

No. 826.

## COLONIAL SECRETARY'S DEPARTMENT.

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

21st October, 1938.

N. L. SMITH,  
*Colonial Secretary.*

## STATUTORY RULES AND ORDERS

1938 No. 781

## MERCHANT SHIPPING

THE MERCHANT SHIPPING LOAD LINE CONVENTION (HONG KONG)  
No. 1 ORDER, 1938.

AT THE COURT AT BUCKINGHAM PALACE,  
THE 28TH DAY OF JULY, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

Lord President: Secretary Sir Samuel Hoare.

Lord Romer. Mr. Secretary Colville.

Sir Hugh O'Neill.

Whereas by subsection (1) of Section 64 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932<sup>(a)</sup> (hereinafter referred to as "the Act") it is provided that His Majesty may by Order in Council direct that the provisions of Part II of the Act, including any enactments for the time being in force amending or substituted for the said provisions, may 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<sup>(b)</sup>, made in pursuance of Section 67 of the Act, Part II 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 64, 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 II of the Act (other than those of Sections 42, 52 (2), 55, 61 (1) (2) and (3), 62, 63, 64, 65 and 67) adapted and modified as set out in the schedule hereto shall extend to the Colony of Hong Kong.

2. This Order may be cited as the Merchant Shipping Load Line Convention (Hong Kong) No. 1 Order, 1938, and shall come into force on the first day of September, 1938.

*E. C. E. Leadbitter.*

(a) 22 & 23 Geo. 5. c. 9.

(b) S.R. & O. 1932 (No. 917) p. 929.

**THE SCHEDULE.**

## PART II.

*Load Line and Loading.**Preliminary.*

40.—(1) The following ships are exempt from this Part of this Act, namely—

Ships  
exempt  
from  
Part II.

(a) sailing ships under eighty tons register engaged solely within the river trade limits;

(b) ships exempted from this Part of this Act under subsection (2) of this section;

(c) ships solely engaged in fishing;

(d) pleasure yachts;

(e) junks and other wood ships of primitive build.

(2) The Governor of Hong Kong (hereinafter referred to as "the Governor") may, on such conditions as he thinks fit, exempt from this Part of this Act—

(a) any ship plying on international voyages between the near neighbouring ports of two or more countries, if the Governor and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply the provisions of this Part of this Act to ships so plying;

(b) any ship plying on any other voyage between near neighbouring ports if the Governor is satisfied as aforesaid; and

(c) any class of steamers under eighty tons register engaged solely within the river trade limits, so long as they do not carry cargo.

41.—(1) Ships which are not exempt from this Part of this Act by virtue of the last foregoing section are hereafter in this Act referred to as "load line ships," and for the purposes of this Part of this Act are divided into the following classes, namely—

Classifica-  
tion of ships  
for purpose  
of Part II.

(a) international load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which carry cargo or passengers; and

(b) local load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which do not carry cargo or passengers, and ships of less than that tonnage.

(2) International load line ships belonging to countries to which the Load Line Convention applies, are hereafter in this Act referred to as "Load Line Convention ships."

*Marking and Submersion of Load Lines.*

43.—(1) No British load line ship registered in Hong Kong, being a ship constructed after the thirtieth day of June, nineteen hundred and thirty-two, shall proceed to sea unless—

Marking of  
deck-line  
and load  
lines.

(a) the ship has been surveyed in accordance with the load line rules; and

(b) the ship complies with the conditions of assignment; and

(c) the ship is marked on each side with a mark (hereafter in this Act referred to as a "deck-line") indicating the position of the uppermost complete deck as defined by the load line rules, and with marks (hereafter in this Act referred to as "load lines") indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load line rules; and

(d) the deck-line and load lines are of the description required by the load line rules, the deck-line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and

(e) the load lines are in the position required by such of the load line rules as are applicable to the ship.

(2) No British load line ship registered in Hong Kong, being a ship constructed before the first day of July, nineteen hundred and thirty-two, shall proceed to sea unless—

(a) the ship has been surveyed and marked in accordance with paragraphs (a), (c) and (d) of the last foregoing subsection; and

(b) the ship complies with the conditions of assignment in principle and also in detail, so far as, in the opinion of the Governor, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(c) the load lines are either in the position required by paragraph (e) of the last foregoing subsection or in the position required by the tables used by the Board of Trade on the thirty-first day of December, nineteen hundred and six, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section four hundred and thirty-eight of the Merchant Shipping Act, 1894, as were in force immediately before the fifth day of July, nineteen hundred and thirty.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of subsection (5) of section seventeen of the Merchant Shipping Ordinance, 1899.

Submersion  
of load  
line.

44.—(1) A British load line ship registered in Hong Kong shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded.

(2) If any such ship is loaded in contravention of this section, the owner, master, agent, charterer or compradore of the ship 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 load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

(4) In any proceedings against an owner, master, agent, charterer or compradore in respect of a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the agent, charterer or compradore (if any) could have prevented or forestalled.

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

Miscellaneous  
offences  
in relation  
to marks.

45. If—

(a) the owner or master of a British load line ship registered in Hong Kong, which has been marked in accordance with the foregoing provisions of this Part of this Act, fails without reasonable cause to keep the ship so marked; or

(b) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part of this Act, except with the authority of a person entitled under the load line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

46. A Government ship surveyor or engineer surveyor may inspect any British load line ship registered in Hong Kong for the purpose of seeing that the provisions of this Part of this Act have been complied with in the case of the ship.

Inspection  
of ships  
with respect  
to load line.

*Certificates.*

47.—(1) Where a British load line ship registered in Hong Kong has been surveyed and marked in accordance with the foregoing provisions of this Part of this Act and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the fee prescribed therefor by the Governor—

Issue of  
load line  
certificates  
and effect  
thereof.

(a) in the case of an international load line ship, a load line certificate hereafter in this Act referred to as "a Load Line Convention certificate"; and

(b) in the case of a local load line ship, a load line certificate hereafter in this Act referred to as "a Hong Kong load line certificate."

(2) Every such certificate shall be issued either by the Governor or by such other person as may be authorised by him in that behalf, and shall be issued in such form and manner as may be prescribed by the load line rules.

(3) Any such certificate issued by the Governor may be signed on behalf of the Governor by any person authorised by him for the purpose, and a certificate purporting to be so signed shall be admissible in evidence.

(4) The Governor may request the Government of a country to which the Load Line Convention applies to issue a Load Line Convention certificate in respect of a Load Line Convention ship registered in Hong Kong, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purpose of this Part of this Act as if it had been issued by the Governor.

(5) Where a load line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purpose of the foregoing provisions of this Part of this Act, be deemed to have been surveyed as required by those provisions, and, if the deck-line and load lines on the ship are of the number and description required by the load line rules and the position of the deck-line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

48.—(1) Every load line certificate issued by or under the authority of the Governor shall, unless it is renewed in accordance with the provisions of subsection (2) of this section, expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

Duration,  
renewal and  
cancellation  
of certi-  
ficates.

(2) Any such load line certificate may, after a survey not less effective than the survey required by the load line rules before the issue of the certificate, be renewed from time to time by the Governor, or by any person authorised by him to issue a load line certificate, for such period (not exceeding five years on any occasion) as the Governor or other person renewing the certificate thinks fit.

(3) The Governor shall cancel any such load line certificate in force in respect of a ship, if he has reason to believe that—

(a) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or

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

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains

in force; cause the ship to be surveyed in the manner prescribed by the load line rules once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force, having regard to the last foregoing subsection, and if the ship is not so surveyed, the Governor shall cancel the certificate:

Provided that the Governor, if he thinks fit in any particular case, may extend the said period of one year.

(5) Where any such load line certificate has expired or been cancelled, the Governor may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds.

(6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed by the Governor.

Ships  
not to  
proceed to  
sea without  
certificate.

49.—(1) No British ship registered in Hong Kong, being an international load line ship, shall proceed to sea unless there is in force in respect of the ship a Load Line Convention certificate.

(2) No British ship registered in Hong Kong, being a local load line ship, shall proceed to sea unless there is in force in respect of the ship a Hong Kong load line certificate.

(3) The master of every British load line ship registered in Hong Kong shall produce to the Harbour Master at the time a clearance for the ship is demanded, the certificate which is 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 that certificate is so produced.

(4) The master of every ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine not exceeding one hundred pounds.

Publication  
of load line  
certificate  
and  
particulars  
relating to  
depth of  
loading.

50.—(1) When a load line certificate has been issued in pursuance of the foregoing provisions of this Part of this Act in respect of a British load line ship registered in Hong Kong—

(a) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and

(b) the master of the ship, before making any other entry in any official log-book, shall enter therein the particulars as to the position of the deck-line and load lines specified in the certificate.

(2) Before any British load line ship registered in Hong Kong leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

(a) enter in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Governor may by regulations prescribe; and

(b) cause a notice, in such form and containing such of the said particulars as may be required by the said regulations, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place;

Provided that the Governor may by the said regulations exempt river trade ships or any class of river trade ships from the requirements of paragraph (b) of this subsection.

(3) If the master or owner of any British load line ship registered in Hong Kong fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Insertion of  
particulars  
as to load  
line in  
agreements  
with crew.

51.—(1) Before an agreement with the crew of any British load line ship registered in Hong Kong, in respect of which a load line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck-line and load lines specified in the

certificate, and if he fails to do so, he shall for each offence be liable to a fine not exceeding twenty pounds.

(2) In the case of a British load line ship registered in Hong Kong, being a ship engaged on an international voyage, a Deputy Shipping Master shall not proceed with the engagement of the crew until—

(a) there is produced to him a load line certificate for the time being in force in respect of the ship; and

(b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

*Special Provisions as to Load Line Convention Ships not registered in Hong Kong.*

52.—(1) The Governor may, at the request of the Government of a country to which the Load Line Convention applies, issue a Load Line Convention certificate in respect of an international load line ship of that country if he is satisfied in like manner as in the case of a British ship registered in Hong Kong that he can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

Load line certificates of Convention ships not registered in Hong Kong.

53.—(1) A Government ship surveyor or engineer surveyor may go on board any Load Line Convention ship not registered in Hong Kong, when within any port in Hong Kong, for the purpose of demanding the production of any load line certificate for the time being in force in respect of the ship.

Inspection and control of Convention ships not registered in Hong Kong.

(2) If a valid Load Line Convention certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing—

(a) that the ship is not loaded beyond the limits allowed by the certificate;

(b) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;

(d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master, owner, agent, charterer, or comradore thereof under the provisions hereafter contained in this Part of this Act relating to the submersion of load lines on ships not registered in Hong Kong.

(4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in paragraphs (c) and (d) of subsection (2) of this section that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of subsection (5) of section seventeen of the Merchant Shipping Ordinance, 1899 (in the case of a British ship) or for the purpose of section eighteen of that Ordinance (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Governor shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid Load Line Convention certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part of this Act have been complied with, as if the ship were a British ship registered in Hong Kong.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

Certificates of Convention ships to be produced to Harbour Master.

54. The master of every Load Line Convention ship not registered in Hong Kong shall produce to the Harbour Master at the time a clearance for the ship from any port in Hong Kong is demanded—

(a) in a case where clearance is demanded in respect of an international voyage, a valid Load Line Convention certificate;

(b) in a case where clearance is demanded in respect of any other voyage, either a valid Load Line Convention certificate or a Hong Kong load line certificate for the time being in force in respect of the ship;

and a clearance shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

*General Provisions as to Ships not registered in Hong Kong.*

Survey, marking and conditions of assignment in case of ships not registered in Hong Kong.

56. The provisions of section forty-three of this Act shall apply to load line ships not registered in Hong Kong, proceeding or attempting to proceed to sea from ports in Hong Kong, as they apply to British load line ships registered in Hong Kong, subject to the following modification, namely:—

(a) the said section shall not apply to a Load Line Convention ship not registered in Hong Kong, if a valid Load Line Convention certificate is produced in respect of the ship; and

(b) subject to the provisions of paragraph (a) of this section, a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section forty-three shall be deemed to be unsafe for the purpose of section eighteen of the Merchant Shipping Ordinance, 1899.

Submersion of load line on ships not registered in Hong Kong.

57. The provisions of section forty-four of this Act shall apply to load line ships not registered in Hong Kong, while they are within any port in Hong Kong, as they apply to British load line ships registered in Hong Kong, subject to the following modifications, namely:—

(a) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner, master, agent, charterer or compradore thereof, by virtue of the said section, except after an inspection by a Government ship surveyor or engineer surveyor as hereinbefore provided; and

(b) the expression "the appropriate load line," in relation to any ship not registered in Hong Kong, shall mean—

(i) in the case of a Load Line Convention ship in respect of which there is produced on such an inspection as aforesaid a valid Load Line Convention certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded;

(ii) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Inspection of ships not registered in Hong Kong.

58. The provisions of section forty-six of this Act shall apply to load line ships, other than British ships registered in Hong Kong or Load Line Convention ships not registered in Hong Kong, while they are within any port in Hong Kong, as they apply to British load line ships registered in Hong Kong.

Load line certificates of ships not registered in Hong Kong

59.—(1) The provisions of this Part of this Act relating to the issue, effect, duration, renewal and cancellation of Hong Kong load line certificates shall apply to load line ships not registered in Hong Kong as they apply to British load line ships registered in Hong Kong, subject to the following modifications, namely:—

(a) any such certificate may be issued in respect of an international load line ship as in respect of a local load line ship, so however that any such certificate issued in respect of a Load Line Convention ship shall only be valid so long as the ship is not plying on international voyages, and shall be endorsed with a statement to that effect, and shall be cancelled by the Governor if he has reason to believe that the ship is so plying; and

(b) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Governor.

(2) Where the Governor certifies—

(a) either—

(i) that by the law in force in any part of His Majesty's dominions outside the United Kingdom and Hong Kong provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions; or

(ii) that provision has been made as aforesaid 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 Hong Kong load line certificates as having the same effect in ports of that country as certificates issued under the said provision; and

(b) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part of this Act and is equally effective;

the Governor in Council may direct that load line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part of this Act as Hong Kong load line certificates:

Provided that no direction given under this subsection shall apply to Load Line Convention ships plying on international voyages.

(3) Sub-paragraph (i) of paragraph (a) of the last foregoing subsection shall apply with respect to any foreign country in which for the time being His Majesty has jurisdiction, as if that country was a part of His Majesty's dominions.

60. The master of every load line ship, other than a British ship registered in Hong Kong or a Load Line Convention ship not registered in Hong Kong, shall produce to the Harbour Master at the time a clearance for the ship from any port in Hong Kong is demanded, either a Hong Kong load line certificate or a United Kingdom load line certificate, or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and a clearance shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

Certificates to be produced to Harbour Master by ships not registered in Hong Kong.

#### *Loading of Timber.*

61.—(4) If any provision of the timber cargo regulations is contravened in the case of any British load line ship registered in Hong Kong, the master of the ship shall be liable to a fine not exceeding five hundred pounds:

Carriage of timber deck cargo.

Provided that in any proceedings against a master in respect of a contravention of the timber cargo regulations, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(5) For securing the observance of the timber cargo regulations, any officer having authority in that behalf from the Governor, either general or special, shall have power to inspect any load line ship carrying timber cargo in any uncovered space on her deck.



(6) The foregoing provisions of this section and the timber cargo regulations shall apply to load line ships not registered in Hong Kong, while they are within any port in Hong Kong, as they apply to British load line ships registered in Hong Kong.

*Supplemental.*

**General.**

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

“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;

“Conditions of Assignment” means such of the load line rules as are made to give effect to Part II of Annex I to the Load Line Convention;

“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 Load Line 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 Load Line Convention, and has not been so declared to have denounced that Convention;

(b) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article twenty-one 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;

“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 Load Line Convention applies, so however that for the purpose of this definition—

(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 circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

(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;

“Load Line Convention” means the International Load Line Convention signed on behalf of the Government of the United Kingdom in London on the 5th day of July, 1930.

“Load line rules” means the Load Line Rules made by the Board of Trade and from time to time in force.

“River trade limits” means the waters in the vicinity of the Colony within the following boundaries, namely:—

On the East—Meridian 114° 30' East.

On the South—Parallel 22° 9' North.

On the West—Meridian 113° 31' East.

and all inland waterways in the province of Kwong Tung and the province of Kwong Sai to which access can be obtained from the area defined above.

“River trade ships” means ships plying within river trade limits.

“Timber cargo regulations” means the Timber Cargo Regulations made by the Board of Trade and from time to time in force in the United Kingdom.

“A valid Load Line Convention certificate” means a Certificate which if produced in the United Kingdom would comply with the requirements of the Merchant Shipping (Load Line Convention Certificate Validity) Regulations made by the Board of Trade and from time to time in force in the United Kingdom.

(2) In this Part of this Act references to a ship constructed before or after any date shall be construed as references to a ship, the

keel of which has been laid before or after that date, as the case may be.

(3) Notwithstanding any provision of the load line rules or timber cargo regulations which requires a particular fitting, appliance or apparatus, or type thereof, to be fitted or carried in a ship, or any particular provision to be made in a ship, the Governor may allow any other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made if he is satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the said rules or regulations.

(4) 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.

(5) 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, paragraph (b) of subsection (6) of section seventeen of the Merchant Shipping Ordinance, 1899 (which makes provision as to the costs of the Government 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 paragraph.

(6) Any reference in this Act to any provision of the Merchant Shipping Ordinance, 1899, shall be construed as a reference to that provision as amended by any subsequent Ordinance.