 1910 (No. 1114) p. 476.

regulations such ships should not, when in ports of the United Kingdom, be liable to detention for non-compliance with the provisions of the Merchant Shipping Acts relating to overloading nor should there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions :

And whereas by sub-section (2) of Section 67 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, (a) (hereinafter called "the Act") it was amongst other things enacted that Section four hundred and forty-five of the principal Act should be repealed as from the appointed day subject to a proviso that any Order in Council in force immediately before the appointed day under Section four hundred and forty-four or Section four hundred and forty-five of the principal Act should, until revoked, continue to have effect as if for references in the Order to Part V of the principal Act relating to overloading or improper loading as the case might be there were substituted references to Part II of the Act so however that no such Order should continue to have effect with respect to Load Line Convention ships plying on international voyages :

And whereas by sub-section (3) of Section 67 of the Act, it was enacted that for the purpose of the Section the expression "the appointed day" meant such day as His Majesty in Council might appoint :

And whereas by an Order in Council dated the 10th day of November, 1932, (b) His Majesty appointed the 1st day of January, 1933, as the date on which Part II of the Act should come into operation :

And whereas by Section 738 of the principal Act it is amongst other things provided that where His Majesty has power under that Act to make an Order in Council His Majesty may from time to time by Order in Council revoke any Order so made :

And whereas it is expedient that the said recited Order in Council of the 13th day of October, 1910, should be revoked :

And whereas by sub-section (2) of Section 59 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, it is amongst other things enacted subject to the proviso that no Order in Council made under the sub-section shall apply to Load Line Convention ships plying on international voyages, that where the Board of Trade certify that provision has been made for the fixing, marking and certifying of load lines by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising United Kingdom load line certificates as having the same effect in ports of that country as certificates issued under the said provision; and that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of Part II of the Act and is equally effective His Majesty may by Order in Council direct that load line certificates issued in pursuance of the said provision in respect of ships (or that class or description of ships) of that foreign country shall have the same effect for the purpose of Part II of the Act as United Kingdom load line certificates :

(a) 22 & 23 Geo. 5. c. 9. (b) S.R. & O. 1932 (No. 917) p. 929.

And whereas the Board of Trade have certified that provision has been made by the law in force in Sweden for the fixing, marking and certifying of load lines on Swedish ships of the class or description specified in the Schedule hereto, and that it has been agreed that provision shall be so made for recognising United Kingdom load line certificates as having the same effect in Swedish ports as certificates issued under the said first-mentioned provision, and further that the said first-mentioned provision is based on the same principles as the corresponding provisions of Part II of the Act and is equally effective:

Now, therefore, His Majesty, in pursuance of the powers vested in Him by Section 59 of the Act and of all other powers enabling Him in that behalf, by and with the advice of His Privy Council, is pleased to direct, and doth hereby direct, as follows:—

1. The aforesaid Order in Council dated the 13th October, 1910, is hereby revoked.

2. Load Line certificates issued in respect of Swedish ships of the class or description specified in the Schedule hereto in pursuance of the aforesaid provision for the fixing, marking and certifying of load lines shall have the same effect for the purpose of Part II of the Act as United Kingdom load line certificates.

3. The Interpretation Act, 1889, (a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

4. This Order may be cited as the Merchant Shipping (Swedish Load Line Certificates) Order, 1936.

E. C. E. LEADBITTER.

SCHEDULE.

1. Ships of 150 tons gross tonnage or upwards which do not carry cargo or passengers.
2. Ships of less than 150 tons gross tonnage.

(a) 52 & 53 Vict. c. 63.