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## **Marine Circular No. 09/2025**

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**To: Shipowners, Operators, Agents, Masters and Officers of Merchant Ships, Authorized Classification Societies and Surveyors and Interested Parties**

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### **ADOPTION OF**

- (1) THE MERCHANT SHIPPING (INTERNATIONAL LOAD LINE CONVENTION) (AMENDMENT) REGULATIONS 2018; AND**
- (2) THE MERCHANT SHIPPING (LOAD LINE) REGULATIONS 1998**

### **INTERNATIONAL CONVENTION ON LOAD LINES**

#### **SUMMARY**

1. This Notice sets out the text of the following United Kingdom Regulations as adopted into the law of the Virgin Islands:
  - (1) the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 (UKSI 2019/42) (“the 2018 Regulations”) and
  - (2) the Merchant Shipping (Load Line) Regulations 1998 (UKSI 2019/42) (“the 1998 Regulations”).
2. The 2018 Regulations give effect in the Virgin Islands to the provisions of the International Convention on Load Lines, 1966 and its Protocol of 1988 (“the Load Lines Convention”).
3. The 1998 Regulations make provision for load lines in respect of vessels in the Virgin Islands that are not subject to the Load Lines Convention.

## **LOAD LINES CONVENTION**

1. The Load Lines Convention establishes internationally agreed requirements for the minimum permissible freeboard (the distance between the waterline and the upper deck level) and the associated load lines (also known as Plimsoll lines) on ships. The primary purpose of the convention is to ensure the seaworthiness of ships by preventing overloading, so enhancing maritime safety.
2. The Load Lines Convention was extended to the Virgin Islands on 10 June 2004.
3. This Notice explains how the Load Lines Convention and domestic load line rules are given effect in the Virgin Islands through the adoption of relevant United Kingdom merchant shipping regulations and contains the text of those regulations as adopted in the Virgin Islands.

## **ADOPTION OF THE 2018 REGULATIONS AND 1998 REGULATIONS**

4. Section 464(1) of the Merchant Shipping Act, 2001 (Act No. 13 of 2001) as amended enables the Governor by Order to apply to the Virgin Islands as part of the law of the Virgin Islands any enactment of the United Kingdom, subject to such exceptions, adaptations and modifications as may be specified in the Order.
5. By the Merchant Shipping (Adoption of United Kingdom Enactments) Order, 2005 as amended<sup>1</sup> (“the Adoption Order”) the Virgin Islands adopted the Merchant Shipping (Load Line) Regulations 1998, as amended by the Merchant Shipping (Load Line) (Amendment) Regulations 2000, which previously gave effect to the Load Lines Convention in the United Kingdom and make provision for the load lines on ships not within scope of the Convention.
6. Sections 3 and 4 of the Adoption Order provide that if an adopted UK enactment is amended or revoked and replaced, the amendments or replacement enactments take effect in the Virgin Islands automatically.

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<sup>1</sup> SI 2005 No 30; The Adoption Order has been amended by the Merchant Shipping (Adoption of United Kingdom Enactments) (Amendment) Order 2010 and the Merchant Shipping (Adoption of United Kingdom Enactments) (Amendment) Order 2025 SI 2025 No 69 and validated by the Validation (Merchant Shipping (Adoption of United Kingdom Enactments) Act 2017.

7. The Merchant Shipping (Load Line) Regulations 1998 have been amended in the UK and the UK's regulations dealing with the Load Lines Convention and domestic load line rules are now found in two sets of regulations:
  - (a) the 1998 Regulations contain the load line rules for ships to which the Load Convention does not apply; and
  - (b) the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 give effect to the Load Line Convention in respect of ships to which the Convention applies.
8. Accordingly, in accordance with sections 3 and 4 of the Adoption Order, both the Merchant Shipping (Load Line) Regulations 1998 and the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 have the force of law in the Virgin Islands.
9. Section 464(3) of the Merchant Shipping Act 2001 provides that the Minister must cause a text of an adopted UK enactment to be prepared incorporating the exceptions, adaptations, and modifications specified in the Order.
10. This Notice sets out in **Annex-1** the text of the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 as adopted, incorporating the relevant exceptions, adaptations, and modifications.
11. This Notice sets out in **Annex-2** the text of the Merchant Shipping (Load Line) Regulations 1998 as adopted, incorporating the relevant exceptions, adaptations, and modifications.

#### **M Notices**

12. To accompany many UK Regulations, the Maritime and Coastguard Agency publishes M-Notices, comprising Merchant Shipping Notices ('MSNs'), Marine Guidance Notes ('MGNs') and Marine Information Notices ('MINs').
13. In some cases, the M-Notices are referenced in the Regulations and, where they are they are incorporated as part of the regulations, their provisions are as mandatory as those contained in the Regulations. Consequently, where the Virgin Islands has adopted UK Regulations which incorporate M-Notices, the M-Notices also have the force of law.

14. In other cases, M-Notices are issued which provide guidance on the regulations without being incorporated in the regulations. Although not having the force of law in the same way as incorporated M-Notices, they may nonetheless be relevant to the interpretation of the UK Regulations, as adopted in the Virgin Islands.
15. **Annex-3** of this Notice contains tables listing the M-Notices that are related to the adopted Regulations.

#### **Contact Details**

16. Any question concerning the application of this Notice or an adopted MSN or MGN in respect of a Virgin Islands ship may be referred to VISMA.

#### **Virgin Islands Shipping and Maritime Authority**

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**Issued by the Virgin Islands Shipping and Maritime Authority with approval of the Minister**

**Mr. John Samuel  
Managing Director  
Virgin Islands Shipping and Maritime Authority**

**Issue Date: 2025-10-17**

## ANNEX-1

**THE MINISTER PURSUANT TO S. 464(3) OF THE MERCHANT SHIPPING ACT, 2001 (ACT NO. 13 OF 2001) AS AMENDED, PUBLISHES THE FOLLOWING TEXT OF THE ENACTMENT OF THE UNITED KINGDOM AS ADOPTED IN THE VIRGIN ISLANDS IN ACCORDANCE WITH THE MERCHANT SHIPPING (ADOPTION OF UNITED KINGDOM ENACTMENTS) ORDER 2005 (S.I. 2005 NO. 30) AS AMENDED**

**TEXT OF THE MERCHANT SHIPPING (INTERNATIONAL LOAD LINE CONVENTION) (AMENDMENT) REGULATIONS 2018 (U.K.S.I. 2018/155)**

Merchant Shipping Notices referred to in the UK Regulations are listed in Annex-2, together with electronic links to the Notices.

Other instruments and documents which are mentioned in the adopted UK Regulations are available in the Virgin Islands from the Virgin Islands Shipping and Maritime Authority, 1st Floor, Wickham's Cay II, Road Town, Tortola, Virgin Islands VG1110; [vishipping@bvimaritime.vg](mailto:vishipping@bvimaritime.vg); [www.bvimaritime.vg](http://www.bvimaritime.vg)

### STATUTORY INSTRUMENTS

**2018 No. 155**

### MERCHANT SHIPPING

### SAFETY

### **The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018**

*Made*

*8th February 2018*

*Laid before Parliament*

*15th February 2018*

*Coming into force*

*9th March 2018*

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## SCHEDULE

# **The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018**

## **Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 and come into force on 9th March 2018.

## **Interpretation**

2. In these Regulations

“1966 Convention” means the International Convention on Load Lines 1966 as modified by the 1988 Protocol and as amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28);

“1988 Protocol” means the Protocol of 1988 relating to the 1966 Convention as amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93);

“alteration” includes deterioration;

“amidships” in relation to a ship means the middle of the ship’s length;

“Annex” has the meaning given to it in regulation 5;

“anniversary date” in relation to a certificate means the day and the month of each year which corresponds to the date of expiry of the Convention certificate;

“annual survey” means a survey of a ship required under regulation 12(1)(c);

“applicable Convention requirements” means the requirements of the 1966 Convention, except where regulation 4(4) applies;

“appropriate load line” means the line directed to be marked on a ship indicating the maximum depth to which a ship may be loaded in a particular zone or area and seasonal period (as defined in Annex II) and which is calculated in accordance with Annex I;

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

“Assigning Authority” has the meaning given to it in regulation 3;

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

“constructed” means that the keel of the ship has been laid or is at a similar stage of construction;

“Contracting Government” means the Government of a State which is a party to the 1966 Convention or to the 1988 Protocol;

“Convention certificate” means an International Load Line Certificate or an International Load Line Exemption Certificate;

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

(a) a country the Government of which is party to the 1966 Convention or to the 1988 Protocol;  
or

(b) a territory to which the 1966 Convention or the 1988 Protocol extends whether or not it is subject to the amendments or reservations to either instrument;

“deck-line” means the line marked on a ship, the position of which is ascertained in accordance with the provisions of Annex I;

“existing ship” means a ship which is not a new ship;

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

“freeboard” means the distance measured vertically downwards at amidships from the upper edge of the deck-line to the upper edge of the related load line;

“flag State”, in relation to a ship, means the state whose flag the ship is entitled to fly;

“initial survey” means a survey of a ship required under regulation 12(1)(a);

“International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention;

“International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention;

“international voyage” means a voyage between

(a) a port in the Virgin Islands and a port outside the Virgin Islands; or

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

“length” in relation to a ship means length as defined by the 1966 Convention<sup>2</sup>;

“load line” means the line marked on a ship indicating the maximum depth to which a ship may be loaded;

“load line mark” means a ring with a width of 25 millimetres and an outer diameter of 300 millimetres and a horizontal line with a width of 25 millimetres and a length of 450 millimetres, the upper edge of which bisects the ring, and both of which are placed on the side of a ship at amidships port and starboard such that the assigned summer freeboard corresponds to the distance between the upper edge of the horizontal line and the upper edge of the deck-line;

“Merchant Shipping Notice” means a notice described as such, issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport), and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State or the Minister to be relevant from time to time and is specified in a Merchant Shipping Notice;

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<sup>2</sup> The definition of “length” can be found in regulation 3(1) of Annex I to the 1966 Convention.

“new ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the 1966 Convention, or the 1988 Protocol for any State not also a party to the 1966 Convention, for each Contracting Government<sup>3</sup>;

“non--Virgin Islands ship” means any ship other than a Virgin Islands ship;

“pleasure vessel” means

- (a) any vessel which at the time it is being used is
  - (i) in the case of a vessel wholly owned by
    - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
    - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
  - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“renewal survey” means a survey of a ship required under regulation 12(1)(b);

“sea” means waters outside of Virgin Islands protected waters

“valid” in the context of an International Load Line Certificate or an International Exemption Certificate means in force;

"Virgin Islands" means a ship which

- (a) is registered in the Virgin Islands; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is qualified to be an owner of Virgin Islands ship in accordance with section. 4(1) of the Merchant Shipping Act 2001.

“Virgin Islands protected waters” means

- (a) national waters;

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<sup>3</sup> The 1966 Convention came into force with respect to the United Kingdom on 21st July 1968. The 1988 Protocol came into force with respect to the United Kingdom on 8th June 2000

(b) Virgin Island waters; and

(c) the exclusive fisheries zone contiguous to the territorial sea area, established by the Governor of the Virgin Islands by proclamation dated 9<sup>th</sup> March 1977;

“Virgin Islands waters” has the meaning given in section 2(2) of the 2001 Act (Act No 13 of 2001).

### **Assigning Authorities**

3. (1) In these Regulations, “Assigning Authority” means the Minister or any person authorised by the Minister.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally.

(3) Unless the Assigning Authority is the Minister, the Assigning Authority must comply with regulation 2-1 of Annex I (authorisation of recognized organizations).

(4) The Assigning Authority must assign freeboards to a Virgin Islands ship in accordance with the requirements of these Regulations.

(5) The Assigning Authority must in particular

(a) determine the particulars of the freeboards to be assigned;

(b) determine which of the load lines described in Annex I are to be marked on the sides of the ship in accordance with the requirements of that Annex;

(c) determine the position where the appropriate marks are to be so marked; and

(d) complete a record of the conditions of assignment.

(6) Without prejudice to the generality of paragraph (2), conditions may impose limitations on any person’s authorisation relating to

(a) individual ships;

(b) classes of ships; and

(c) the extent of any survey to be carried out by that person.

(7) The Minister may direct, in relation to an individual case or to a class of cases, that a survey, or part of a survey, is carried out by the Minister and not by another Assigning Authority.

(8) An Assigning Authority other than the Minister is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

### **Application**

4. (1) Subject to paragraphs (2) and (4), these Regulations apply to

(a) Virgin Islands ships engaged on international voyages, and

(b) non-Virgin Islands ships while they are within Virgin Islands waters and engaged on international voyages.

(2) These Regulations do not apply to

(a) ships of war, naval auxiliaries or other ships owned or operated by the Virgin Islands government and engaged only on governmental non-commercial service;

(b) new ships of less than 24 metres in length;

(c) existing ships of less than 150 gross tons;

(d) pleasure vessels;

(e) fishing vessels; and

(f) ships solely navigating—

(i) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees W;

(ii) the Caspian Sea; or

(iii) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay.

(3) Subject to paragraphs (4) and (6), a ship must comply with Annex I.

(4) Existing ships which do not fully comply with Annex I to the 1966 Convention must meet the requirements applicable to such ships engaged on international voyages under the law in force immediately before 21st July 1968.

(5) Where an existing ship requires a reduction in freeboard, that ship must comply with all the requirements under these Regulations applicable to new ships.

(6) New ships constructed on or after 21st July 1968 but before 1st January 2005 must comply with the requirements in Annex I to the 1966 Convention which were applicable to such ships engaged on international voyages and as they applied immediately before 1st January 2005.

(7) Any amendment to the 1966 Convention which relates to the structure of a ship applies only to ships the keels of which are laid, or which are at a similar stage of construction, on or after the date on which the amendment comes into force.

### **Ambulatory reference**

**5.** (1) In these Regulations, “Annex I”, “Annex II” and “Annex III” mean Annex I, Annex II and Annex III of the 1966 Convention and any reference to Annex I, Annex II or Annex III is to be construed—

(a) as a reference to that Annex as modified from time to time;

(b) if that Annex is replaced by another instrument, as a reference to that instrument.

(2) For the purposes of paragraph (1) an Annex is modified if

(a) omissions, additions or other alterations to the text take effect in accordance with Article 29 of the 1966 Convention or with Article VI of the 1988 Protocol; or

(b) supplementary provision made under Article 29 of the 1966 Convention or under Article VI of the 1988 Protocol takes effect.

(3) A modification to or a replacement of an Annex by virtue of paragraph (1) has effect at the time such modification or replacement comes into force in accordance with paragraph (4) of Article 28 of the 1966 Convention or Article VI of the 1988 Protocol.

(4) No modification or replacement of a reference to an Annex by virtue of paragraph (1) affects any right or liability arising before the date on which the modification or replacement has effect.

(5) This regulation does not apply to regulation 4(4) or (6).

### **General compliance**

6. (1) Subject to paragraph (2), a ship must not proceed, or attempt to proceed, to sea unless

(a) it has been surveyed in accordance with the applicable Convention requirements;

(b) it is marked with the appropriate marks where required;

(c) it has a valid Convention certificate;

(d) it complies with the conditions of assignment applicable to it; and

(e) the information required under regulation 10 of Annex I is provided by the owner of the ship to the master.

(2) Paragraph (1) does not apply to a non-Virgin Islands ship in respect of which a valid Convention certificate is produced.

(3) An Assigning Authority may assign a freeboard greater than the minimum freeboard prescribed by Chapter III of Annex I.

(4) In applying these Regulations, the Minister must give due regard to any deviation or delay caused by any ship owing to stress of weather or any other cause of force majeure.

### **Exemptions**

7. (1) Subject to paragraph (2), the Minister may exempt from any of the provisions of these Regulations

(a) a ship engaged on an international voyage between near neighbouring ports so long as

(i) it remains engaged on such voyage; and

(ii) the Minister and the governments of the states in which such ports are situated are satisfied that the sheltered nature or conditions of such voyage between such ports make it unreasonable or impracticable to apply the provisions of these Regulations;

(b) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements of these Regulations; and

(c) any ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) An exemption under paragraph (1) may be granted subject to such safety requirements as the Minister thinks fit to ensure the overall safety of the ship.

(3) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

### **Equivalents**

8. (1) Subject to paragraph (2), an Assigning Authority may

(a) allow any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, in the place of any fitting, material, appliance, apparatus or provision which is required under these Regulations, if satisfied by trial or otherwise that it is at least as effective as that so required by the applicable Convention requirements; or

(b) allow in an exceptional case departure from the applicable Convention requirements on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Minister that the safety of the ship and protection afforded to the crew will be no less effective than would be the case if the ship fully complied with those requirements and there were no such increase of freeboards.

(2) Where the Assigning Authority is not the Minister, the Assigning Authority may allow an equivalent under paragraph (1) only with the approval of the Minister.

### **Repairs, alterations and modifications**

9. (1) A ship which undergoes repairs, alterations, modifications and any related outfitting must continue to comply with the requirements previously applicable to the ship.

(2) Repairs, alterations and modifications of a major character and any related outfitting made to an existing ship must meet such requirements for a new ship as the Assigning Authority deems reasonable and practicable.

(3) A ship which has undergone an alteration will continue to comply with its conditions of assignment if

(a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with appropriate load lines and a new International Load Line Certificate has been issued to the owner of the ship; or

(b) the alteration has been inspected by an Assigning Authority and the Assigning Authority is satisfied that the alteration is not such as to require any change in the freeboards assigned to the ship, and full particulars of the alteration have been endorsed by the Assigning Authority on the record referred to in regulation 25.

### **Zones and areas**

10. A ship must comply with the load line requirements applicable to it under these Regulations in the zones and areas described in Annex II.

### **Submersion**

11. (1) Except as provided for in paragraphs (3) to (5), a ship must not be so loaded that the appropriate load lines on the sides of the ship

(a) are submerged when the ship is in salt water and has no list; or

- (b) would be submerged if the ship were in salt water and had no list.
- (2) A ship must not proceed to sea when it is in contravention of paragraph (1).
- (3) When a ship is in fresh water of a density of one tonne per cubic metre the appropriate load line may be submerged by the amount of the fresh water allowance shown on the International Load Line Certificate.
- (4) When a ship is in water of a density other than one tonne per cubic metre, an allowance is to be made proportional to the difference between salt water density of 1.025 tonnes per cubic metre and the actual density.

### **Initial, renewal and annual surveys**

**12.** (1) A Virgin Islands ship must be subjected to

(a) an initial survey before the ship is put into service, which includes a complete inspection of its structure and equipment to ensure the ship complies with the applicable Convention requirements;

(b) a renewal survey at intervals not exceeding five years (except where regulation 17(3) and regulations 18(4) and (7) apply) to ensure the ship complies with the applicable Convention requirements; and

(c) an annual survey within three months before or after each anniversary date of the Convention 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 freeboard marks are correctly and permanently indicated; and

(iv) the information required by regulation 10 of Annex I is provided to the master of the ship.

(2) After a satisfactory annual survey, the Assigning Authority must endorse the Convention certificate accordingly.

### **Maintenance of conditions after survey**

**13.** The owner and master must ensure that after completion of any survey required under regulation 12, no material alteration is made to the ship, its structure, equipment, arrangements, material or scantlings covered by the survey without the approval of the Assigning Authority that issued the Convention certificate.

### **Issue of Convention certificates**

**14.** Upon satisfactory completion of an initial or renewal survey to a Virgin Islands ship, and upon payment of any appropriate fee, the Assigning Authority must issue a Convention certificate in respect of the ship.

## **Issue or endorsement of International Load Line Certificates by another Government and on behalf of other Contracting Governments**

15. (1) The Minister may request a Contracting Government

(a) to survey a Virgin Islands ship to which these Regulations apply, and

(b) to issue, or authorise the issue of, or endorse, or authorise the endorsement of, an International Load Line Certificate in accordance with the requirements of the 1966 Convention in respect of that ship if the Contracting Government is satisfied that the ship complies with the applicable Convention requirements.

(2) Where an International Load Line Certificate is issued pursuant to paragraph (1) the Minister is to be treated as the Assigning Authority in relation to it.

(3) When requested to do so by a Contracting Government, the Minister

(a) may cause a survey to be carried out in respect of a ship to which these Regulations apply, and

(b) must, subject to payment of any appropriate fee, issue or endorse an International Load Line Certificate in respect of that ship, in accordance with the applicable Convention requirements, if the Minister is satisfied that the ship complies with the applicable Convention requirements.

(4) An International Load Line Certificate issued pursuant to paragraph (3) must contain a statement that it has been issued at the request of the Contracting Government and that it has the same effect as a certificate issued by the Contracting Government who made the request referred to in paragraph (3).

(5) The Minister must send as soon as possible to the Contracting Government who made the request referred to in paragraph (3) a copy of

(a) the International Load Line Certificate,

(b) the survey report used for computing the freeboard, and

(c) a copy of the computations.

(6) The Minister must not issue an International Load Line Certificate in respect of a ship which

(a) is registered in a country whose government is not a Contracting Government, or

(b) is not registered, but is entitled to fly the flag of a country whose government is not a Contracting Government.

### **Form of Convention certificates**

16. A Convention certificate must be in the form prescribed by Annex III.

### **Duration and validity of an International Load Line Certificate**

17. (1) Subject to the following paragraphs and to regulation 18, the duration of an International Load Line Certificate is for such period as is specified in the certificate, not exceeding five years beginning with the date of completion of the initial or renewal survey.

(2) Subject to regulation 18(9), where a renewal survey is completed within three months before the expiry of the existing certificate, the new certificate is valid for a period beginning with the date of completion of

the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate.

(3) Subject to regulation 18(9), where a renewal survey is completed after the expiry of the existing certificate, the new certificate is valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate.

(4) Subject to regulation 18(9), where a renewal survey is completed more than three months before the expiry of the existing certificate, the new certificate is valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the date of completion of that renewal survey.

### **Extension of periods of validity of an International Load Line Certificate**

**18.** (1) If an International Load Line Certificate is issued for a period of less than five years, the Assigning Authority may extend the validity of the certificate beyond the expiry date to a period not exceeding five years beginning with the date of completion of the initial or renewal survey, provided that the annual surveys applicable when a certificate is issued for a period of five years are carried out as appropriate.

(2) If, after the renewal survey, a new certificate cannot be issued to the ship before the expiry of the existing certificate, the Assigning Authority may extend the validity of the existing certificate for a period which must not exceed five months, if the Assigning Authority is satisfied that there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard.

(3) Where an extension is granted pursuant to paragraph (2), the Assigning Authority must endorse the extension on the existing certificate.

(4) If, at the time when a certificate expires, a ship is not in the port in which it is to be surveyed, the Assigning Authority may extend the validity of the certificate for a period no longer than three months beginning with the date of expiry of the certificate if

(a) the Assigning Authority is satisfied that it is proper and reasonable to extend the validity of the certificate for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and

(b) the Assigning Authority, if not the Minister, has the authority of the Minister to grant such an extension.

(5) Where a ship has been granted an extension pursuant to paragraph (4), on its arrival in the port in which it is to be surveyed, the ship must be subject to a renewal survey.

(6) Subject to paragraph (9), a certificate issued following a renewal survey referred to in paragraph (5) must have an expiry date not exceeding five years from the date of expiry of the previous certificate before the extension was granted pursuant to paragraph (4).

(7) Where a certificate has been issued to a ship engaged on short voyages and the validity of that certificate has not been extended pursuant to paragraph (1), (2) or (4), the Assigning Authority may extend the validity of that certificate for a period of not more than one month beginning with the date of its expiry.

(8) Subject to paragraph (9), where a renewal survey is completed following an extension granted pursuant to paragraph (7), the Assigning Authority must ensure that the new certificate is valid for a period ending

on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(9) In special circumstances, as determined by the Assigning Authority, a new certificate need not be dated from the expiry of the existing certificate as required by paragraphs (4) and (6) to (8) and may instead be valid for a period ending on a date which is not more than five years from the date of completion of the renewal survey.

(10) If an annual survey is completed before the period specified in regulation 12(1)(c) then

(a) the Assigning Authority must endorse a new anniversary date on the certificate which is not more than three months later than the date on which the annual survey was completed;

(b) the Assigning Authority must complete the subsequent annual survey at the intervals prescribed by regulation 12(1)(c) using the new anniversary date;

(c) the Assigning Authority may permit the expiry date to remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between surveys prescribed by regulation 12(1)(c) are not exceeded.

(11) An International Load Line Certificate issued in respect of a Virgin Islands ship ceases to be valid where

(a) material alterations have taken place in the hull or superstructures such as would necessitate the assignment of an increased freeboard;

(b) the fittings and appliances mentioned in regulation 12(1)(c)(ii) are not maintained in an effective condition;

(c) the certificate is not endorsed in accordance with regulation 12(2) to show the ship has been surveyed in accordance with regulation 12(1)(c);

(d) the structural strength of the ship is lowered to such an extent that the ship is unsafe;

(e) the ship ceases to be a Virgin Islands ship.

(12) In this regulation “short voyages” means voyages where neither the distance from the port in which a voyage begins and the final port of destination nor the return voyage exceeds 1,000 nautical miles<sup>4</sup>.

### **Duration and validity of an International Load Line Exemption Certificate**

**19.** (1) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 7(1)(a) or 7(1)(b) applies, is for such period as specified in the certificate, not exceeding five years beginning with the date of completion of the initial survey or most recent renewal survey, as appropriate.

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<sup>4</sup> See International Maritime Organization (IMO) Resolution A.1104(29) (Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015). The Resolution may be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR or on [http://www.imo.org/en/OurWork/MSAS/Documents/A%2029-J-60%20-%20RES.1104%20\(E\).pdf](http://www.imo.org/en/OurWork/MSAS/Documents/A%2029-J-60%20-%20RES.1104%20(E).pdf).

(2) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 7(1)(c) applies, is limited to the single voyage for which it is issued.

(3) Except for regulation 17(1), regulations 17 and 18 apply in relation to an International Load Line Exemption Certificate as they apply in relation to an International Load Line Certificate.

#### **Procedure to be adopted when a ship is deficient**

**20.** (1) This regulation applies where an Assigning Authority determines that

(a) the condition of a Virgin Islands ship or its equipment does not correspond substantially with the requirements applicable to it under Annex I and in relation to which a Convention certificate has been issued in respect of that ship, or

(b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to human life or the marine environment.

(2) In the circumstances described in paragraph (1), the Assigning Authority must

(a) advise the owner or master of the corrective action which in the opinion of the Assigning Authority is required to be taken, and

(b) where an International Load Line Certificate has been issued in respect of the ship and is still valid, notify the Assigning Authority that issued the certificate

(i) that the Assigning Authority has so advised the owner or master as the case may be, and

(ii) if that corrective action is not taken.

(3) Where a Convention certificate has been issued in respect of the ship and is still valid, the Assigning Authority may suspend the validity of the certificate until the corrective action has been taken.

(4) Where the Assigning Authority suspends the validity of a certificate issued in respect of a ship, it must immediately give notice in writing of such suspension

(a) to the owner of the ship, and

(b) where the ship is in a port outside the Virgin Islands, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.

(6) The requirement that the notification referred to in paragraph (4) should be in writing is satisfied where the text of a notification is

(a) transmitted by electronic means,

(b) received in legible form, and

(c) capable of being used for subsequent reference.

#### **Cancellation of International Load Line Certificates and surrender of Convention certificates**

**21.** (1) The Minister may cancel an International Load Line Certificate issued in respect of a Virgin Islands ship where the Minister is satisfied that

- (a) the certificate was issued on false or erroneous information;
  - (b) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular; or
  - (c) the ship ceases to comply with the conditions of assignment relating to it.
- (2) Where the Minister proposes to cancel a certificate, the Minister must first notify the owner in writing, specifying the ground for the proposed cancellation.
- (3) Subject to paragraph (4), the Minister must not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Minister has considered any such representations made.
- (4) Paragraph (3) does not apply where the Minister considers that urgent safety considerations require immediate cancellation of the certificate.
- (5) The Minister may direct any Convention certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered.
- (6) The requirement that the notification referred to in paragraph (2) should be in writing is satisfied where the text of a notification is
- (a) transmitted by electronic means,
  - (b) received in legible form, and
  - (c) capable of being used for subsequent reference.

#### **Acceptance of Convention certificates**

- 22.** (1) The Minister of State must accept a valid Convention certificate issued by a Contracting Government (other than the Virgin Islands) in respect of a non-Virgin Islands ship.
- (2) The Minister must accept a valid Convention certificate issued in respect of a Virgin Islands ship by another Contracting Government under regulation 15(1).

#### **Control of non-Virgin Islands ships holding a valid Convention certificate**

- 23.** (1) A non-Virgin Islands ship holding a valid Convention certificate is subject to the control of officers authorised by the Minister when it is in a Virgin Islands port.
- (2) So far as is reasonable and practicable, the control that authorised officers may exercise over a non-Virgin Islands ship purporting to hold a valid Convention certificate when such ship is in a Virgin Islands port is for the purpose of verifying whether or not there is on board that ship a valid Convention certificate relating to it.
- (3) If there is a valid International Load Line Convention Certificate on board the ship, such control must be limited to the purpose of determining that
- (a) the ship is not loaded beyond the limits allowed by the certificate;
  - (b) the position of the load line of the ship corresponds with the certificate; and

(c) the ship has not been so materially altered in respect of the matters set out in article 19(9)(a), (b) and (d) of the 1966 Convention that the ship is manifestly unfit to proceed to sea without danger to human life.

(4) If there is a valid International Load Line Exemption Certificate on board the ship, the control exercised must be for the purpose of determining that any conditions stipulated in that certificate are complied with.

(5) If control is exercised to determine the matters described under paragraph (3)(c), it must only be exercised in so far as it may be necessary to ensure that the ship does not sail until it can proceed to sea without danger to passengers or the crew.

(6) In the event of the control provided for in this regulation giving rise to intervention of any kind, the Minister must immediately inform the ship's flag administration or diplomatic representative of the ship's flag State in writing of the intervention and of all the circumstances in which the intervention was deemed necessary.

(7) The requirement that the notification referred to in paragraph (6) should be in writing is satisfied where the text of a notification is

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference.

#### **Authorisation of removal etc., of appropriate marks**

**24.** After the appropriate marks have been made on a ship

- (a) it is the duty of the owner and master to keep the ship so marked; and
- (b) the marks must not be concealed, removed, altered, defaced or obliterated except with the authority of the Assigning Authority.

#### **Record of conditions of assignment**

**25.** (1) A record containing the conditions of assignment required by the Assigning Authority must be provided by the Assigning Authority to the ship and be

- (a) retained on board at all times, and
- (b) available for inspection by an authorised person on request.

(2) A ship ceases to comply with the conditions of assignment if the record is not on board and available for inspection in accordance with paragraph (1).

#### **Offences**

**26.** (1) Any contravention of regulation 6(1)(a), (b), (d) or (e) is an offence by each of the master and the owner.

(2) Any contravention of regulation 6(1)(c) is an offence by the master.

(3) An offence under paragraph (1) and (2) is punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

- (4) Any contravention of regulation 11(1) is an offence by each of the owner and master.
- (5) An offence under paragraph (4) is punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001, and by such additional fine, not exceeding an amount calculated in accordance with paragraph (6), as the court thinks fit, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention.
- (6) Any additional fine imposed under paragraph (5) must not exceed level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001 for each complete centimetre by which
- (a) in a case falling within regulation 11(1)(a), the appropriate load line on each side of the ship was submerged; or
  - (b) in a case falling within regulation 11(1)(b), the appropriate load line on each side of the ship would have been submerged.
- (7) In any proceedings for a contravention of regulation 11(1), it is a defence for the person charged to prove the contravention was due solely to deviation or delay and that the deviation or delay was 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.
- (8) Any contravention of regulation 11(2) is an offence by the master and any other person who, having reason to believe that the ship is so loaded, sends, or is party to sending, the ship to sea.
- (9) An offence under paragraph (8) is punishable (without prejudice to any liability for a fine in respect of an offence under paragraph (4)) by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.
- (10) Any contravention of regulation 24(a) is an offence by both the owner and the master punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.
- (11) Any contravention of regulation 24(b) by any person is an offence punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.
- (12) It is a defence for a person charged with an offence under paragraph (10) or (11) to show that the person had reasonable excuse for the contravention.
- (13) It is an offence to
- (a) intentionally alter a certificate referred to in these Regulations;
  - (b) falsely make a certificate referred to in these Regulations;
  - (c) in connection with any survey required by these Regulations knowingly or recklessly furnish false information;
  - (d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations; or
  - (e) fail to surrender as directed a certificate required to be surrendered under regulation 21(5).
- (14) An offence under paragraph (13) is punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001

## **Detention**

**27.** (1) Any ship which, in contravention of regulation 6(1), proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been so surveyed and marked.

(2) Any ship which does not comply with the conditions of assignment applicable to it and does not retain on board the record issued by the Assigning Authority detailing the conditions of assignment, is liable to be detained until it complies.

(3) Any ship which is loaded so as to submerge the load line may be detained until it ceases to be so loaded.

(4) Section 439 of the Merchant Shipping Act 2001 (enforcing detention of ship) applies where a ship is liable to be detained under this regulation as if

(a) references to detention of a ship under that Act were references to detention of the ship in question under this regulation, and

(b) subsections (7) and (8) were omitted.

(5) The provisions of sections 201 (powers to detain) and 202 (arbitration) of the Merchant Shipping Act 2001 apply in relation to a detention notice issued pursuant to this regulation.

## **Amendments**

**28.** The Schedule has effect.

## **Certificates issued under the Merchant Shipping (Load Line) Regulations 1998**

**29.** Any International Load Line Certificate or International Load Line Exemption Certificate issued under regulation 9 or 12 of the Merchant Shipping (Load Line) Regulations 1998<sup>5</sup> which is valid immediately before the day on which these Regulations come into force

(a) has effect on and after that date as if it were issued under these Regulations, and

(b) subject to the provisions of these Regulations continues to be valid until the expiry of that certificate.

## **Review of the Regulations**

**30.**...omitted.

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<sup>5</sup> S.I. 1998/2241, amended by S.I. 2000/1335 and S.I. 2005/2114.

## SCHEDULE

### Merchant Shipping (Load Line) Regulations 1998

1. The Merchant Shipping (Load Line) Regulations 1998<sup>6</sup> are amended as follows.

2. In regulation 2

(a) omit the definition of “the 1966 Convention”;

(b) omit the definition of “the 1988 Protocol”;

(c) for the definition of “appropriate certificate” substitute—

““appropriate certificate” means a Virgin Islands Load Line Certificate”;

(d) for the definition of “appropriate load line” substitute—

““appropriate load line” means the load line directed to be marked on a ship pursuant to regulation 7(2)(b)”;

(e) omit the definition of “Convention country”;

(f) omit the definition of “Convention-size”;

(g) in the definition of “Exemption Certificate” omit “an International Load Line Exemption Certificate or”;

(h) omit the definition of “International Load Line Certificate”;

(i) omit the definition of “International Load Line Certificate (1966)”;

(j) omit the definition of “International Load Line Exemption Certificate”;

(k) omit the definition of “International Load Line Exemption Certificate (1966)”;

(l) for the definition of “international voyage” substitute—

““international voyage” means a voyage between a port in the Virgin Islands and a port outside the Virgin Islands”;

(m) in the definition of “Maritime and Coastguard Agency” for “Department of the Environment, Transport and the Regions” substitute “Department for Transport”;

(n) omit the definition of “material date”;

(o) in the definition of “new ship” for “the material date” substitute “21st July 1968”;

(p) omit the definition of “parent country”;

(q) for the definition of “pleasure vessel” substitute

“(a) any vessel which at the time it is being used is

(i) in the case of a vessel wholly owned by

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<sup>6</sup> S.I. 1998/2241, amended by S.I. 2000/1335 and S.I. 2005/2114.

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;"

(r) omit the definition of "relevant entry into force date";

(s) in the definition of "Virgin Islands Load Line Certificate" omit "other than an International Load Line Certificate";

(t) omit the definition of "valid Convention certificate";

(u) omit paragraph (3).

### 3. In regulation 4(1)

(a) in sub-paragraph (a) after "ships of war" insert ", naval auxiliaries or other ships owned or operated by the Virgin Islands government and engaged only on governmental non-commercial service";

(b) in sub-paragraph (d) omit "and";

(c) after sub-paragraph (e) insert

"(f) new ships of 24 metres or more in length engaged on an international voyage; and

(g) existing ships of 150 gross tons or more engaged on an international voyage."

### 4. In regulation 4(2)(c), omit paragraphs (ii), (iii) and (iv).

### 5. In regulation 5

(a) omit paragraph (1) and (3);

(b) for paragraph (2) substitute

"(2) Subject to paragraph (4) the Minister may exempt any ship from these Regulations."

### 6. In regulation 6

(a) omit paragraph (2);

- (b) omit paragraph (5)(a);
- (c) in paragraph 5(b) omit “in the case of any other ship”;
- (d) omit paragraph (6).

**7.** In regulation 8(3) after “endorse” omit “the International Load Line Certificate, the International Load Line Certificate (1966) or, as the case may be, ”.

**8.** In regulation 9

- (a) for paragraph (1) substitute—

“(1) Subject to the provisions of regulation 10, the Assigning Authority shall issue a Virgin Islands Load Line Certificate in respect of a Virgin Islands ship which has been surveyed and marked in accordance with these Regulations.”

- (b) omit paragraph (2);
- (c) omit paragraph (5);
- (d) omit paragraph (6).

**9.** In regulation 12—

- (a) omit paragraph (1);

(b) in paragraph 3(c) for “an appropriate certificate” substitute “a Virgin Islands Load Line Certificate”.

**10.** In regulation 14

- (a) omit paragraph (1);

(b) in paragraph (4) after “paragraph (2)” omit “in respect of a ship registered in a Convention country”.

**11.** ...

**ANNEX-2**

**THE MINISTER PURSUANT TO S. 464(3) OF THE MERCHANT SHIPPING ACT, 2001 (ACT NO. 13 OF 2001) AS AMENDED, PUBLISHES THE FOLLOWING TEXT OF THE ENACTMENT OF THE UNITED KINGDOM AS ADOPTED IN THE VIRGIN ISLANDS IN ACCORDANCE WITH THE MERCHANT SHIPPING (ADOPTION OF UNITED KINGDOM ENACTMENTS) ORDER 2005 (S.I. 2005 NO. 30) AS AMENDED**

**TEXT OF THE MERCHANT SHIPPING (LOAD LINE) REGULATIONS 1998 (U.K.S.I. 1998/2441)**

Merchant Shipping Notices referred to in the UK Regulations are listed in Annex-2, together with electronic links to the Notices.

Other instruments and documents which are mentioned in the adopted UK Regulations are available in the Virgin Islands from the Virgin Islands Shipping and Maritime Authority, 1st Floor, Wickham's Cay II, Road Town, Tortola, Virgin Islands VG1110; [vishipping@bvimaritime.vg](mailto:vishipping@bvimaritime.vg);

**STATUTORY INSTRUMENTS**

**1998 No. 2441**

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Load Line) Regulations 1998.**

*Made*

*8th September 1998*

*Laid before Parliament*

*21st September 1998*

*Coming into force*

*12th October 1998*

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**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Load Line) Regulations 1998 and shall come into force on 12th October 1998.

**Interpretation**

2. (1) In these Regulations, except where the context otherwise requires—

"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 expiry of the certificate;

"appropriate certificate" means a Virgin Islands Load Line Certificate;

"appropriate load line" means the load line directed to be marked on a ship pursuant to regulation 7(2)(b)

"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;

"column stabilised" [definition omitted]

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

(a) a country the Government of which is party to the 1966 Convention, or to the 1966 Convention as amended by the 1988 Protocol, or

(b) a territory to which the 1966 Convention, or the 1966 Convention as amended by the 1988 Protocol, extends;

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

"Exemption Certificate" means a Virgin Islands Load Line Exemption Certificate;

"freeboard" means the distance measured vertically downwards at amidships from the upper edge of the deck-line described in regulation 16 to the position at which the upper edge of the load line appropriate to the freeboard is to be marked;

"freeboard deck" means 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 the ship are fitted with permanent means of watertight closing; or

(b) at the request of the owner and subject to the approval of the Minister, a deck lower than that described in subparagraph (a) above, it being a complete and permanent deck which is continuous both in a fore and aft direction at least between the machinery space and peak bulkheads of the ship, and athwartships, a deck which is stepped being taken to consist for this purpose of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck;

"international voyage" means a voyage between a port in the Virgin Islands and a port outside the Virgin Islands;

"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 waterline.

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;

"Maritime and Coastguard Agency" means the Maritime and Coastguard Agency, an Executive Agency of the Department of Transport;

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

(a) in relation to a ship whose parent country is a Convention country other than the Virgin Islands, the date on which the 1966 Convention entered into force for that country; and

(b) in relation to any other ship, the 21st July 1968;

"Merchant Shipping Notice" means a Notice described as such and issued by the Maritime and Coastguard Agency, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending that Notice;

"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) if the form at the lower part of the midship section of the ship is of a hollow character or if 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) if 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" means a voyage during which the vessel is never more than 150 nautical miles from a safe haven in the Virgin Islands;

"new ship" means a ship whose keel is laid, or which is at a similar stage of construction, on or after 21st July 1968; and "existing ship" means a ship which is not a new ship;

"non-Virgin Islands ship" means any ship other than a Virgin Islands ship;

"pleasure vessel" means -

(a) any vessel which at the time it is being used is

(i) in the case of a vessel wholly owned by

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

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

"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;

"Virgin Islands Load Line Certificate" means a certificate issued under regulation 9(1);

"Virgin Islands Load Line Exemption Certificate" means a certificate issued under regulation 12(2);

"Virgin Islands ship" means a ship which

(a) is registered in the Virgin Islands; or

(b) is not registered under the law of any country but is wholly owned by persons each of whom is qualified to be an owner of Virgin Islands ship in accordance with section. 4(1) of the Merchant Shipping Act 2001

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

(2) In determining, for the purposes of the definition of an international voyage what are the ports between which a voyage is made no account shall be taken of any deviation by a ship from its intended voyage which is solely due 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.

(3) ... *omitted*

(4) In these Regulations

(a) a reference to a numbered Part is, unless otherwise stated, a reference to the Part of that number in these Regulations;

(b) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations; and

(c) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that regulation.

(5) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

### **3. Repeals and revocations**

...*omitted*

### **Application**

**4. (1)** These Regulations apply to Virgin Islands ships wherever they may be and to other ships while they are within Virgin Islands waters, except

(a) ships of war, naval auxiliaries or other ships owned or operated by the Virgin Islands government and engaged only on governmental non-commercial service;

(b) ships solely engaged in fishing;

(c) pleasure vessels;

(d) ships which do not go to sea;

(e) ships under 80 net tons falling within one of the classes specified in paragraph (2) engaged solely in the coasting trade, and, subject to paragraph (3), not carrying cargo;

(f) new ships of 24 metres or more in length engaged on an international voyage; and

(g) existing ships of 150 gross tons or more engaged on an international voyage.

(2) Those classes are

(a) tugs or salvage ships;

(b) hopper barges or dredgers;

(c) ships used by or on behalf of

(i) a general or local lighthouse authority for the purpose of the authority's functions as such;

*[(ii) to (iv) ...omitted]*

(d) ships in respect of which passenger certificates are in force specifying limits beyond which the ship must not ply, and which operate solely within those limits;

*[(e) ...omitted]*

(3) A ship referred to in paragraph (1)(e) falling within the class in paragraph (2)(d) shall be excepted from the provisions of these Regulations while carrying cargo in accordance with the terms, if any, of the ship's passenger certificate expressly authorising the carriage of cargo.

### **Exemptions**

5. (1) ... *omitted*

(2) Subject to paragraph (4) the Minister may exempt any ship from these Regulations.

(3) ... *omitted*

(4) Any exemption conferred under this regulation may be conferred subject to such conditions as the Minister thinks fit; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

### **General compliance**

6. (1) Subject to any exemption conferred under these Regulations, a ship shall not proceed, or attempt to proceed, to sea unless

(a) it has been surveyed in accordance with these Regulations;

(b) it is marked with the appropriate marks;

(c) it complies with the conditions of assignment applicable to it; and

(d) the information required by regulation 32 and 33 is provided for the guidance of the master of the ship.

(2) [...Omitted]

(3) A ship shall not be so loaded that

(a) if the ship is in salt water and has no list the appropriate load line on each side of the ship is submerged; or

(b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(4) A ship shall not proceed to sea when it is in contravention of paragraph (3).

(5) Before any ship proceeds to sea from any port in the Virgin Islands, the master of that ship shall produce to an officer of customs from whom a clearance for the ship is demanded for an international voyage

(a) [...omitted]

(b) a Virgin Islands Load Line Certificate or a Virgin Islands Load Line Exemption Certificate, which is in force in relation to the ship.

(6) [...Omitted]

## PART II

### SURVEYS AND CERTIFICATES

#### Assignment of freeboards

7. (1) The Assigning Authority shall assign freeboards to a Virgin Islands ship in accordance with the requirements of these Regulations.

(2) The Assigning Authority shall

(a) determine the particulars of the freeboards to be assigned;

(b) determine which of the load lines described in Part III 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.

#### Initial, renewal and annual surveys

8. (1) A Virgin Islands 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 paragraph (2)(a), (5), (6) or (7) of regulation 10 is 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 32 and 33.

(2) The owner and master shall ensure that after any of the surveys referred to in paragraph (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 paragraph (1)(c), the surveyor shall endorse the Virgin Islands Load Line Certificate, accordingly.

#### **Issue of appropriate certificates**

9. (1) Subject to the provisions of regulation 10, the Assigning Authority shall issue a Virgin Islands Load Line Certificate in respect of a Virgin Islands ship which has been surveyed and marked in accordance with these Regulations.

(2) [Omitted]

(3) If the certificate is a Virgin Islands Load Line Certificate it shall be in the form prescribed in Schedule 8 of Merchant Shipping Notice MSN 1752 (M).

(4) Subject to any exemption conferred by or under these Regulations, a ship shall not proceed, or attempt to proceed, to sea unless the appropriate certificate is in force in respect of that ship.

(5) and (6) [Omitted]

#### **Duration and extension of certificates**

10. (1) Subject to paragraphs (2), (4), (5) and (6), the duration of any certificate issued under these Regulations shall not exceed a period of five years beginning with the date of completion of the initial or renewal survey referred to in regulation 8(1)(a) or (b) respectively.

(2) (a) When the renewal survey referred to in regulation 8(1)(b) is completed within three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate.

(b) When the renewal survey referred to in regulation 8(1)(b) is completed after the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the previous certificate.

(c) When the renewal survey referred to in regulation 8(1)(b) is completed more than three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the date of completion of the renewal survey.

(3) If a certificate is issued for a period of less than five years, the Assigning Authority may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), provided that the annual surveys applicable when a certificate is issued for a period of five years are carried out as appropriate.

(4) If, after the renewal survey, a new certificate cannot be issued to the ship before the expiry of the existing certificate, the Assigning Authority may extend the validity of the existing certificate for a period which shall not exceed five months. This extension shall be endorsed on the certificate, and shall be granted only

where there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard.

(5) If, at the time when a certificate expires, a ship is not in a port in which it is to be surveyed, the Assigning Authority may extend the validity of the certificate but this extension shall be granted only where it appears proper and reasonable to the Assigning Authority to do so for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed. No certificate shall be extended for a period longer than three months beginning with the date of expiry, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(6) A certificate issued to a ship engaged on short voyages which has not been extended under paragraph (3), (4) or (5) of this regulation may be extended by the Assigning Authority for a period of not more than one month beginning with the date of its expiry. When the renewal survey is completed the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(7) In special circumstances, as determined by the Assigning Authority, a new certificate need not be dated from the expiry of the previous certificate before the extension was granted, as required by paragraphs (2), (5) and (6). In these special circumstances, the new certificate shall be valid for a period ending on a date which is not more than five years from the date of completion of the renewal survey.

(8) If an annual survey is completed before the period specified in regulation 8(1)(c) then:

(a) a new anniversary date shall be endorsed on the certificate which shall not be more than three months later than the date on which the annual survey was completed;

(b) the subsequent annual survey required by regulation 8(1)(c) shall be completed at the intervals prescribed by that regulation using the new anniversary date;

(c) the expiry date of the certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 8(1)(c) are not exceeded.

### **Certificates ceasing to be valid, and surrender and cancellation of certificates**

**11. (1)** An appropriate certificate issued in respect of a Virgin Islands ship shall cease to be valid where

(a) material alterations have taken place in the hull or superstructures of the ship such as would necessitate the assignment of an increased freeboard;

(b) the fittings and appliances mentioned in regulation 8(1)(c)(ii) are not maintained in an effective condition;

(c) the certificate is not endorsed in accordance with regulation 8(3) to show the ship has been surveyed in accordance with regulation 8(1)(c);

(d) the structural strength of the ship is lowered to such an extent that the ship is unsafe;

(e) a new certificate is issued in respect of the ship; or

(f) the ship ceases to be a Virgin Islands ship.

(2) The Minister may cancel an appropriate certificate issued in respect of a Virgin Islands ship if he is satisfied that

(a) the certificate was issued on false or erroneous information;

(b) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular; or

(c) the ship ceases to comply with the conditions of assignment relating to it.

(3) Where the Minister proposes to cancel a certificate, he shall first notify the owner in writing, specifying the grounds for the proposed cancellation.

(4) Subject to paragraph (5), the Minister shall not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Minister has considered any such representations made.

(5) Paragraph (4) shall not apply where the Minister considers that urgent safety considerations so require.

(6) The Minister may require any certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered as he directs.

(7) The requirement that the notification referred to in paragraph (3) should be in writing is satisfied where the text of the notification

(a) is transmitted by electronic means,

(b) is received in legible form, and

(c) is capable of being used for subsequent reference.

### **Issue of exemption certificates**

**12. (1) [Omitted]**

(2) Where a ship is exempted under regulation 5(2), a Virgin Islands Load Line Exemption Certificate shall be issued in respect of the ship by the Minister which shall state the conditions with which the ship is to comply, and which shall be in the form prescribed in Schedule 8 of Merchant Shipping Notice MSN 1752 (M).

(3) Except in so far as the nature or terms of any such exemption require the contrary

(a) the ship shall be assigned freeboards in accordance with regulation 7;

(b) shall be subject to surveys in accordance with regulation 8; and

(c) regulations 8 to 11 shall apply in relation to the Exemption Certificate as they apply in relation to a Virgin Islands Load Line Certificate,

subject to the substitution, for references in the said regulations to an Assigning Authority, of references to the Minister.

### **Publication of load line certificate and notification of draughts**

13. (1) Where an appropriate certificate or an Exemption Certificate is issued in respect of a Virgin Islands ship, the owner and master of the ship shall ensure that it is kept legible and posted up in some conspicuous place on board the ship.

(2) Before any Virgin Islands ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship shall, subject to paragraph (4), ensure a notice is posted up in some conspicuous place on board the ship, in a form and containing such particulars relating to the depth to which the ship is loaded as is specified in Schedule 7 in Merchant Shipping Notice MSN 1752 (M).

(3) Where a notice has been posted up in accordance with paragraph (2), the master of the ship shall cause it to be kept posted and legible until the ship arrives at some other dock, wharf, harbour or place.

(4) Paragraph (2) does not apply to ships employed on a near-coastal voyage.

### **Non-United Kingdom ships**

14. (1) [Omitted]

(2) A Virgin Islands Load Line Certificate may be issued to a non-Virgin Islands ship which has been surveyed and marked in accordance with these Regulations.

(3) Subject to paragraph (4), a certificate issued under paragraph (2) shall be subject to the same conditions and have the same effect as a similar certificate issued to a Virgin Islands ship.

(4) Any certificate issued under paragraph (2) shall be valid only so long as the ship is not plying on international voyages, and shall be cancelled by the Minister if he has reason to believe that the ship is plying on international voyages.

## **PART III**

### **LOAD LINES AND MARKS**

#### **Marking**

15. (1) The load line directed to be marked on the ship pursuant to regulation 7(2)(b), the deckline and the load line mark shall be marked by the owner on each side of the ship in accordance with the directions of the Assigning Authority and the requirements of this Part.

(2) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 29, the ship shall be marked by the owner in accordance with regulation 22(4).

#### **Deck-line**

16 (1) The deck-line shall consist of a horizontal line 300 millimetres in length and 25 millimetres in width and shall be marked amidships on each side of the ship so as to indicate the position of the freeboard deck.

(2) Subject to paragraph (3), the deck-line shall be marked in such a position on the side of the ship that its upper edge passes through the point amidships where the continuation outwards of the upper surface of the

freeboard deck, or of any sheathing of that deck, intersects the outer surface of the shell of the ship as shown in Figure 1.

(3) Where the design of the ship, or other circumstances, render it impracticable to mark the deck-line in accordance with paragraph (2) the Assigning Authority may direct that it be marked by reference to another fixed point as near as practicable to the position described in paragraph (2).

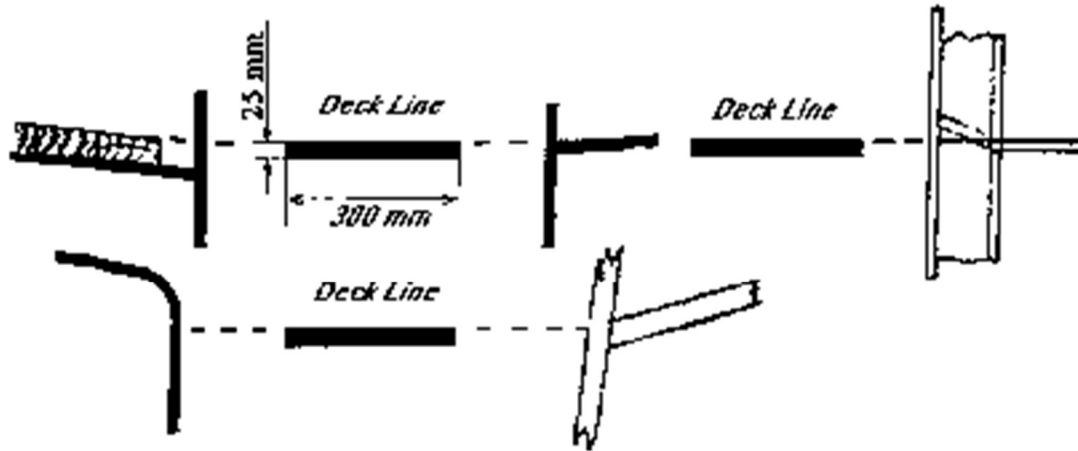


Figure 1: Deck-line

### Load line mark

17. The load line mark as shown in Figure 2 shall consist of a ring 300 millimetres in outside diameter and 25 millimetres wide, intersected by a horizontal line 450 millimetres long and 25 millimetres wide the upper edge of which passes through the centre of the ring. The centre of the ring shall be marked amidships vertically below the deck-line so that, except as otherwise provided in regulation 31, the distance from the centre of the ring to the upper edge of the deck-line is equal to the Summer freeboard assigned to the ship.

### Load lines

18. (1) Except as otherwise provided for in paragraph (3), the load lines shown in Figure 2 shall consist of horizontal lines of 230 millimetres in length and 25 millimetres in width extending forward or abaft of a vertical line 25 millimetres in width marked 540 millimetres forward of the centre of the ring of the load line mark and at right angles to that line. The individual load lines shall be as follows

(a) the Summer load line, which shall extend forward of the said vertical line, and shall correspond horizontally with the line passing through the centre of the ring of the load line mark, and shall be marked S;

(b) the Winter load line, which shall extend forward of the vertical line, and be marked W;

(c) the Winter North Atlantic load line, which shall extend forward of the vertical line, and be marked WNA;

(d) the Tropical load line, which shall extend forward of the vertical line, and be marked T;

(e) the Fresh Water load line, which shall extend abaft the vertical line, and be marked F; and

- (f) the Tropical Fresh Water load line, which shall extend abaft the vertical line and be marked TF.
- (2) The maximum depth to which a ship may be loaded in relation to a load line referred to in paragraph (1) shall be the depth indicated by the upper edge of the appropriate load line.
- (3) In the case of a sailing ship
- (a) the Summer load line shall consist of the line passing through the centre of the ring of the load line mark; and
- (b) the Winter North Atlantic load line and Fresh Water load line only shall be marked on the ship as shown in Figure 3.

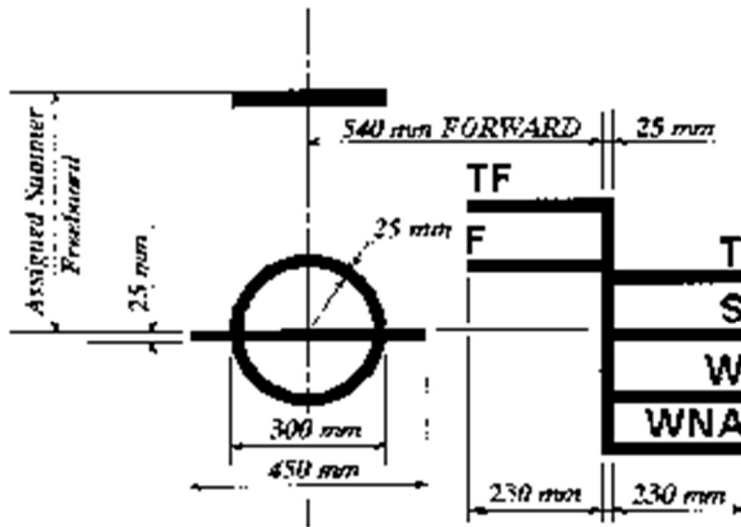


Figure 2: Load Line Mark and Lines to be used with this mark

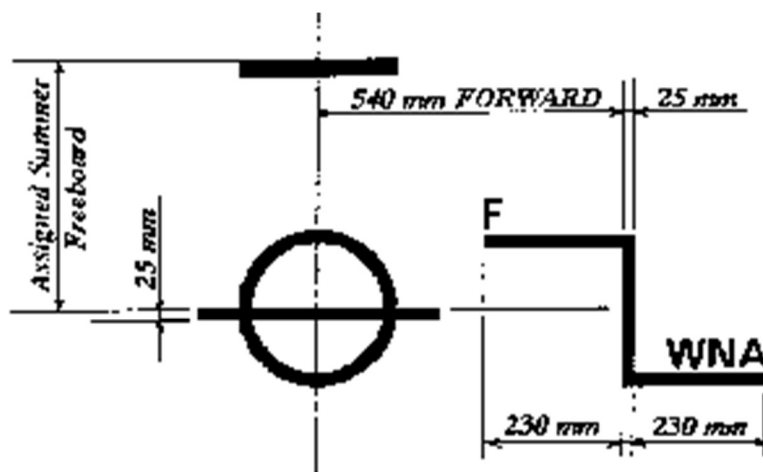


Figure 3: Load Line Mark and Lines for Sailing Ships

## Timber load lines

19. (1) Timber load lines shall consist of horizontal lines of the dimensions specified in respect of such lines in regulation 18(1), extending abaft or forward of a vertical line 25 millimetres in width and marked 540 millimetres abaft the center of the ring of the load line mark and at right angles to that line as shown in Figure 4 and individual Timber load lines shall be as follows

- (a) the Summer Timber load line, which shall extend abaft the said vertical line and be marked LS;
- (b) the Winter Timber load line, which shall extend abaft the vertical line and be marked LW;
- (c) the Winter North Atlantic Timber load line, which shall extend abaft the vertical line and be marked LWNA;
- (d) the Tropical Timber load line, which shall extend abaft of the vertical line and be marked LT;
- (e) the Fresh Water Timber load line, which shall extend forward of the vertical line and be marked LF; and
- (f) the Tropical Fresh Water Timber load line, which shall extend forward of the vertical line and be marked LTF.

(2) The maximum depth to which a ship may be loaded in relation to a Timber load line referred to in paragraph (1) shall be the depth indicated by the upper edge of the appropriate Timber load line.

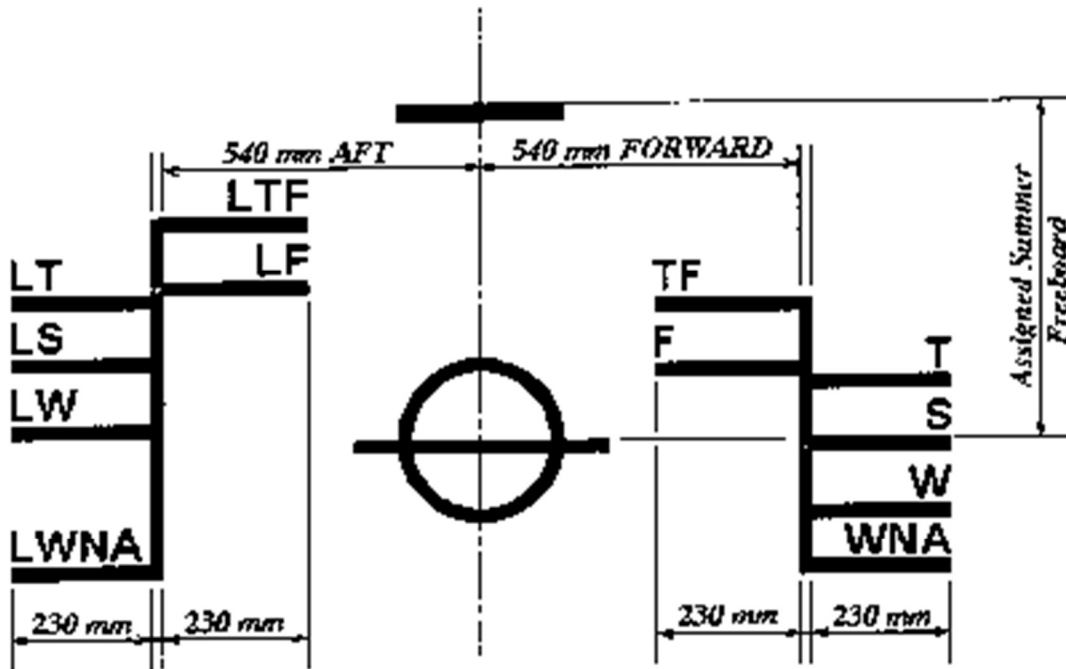


Figure 4: Timber Load Line Mark and Lines to be used with this mark

### **Appropriate load line**

20. The appropriate load line in respect of a ship at any particular zone or area and seasonal period shall be ascertained in accordance with the provisions of Schedule 1 in Merchant Shipping Notice MSN 1752 (M).

### **Position of load lines**

21. Each load line shall be marked in such a position on each side of the ship that the distance measured vertically downwards from the upper edge of the deck-line to the upper edge of the load line is equal to the freeboard assigned to the ship which is appropriate to that load line.

### **Method of marking**

22. (1) The appropriate marks shall be marked in such a manner as to be plainly visible.

(2) If the sides of the ship are of metal the appropriate marks shall be cut in, centre punched or welded; if the sides of the ship are of wood the marks shall be cut into the planking to a depth of not less than 3 millimetres; if the sides are of other materials to which the foregoing methods of marking cannot effectively be applied the marks shall be permanently affixed by bonding or some other effective method.

(3) The appropriate marks shall be painted in white or yellow if the background is dark, and in black if the background is light.

(4) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 29, the load lines and the load line mark shall be marked on the ship by being painted in red on a contrasting background and shall comply with paragraph (2) above.

### **Authorisation of removal, etc., of appropriate marks**

23. After the appropriate marks have been made on a ship,

(a) it shall be the duty of the owner and master to keep the ship so marked; and

(b) the marks shall not be concealed, removed, altered, defaced or obliterated except with the authority of the Assigning Authority.

### **Mark of Assigning Authority**

24. (1) The identity of the Assigning Authority may be marked alongside the load line ring either above the horizontal line which passes through the centre of the ring, or above and below it.

(2) Such a mark shall consist of not more than four initials each measuring approximately 115 millimetres in height and 75 millimetres in width.

## **PART IV**

### **CONDITIONS OF ASSIGNMENT**

#### **Requirements relevant to the assignment of freeboards**

25. (1) Subject to paragraph (2), every ship to which freeboards are assigned under these Regulations shall comply with the conditions of assignment applicable to that ship and set out in Schedule 2 of Merchant Shipping Notice MSN 1752 (M).

(2) An existing ship may, instead of complying with the conditions of assignment referred to in paragraph (1), comply with such of the requirements relevant to the assignment of freeboards to ships as were applicable to her under the law in force immediately before 21st July 1968.

### **Compliance with conditions of assignment**

**26.** (1) Except as otherwise provided for in paragraph (2), a ship will cease to comply with the conditions of assignment

(a) if at any time after the assignment of freeboards there has been any alteration of the hull, superstructures, fittings or appliances of the ship such that

(i) a requirement applicable to the ship under regulation 25 is not complied with; or

(ii) it differs in a material respect from the record of particulars provided in accordance with regulation 27; or

(b) if the record of particulars is not on board in accordance with regulation 27(2).

(2) A ship shall be taken to comply with the conditions of assignment notwithstanding an alteration referred to in paragraph (1)(a) if

(a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with these load lines and a new certificate issued to the owner of the ship accordingly; or

(b) the alteration has been inspected by a surveyor on behalf of the Assigning Authority and that Authority is satisfied that the alteration is not such as to require any change in the freeboards assigned to the ship, and full particulars of the alteration together with the date and place of his inspection have been endorsed by the surveyor on the record referred to in regulation 27(1).

### **Record of particulars**

**27.** (1) The record of particulars shall be provided on the ship in a form given in Schedule 3 of Merchant Shipping Notice MSN 1752 (M).

(2) The record shall be furnished by the Assigning Authority and be retained on board at all times.

## **PART V**

### **FREEBOARDS**

#### **Types of freeboard**

**28.** The freeboards that can be assigned to a ship under these Regulations are the Summer freeboard; Tropical freeboard; Winter freeboard; Winter North Atlantic freeboard; Fresh Water freeboard and Tropical Fresh Water freeboard. In the case of ships carrying Timber the freeboards that may be assigned are Summer Timber freeboard; Winter Timber freeboard; Winter North Atlantic Timber freeboard; Tropical Timber freeboard; Fresh Water Timber freeboard and Tropical Fresh Water Timber freeboard.

### **Determination of freeboards**

**29.** (1) Except as otherwise provided for in regulation 30 the freeboards assigned to a new ship shall be determined in accordance with the provisions of Schedule 4 of Merchant Shipping Notice MSN 1752 (M).

(2) The freeboards assigned to an existing ship shall be determined in accordance with the provisions applicable to the ship under the law in force immediately before 21st July 1968:

Provided that if an existing ship has been so constructed or modified as to comply with all the conditions of assignment set out in Schedule 2 of Merchant Shipping Notice MSN 1752 (M) applicable to a new ship of her type, and application is made for the assignment to her of freeboards determined in accordance with Schedule 4 of that Merchant Shipping Notice, such freeboards shall be assigned to her.

### **Greater than minimum freeboards**

**30.** (1) A freeboard determined in accordance with regulation 29 is the minimum freeboard that may be assigned to the ship.

(2) (a) Subject to subparagraph (b) below the Assigning Authority may however, if 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 18 shall be omitted;

(d) subject to the provisions of subparagraph (c) above, the Fresh Water load line shall be as described in regulation 18(1) and be marked accordingly.

### **Special position of deck-line: correction of freeboards**

**31.** In any ship where the deck line is marked in accordance with regulation 16(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 paragraph. 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.

**PART VI**  
**INFORMATION FOR THE MASTER**

**Information as to stability of ships**

**32.** (1) The owner of every ship to which these Regulations apply shall provide, for the guidance of the master, information relating to the stability of the ship in accordance with this regulation. The information shall be in the form of a book which shall be kept on the ship at all times in the custody of the master.

(2) In the case of a Virgin Islands ship this information shall include all matters specified in Schedule 6 of Merchant Shipping Notice MSN 1752 (M), and be in the form required by that Schedule. This information shall also be in accordance with the requirements of paragraphs (3), (4) and (5).

(3) Subject to paragraph (4), this information shall be based on the determination of stability taken from an inclining test carried out in the presence of a surveyor appointed by the Minister or, in the case of a ship listed in Part II of Schedule 6 of Merchant Shipping Notice MSN 1752 (M), by the Assigning Authority. This information shall be amended whenever any alterations are made to the ship or changes occur to it which will materially affect this information and, if necessary, the ship shall be re-inclined.

(4) The inclining test may be dispensed with if

(a) in the case of any ship basic stability data is available from the inclining test of a sister ship and the Minister or, in the case of a ship listed in Part II of Schedule 6 of Merchant Shipping Notice MSN 1752 (M), the Assigning Authority is satisfied that reliable stability information can be obtained from such data; and

(b) in the case of

(i) a ship specially designed for the carriage of liquids or ore in bulk, or

(ii) of any class of such ships,

the information available in respect of similar ships shows that the ship's proportions and arrangements will ensure more than sufficient stability in all probable loading conditions.

(5) Before this information is issued to the master-

(a) if it relates to a ship which is listed in Part II of Schedule 6 of Merchant Shipping Notice MSN 1752 (M),

(b) if it relates to any other ship, it shall be approved by the Minister.

**Information as to loading and ballasting of ships**

**33.** (1) The owner of any ship of more than 150 metres in length specially designed for the carriage of liquids or ore in bulk shall provide, for the guidance of the master, information relating to the loading and ballasting of the ship.

(2) This information shall indicate the maximum stresses permissible for the ship and specify the manner in which the ship is to be loaded and ballasted to avoid the creation of unacceptable stresses in its structure.

(3) In the case of a Virgin Islands ship the provisions of regulation 32(5) shall have effect in respect of information required under this regulation, and the information so approved shall be included in the book referred in regulation 32(1).

## **PART VII**

### **EQUIVALENTS, PENALTIES AND DETENTION**

#### **Equivalents**

**34.** The Assigning Authority may, with the approval of the Minister

(a) allow any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, in the place of any fitting, material, appliance, apparatus or provision respectively which is required under any of the provisions of these Regulations, if satisfied by trial or otherwise that it is at least as effective as that so required; or

(b) allow in an exceptional case departure from the requirements of any of the said provisions on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Minister that the safety of the ship and protection afforded to the crew will be no less effective than would be the case if the ship fully complied with those requirements and there were no such increase of freeboards.

#### **Penalties**

**35.** (1) Where regulation 6(1) is contravened the owner and master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

(2) Any contravention of regulation 6(3) shall be an offence by both the owner and master and [omitted] shall be punishable:

on summary conviction by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

(3) Any additional fine imposed under paragraph (2)(a) shall not exceed \$1,000 for each complete centimetre by which

(a) in a case falling within regulation 6(3)(a), the appropriate load line on each side of the ship was submerged; or

(b) in a case falling within regulation 6(3)(b), the appropriate load line on each side of the ship would have been submerged.

(4) Any contravention of regulation 6(4) shall be an offence by the master and by any other person who, having reason to believe that the ship is so loaded, sends or is party to sending the ship to sea, punishable (without prejudice to any fine liable in respect of an offence under paragraph (2)) by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

(5) Where a person is charged with an offence under paragraph (2), it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was 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.

(6)(a) Any contravention of regulation 23(a) shall be an offence by both the owner and the master punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

(b) Any contravention of regulation 23(b) by any person shall be an offence punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

(c) It shall be a defence for a person charged under this paragraph to show he had reasonable excuse for the contravention.

(7) Any contravention of regulation 9(4) shall be an offence by the master punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

(8) Any contravention of regulation 13 shall be an offence by both the master and owner punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

### **Offences and penalties in relation to certificates and surveys**

**36.** (1) No person shall

(a) intentionally alter a certificate referred to in these Regulations;

(b) falsely make a certificate referred to in these Regulations;

(c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;

(d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations;

(e) fail to surrender as directed a certificate required to be surrendered under regulation 11(6); or

(2) Any contravention of paragraph (1) shall be an offence punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the Merchant Shipping Act 2001.

### **Detention**

**37.** (1) Any ship which, in contravention of regulation 6(1), proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been so surveyed and marked.

(2) Any ship which does not comply with the conditions of assignment applicable to it shall be liable to be detained until it complies.

(3) Without prejudice to any proceedings under regulation 35, any ship which is loaded in contravention of regulation 6(3) may be detained until it ceases to be so loaded.

(4) In any case where a ship is liable to be detained, section 439 of the Merchant Shipping Act 2001 (enforcing detention of ship) shall have effect in relation to the ship, subject to the modification that as if for the words "this Act" wherever they appear, there were substituted the words "the Merchant Shipping (Load Line) Regulations 1998".

(5) The provisions of sections 201 (powers to detain) and 202 (arbitration) of the Merchant Shipping Act 2001 apply in relation to a detention notice issued pursuant to this regulation

## Review

38. ...Omitted



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### ANNEX-3

#### UNITED KINGDOM M-NOTICES

*[This text does not form part of the published adopted regulations]*

To accompany UK Regulations, the Maritime and Coastguard Agency publishes M-Notices, comprising Merchant Shipping Notices ('MSNs'), Marine Guidance Notes ('MGNs') and Marine Information Notices ('MINs').

In some cases, the M-Notices are referenced in the Regulations and, where they are they are incorporated as part of the regulations, their provisions are as mandatory as those contained in the Regulations. Consequently, where the Virgin Islands has adopted UK Regulations which incorporate M-Notices, the M-Notices also have the force of law.

Table 1 below lists the M-Notices incorporated in the adopted Regulations in this way and provides a link to the UK Government's website on which the latest version of the M-Notices can be found.

In other cases, M-Notices are issued which provide guidance on the regulations without being incorporated in the regulations. Although not having the force of law in the same way as incorporated M-Notices, they may nonetheless be relevant to the interpretation of the UK Regulations, as adopted in the Virgin Islands. Table 2 below lists these M-Notices.

In line with the Adoption Order, where the following terms appear in the M-Notices, they should be read as follows:

(a) a reference to a United Kingdom ship or ships should be read as a reference to a Virgin Islands ship or ships.

(b) any reference to Northern Ireland or Scotland should be omitted.

(c) a reference to England and Wales or the United Kingdom should be read as a reference to the Virgin Islands.

(d) a reference to the "Secretary of State", the "Department for Transport" or to a "Minster" should be read as a reference to the Minister.

(e) a reference to the "Maritime and Coastguard Agency" or "MCA", should be read as a reference to the Virgin Islands Shipping and Maritime Authority.



**TABLE 1 M-NOTICES INCORPORATED IN THE ADOPTED REGULATIONS**

<b>M-Notice Number</b>	<b>Title of M-Notice</b>	<b>Link</b>
M1752 (M)	The Merchant Shipping (Load Line) Regulations 1998, as amended by the Merchant Shipping (Load Line) (Amendment) Regulations 2000	<a href="https://www.gov.uk/government/publications/msn-1752-amended-merchant-shipping-load-line-regulations-1998">https://www.gov.uk/government/publications/msn-1752-amended-merchant-shipping-load-line-regulations-1998</a>
M1752 (M) Corrigendum	The Merchant Shipping (Load Line) Regulations 1998, as amended by the Merchant Shipping (Load Line) (Amendment) Regulations 2000 (Corrected page 10)	<a href="https://www.gov.uk/government/publications/msn-1752-corrigendum">https://www.gov.uk/government/publications/msn-1752-corrigendum</a>

**TABLE 2: M-NOTICES INCORPORATED THAT MAY BE OF RELEVANCE TO THE ADOPTED REGULATIONS**

M-Notice Number	Title of M-Notice	Link
MSN 1698 (M)	The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998 (plus Amendment 1)	<a href="https://www.gov.uk/government/publications/msn-1698-m-passenger-ship-construction-classes-i-ii-and-iaa-regulations-1998">https://www.gov.uk/government/publications/msn-1698-m-passenger-ship-construction-classes-i-ii-and-iaa-regulations-1998</a> <a href="https://www.gov.uk/government/publications/msn-1698-m-amendment-1-the-merchant-shipping-passenger-ship-construction-ships-of-classes-i-ii-and-iaa-regulations-1998">https://www.gov.uk/government/publications/msn-1698-m-amendment-1-the-merchant-shipping-passenger-ship-construction-ships-of-classes-i-ii-and-iaa-regulations-1998</a>
MSN 1699 (M) -	The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 (Plus Amendments 1 to 3)	<a href="https://www.gov.uk/government/publications/msn-1699-passenger-ship-constructuion-classes-iii-to-vi">https://www.gov.uk/government/publications/msn-1699-passenger-ship-constructuion-classes-iii-to-vi</a> <a href="https://www.gov.uk/government/publications/msn-1699-amendment-1-the-merchant-ships-of-classes-iii-to-via-regulations-1998">https://www.gov.uk/government/publications/msn-1699-amendment-1-the-merchant-ships-of-classes-iii-to-via-regulations-1998</a> <a href="https://www.gov.uk/government/publications/msn-1699-the-merchant-shipping-passenger-ship-construction-ships-of-classes-iii-to-via-regulations-1998-amendment-2">https://www.gov.uk/government/publications/msn-1699-the-merchant-shipping-passenger-ship-construction-ships-of-classes-iii-to-via-regulations-1998-amendment-2</a> <a href="https://www.gov.uk/government/publications/msn-1699m-amendment-3-the-merchant-shipping-passenger-ship-construction-ships-of-classes-iii-to-via-regulations-1998">https://www.gov.uk/government/publications/msn-1699m-amendment-3-the-merchant-shipping-passenger-ship-construction-ships-of-classes-iii-to-via-regulations-1998</a>
MSN 1751 (M+F)	Harmonised System of Survey and Certification (HSSC) – Amendment 1	<a href="https://www.gov.uk/government/publications/msn-1751-harmonised-system-of-survey-and-certification-hssc">https://www.gov.uk/government/publications/msn-1751-harmonised-system-of-survey-and-certification-hssc</a>
MGN 271 (M)	The Protection of Windows and Side Scuttles of Passenger Ships by Deadlights and Storm Covers	<a href="https://www.gov.uk/government/publications/mgn-271-the-protection-of-windows-and-side-scuttles">https://www.gov.uk/government/publications/mgn-271-the-protection-of-windows-and-side-scuttles</a>



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MGN 535 (M)	Small Seagoing Passenger Ship Code (Amendment 1)	<a href="https://www.gov.uk/government/publications/mgn-534-mf-guidance-on-the-implementation-of-the-solas-vi-regulation-2-amendment-requiring-the-verification-of-the-gross-mass-of-packed-containers">https://www.gov.uk/government/publications/mgn-534-mf-guidance-on-the-implementation-of-the-solas-vi-regulation-2-amendment-requiring-the-verification-of-the-gross-mass-of-packed-containers</a>  <a href="https://www.gov.uk/government/publications/mgn-535-m-amendment-1-small-seagoing-passenger-ship-code-ssps">https://www.gov.uk/government/publications/mgn-535-m-amendment-1-small-seagoing-passenger-ship-code-ssps</a>  <a href="https://www.gov.uk/government/publications/mgn-536-m-amendment-5-safety-management-code-for-domestic-passenger-ships">https://www.gov.uk/government/publications/mgn-536-m-amendment-5-safety-management-code-for-domestic-passenger-ships</a>
MGN 579 (M)	The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018	<a href="https://www.gov.uk/government/publications/mgn-579-m-load-line-convention-regulations-2018">https://www.gov.uk/government/publications/mgn-579-m-load-line-convention-regulations-2018</a>
MGN 645 (M)	Load Line Length: Policy Clarification - Hull Form Cut-Outs, Extensions and Steps	<a href="https://www.gov.uk/government/publications/mgn-645-m-load-line-length-policy-clarification-hull-form-cut-outs-extensions-and-steps">https://www.gov.uk/government/publications/mgn-645-m-load-line-length-policy-clarification-hull-form-cut-outs-extensions-and-steps</a>
MIN 560 (M)	International Load Line Convention 1966 and Protocol 1988 - Amending Resolutions Since 1988	<a href="https://www.gov.uk/government/publications/min-560-m-amending-resolutions-load-line-convention">https://www.gov.uk/government/publications/min-560-m-amending-resolutions-load-line-convention</a>

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