

## **PART VI LOAD LINE AND LOADING**

### *Preliminary*

#### **307. Ships exempt from this Part**

(1) The following ships are exempt from this Part, namely -

- (a) native sailing ships;
- (b) sailing ships under eighty tons register plying solely on coastal trade voyages;
- (c) ships exempted from this Part under sub-section (2);
- (d) ships solely engaged in fishing;
- (e) pleasure yachts.

(2) The *Minister (LN 332/58)* may, on such conditions as he thinks fit, exempt from this Part -

- (a) any ship plying on international voyages between the near neighbouring ports of two or more countries, if the Minister and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply the provisions of this Part to ships so plying;
- (b) any ship plying on any other voyage between near neighbouring ports if the *Minister (LN 332/58)* is satisfied as aforesaid; and
- (c) any class of steamers under eighty tons register plying solely on coastal trade voyages, so long as they do not carry cargo.

(3) Any ship exempt from this Part under sub-section (2) shall unless otherwise provided be subject to the provisions set out in the Eight Schedule.

#### **308. Classification of ships for purpose of Part VI**

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

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

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

### *Marking and Submersion of Load Lines*

#### **309. Load Line rules**

(1) The *Minister (LN 332/58)* shall make such rules (hereafter in this Part referred to as "the load line rules") as appear to him to be necessary for the purpose of giving effect to the provisions of the Load Line Convention. (Amended by *deletion A895/1994*)

(2) For the purposes of this section and without prejudice to the generality of the powers therein contained, the load line rules made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to load line rules made under this section, be deemed to be load line rules made under this section.

(3) Such of the load line rules as are made to give effect to the said Convention are hereafter in this Part referred to as "the conditions of assignment". (Amended by *deletion - A895/1994*)

(4) *Rules made under subsection (1) -*

*(a) may provide for any surveys or inspections under the rules to be undertaken by persons appointed by such organizations as may be specified in the rules;*

*(b) may prescribe the fees that shall be paid in respect of surveys and inspection carried out under the rules; and*

*(c) may, in the case of surveys and inspections carried out by persons appointed by organisations specified in the rules, provide for fees to be payable to those persons or organisations. (A792/91)*

### **310. Marking of deck-line and load lines**

(1) No British or Malayan load line ship registered in the Federation being a ship constructed after the 30th day of June, 1932, shall proceed to sea unless -

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

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

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

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

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

(2) No British or Malayan load line ship registered in the Federation, being a ship constructed before the 1st day of July, 1932, shall proceed to sea unless -

(a) the ship has been surveyed and marked in accordance with paragraphs (a), (b) and (c) of the last foregoing sub-section; and

(b) the ship complies with the conditions of assignment in principle and also in detail, so far as, in the opinion of the Surveyor-General of Ships, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements,

fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(c) the load lines are either in the position required by paragraph (c) of the last fore-going sub-section or in the position required by the tables made by the Board of Trade on the 31st day of December, 1906, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section 438 of the Merchant Shipping Act, 1894, as were in force immediately before the 5th day of July, 1930.

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

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 302.

### **311. Submersion of load line**

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

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

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

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

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

### **312. Submersion of sub-division load line**

(1) If -

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

(b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of this Part to be loaded;

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

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

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

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

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

### **313. Miscellaneous offences in relation to marks**

(1) If -

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

(b) any person conceals, remove, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any mark placed on any such ship in accordance with the foregoing provisions of this Part, except with the

authority of a person entitled under the load line rules to authorise the alteration of the mark or except for the purposes of escaping capture by an enemy; he shall for each offence be liable to a fine not exceeding one thousand dollars.

### **314. Inspection of ships with respect to load line**

A Surveyor of Ships may inspect any British or Malayan load line ship registered in the Federation for the purpose of seeing that the provisions of this Part have been complied with in the case of the ship, and for the purpose of any such inspection any such Surveyor of Ships shall have all the powers of an Inspector under this Ordinance.

### *Certificates*

### **315. Issue of load line certificates and effect thereof**

(1) Where a British or Malayan load line ship registered in the Federation has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the fee prescribed therefore by the *Minister. (LN 332/58)*

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

(b) in the case of a local load line ship, a load line certificate hereafter in this Ordinance referred to as "a Federation of Malaya load line certificate".

(2) Every such certificate shall be issued either by the *Surveyor-General of Ships (LN 332/58)* or by such other person as may be authorised by him in that behalf, and shall be issued in such form and manner as may be prescribed by the load line rules.

*(2A) In prescribing the fees under subsection (1) the Minister may provide for the fees to be payable to a person authorised under subsection (2) in relation to a certificate issued by such person. (A792/91)*

(3) Any such certificate issued by the *Surveyor-General of Ships (LN 332/58)* may be signed on behalf of the *Surveyor-General of Ships (LN 332/58)* by any *public officer (A792/91)* authorised by him for the purpose, and a certificate or a certified copy thereof purporting to be so signed shall be admissible in evidence in any Court or before any person having by law or consent of parties authority to receive evidence and, subject to all just exceptions, shall be evidence of the matter stated thereon.

(4) The *Surveyor-General of Ships (LN 332/58)* may request the Government of a country to which the Load Line Convention applies to issue a Load Line Convention certificate in respect of a Load Line Convention ship registered in the Federation, and a certificate issued in pursuance

of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by the *Surveyor-General of Ships*. (LN 332/58)

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

### **316. Duration, renewal and cancellation of certificates**

(1) Every load line certificate issued by or under the authority of the *Surveyor-General of Ships* (LN 332/58) shall, unless it is renewed in accordance with the provisions of subsection (2) of this section, expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(2) Any such load line certificate may, after a survey not less effective than the survey required by the load line rules before the issue of the certificate, be renewed from time to time by the *Surveyor-General of Ships*, (LN 332/58) or by any person authorised by him to issue a load line certificate, for such period (not exceeding five years on any occasion) as the *Surveyor-General of Ships* (LN 332/58) or other person renewing the certificate thinks fit.

(3) The *Surveyor-General of Ships* (LN 332/58) shall cancel any such load line certificate in force in respect of a ship, if he has reasons to believe that -

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

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

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the manner prescribed by the load line rules once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force, having regard to the last foregoing subsection, and if the ship is not so surveyed, the *Surveyor-General of Ships* (LN 332/58) shall cancel the certificates:

Provided that the *Surveyor-General of Ships*, (LN 332/58) if he thinks fit in any particular case, may extend the said period of one year.

(5) Where any such load line certificate has expired or been cancelled, the *Surveyor-General of Ships* (LN 332/58) may require the owner or master of the ship to which the certificate relates to

deliver up the certificate as he directs, and the ship may be detained until such requirement had been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding one hundred dollars.

(6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed by the *Minister*. (LN 332/58)

### **317. Ships not to proceed to sea without certificate**

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

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

(3) The master of every British or Malayan load line ship registered in the Federation shall produce to the Port Officer at the time a clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until that certificate is so produced.

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

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

(1) When a load line certificate has been issued in pursuance of the foregoing provisions of this Part in respect of a British or Malayan load line ship registered in the Federation -

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

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

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

- (a) enter in the official log-book, where such a log-book is required to be kept, such particulars relating to the depth to which the ship is for the time being loaded as the Minister may by regulations prescribe; and
- (b) cause a notice, in such form and containing such of the said particulars as may be required by the said regulations, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the *Minister (LN 332/58)* may by the said regulations exempt ships or any class of ships employed plying solely within the *near-coastal trade voyage (substituted - A895/1994)* from the requirements of paragraph (b) of this sub-section.

(3) If the master of any British or Malayan load line ship registered in the Federation fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding two hundred dollar.

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

(1) Before an agreement with the crew of any British or Malayan load line ship registered in the Federation in respect of which a load line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck-line and load lines specified in the certificate, and if he fails to do so, he shall for each offence be liable to a fine not exceeding two hundred dollars.

(2) In the case of a British or Malayan load line ship registered in the Federation, being a foreign-going ship, a Port Officer shall not proceed with the engagement of the crew until -

- (a) there is produced to him a load line certificate for the time being in force in respect of the ship; and
- (b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

#### ***Special Provisions as to Load Line Convention Ships not Registered in the Federation***

### **320. Load line Certificates of Convention ships not registered in the Federation**

The *Surveyor-General of Ships (LN 332/58)* may, at the request of the government of a country to which the Load Line Convention applies, issue a Load Line Convention Certificate in respect of an international load line ship of that country if he is satisfied in like manner as in the case of a British or Malayan ship registered in the Federation that he can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

### **321. Inspection and control of Convention ships not registered in the Federation**

(1) A Surveyor of Ships may go on board any Load Line Convention ship not registered in the Federation, when within any port in the Federation, for the purpose of demanding the production of any load line certificate for the time being in force in respect of the ship.

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

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

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

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

(d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued; and for the purpose of any such inspection the Surveyor of Ships shall have all the powers of an Inspector under this Ordinance.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master or owner in this Part relating to the submersion of load lines on ships not registered in the Federation.

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

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in paragraphs (c) and (d) of subsection (2) of this section that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section 302 (in the case of a British ship) or for the purpose of section 305 (in the case of foreign ship):

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

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

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the

certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

### **322. Certificates of Convention ships to be produced to Port Officer**

The Master of every Load Line Convention ship not registered in the Federation shall produce to the Port Officer at the time a clearance for the ship from any port in the Federation is demanded -

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

(b) in a case where clearance is demanded in respect of any other voyages, either a valid Load Line Convention certificate or a Federation of Malaya Load Line certificate for the time being in force in respect of the ship;

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

#### *General Provisions as to Ships not Registered in the Federation*

### **323. Survey, marking and conditions of assignment in case of ships not registered in the Federation**

The provisions of section 310 shall apply to load line ships not registered in the Federation, proceeding or attempting to proceed to sea from ports in the Federation, as they apply to British or Malayan Load Line ships registered in the Federation, subject to the following modifications, namely-

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

(b) subject to the provisions of paragraph (a) of this section, a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section shall be deemed to be unsafe for the purpose of section 305.

### **324. Submersion of load line on ships not registered in the Federation**

The provision of section 311 shall apply to load line ships not registered in the Federation, while they are within any port in the Federation, as they apply to British or Malayan load line ships registered in the Federation, subject to the following modifications, namely -

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

(b) the expression "the appropriate load line", in relation to any ship not registered in the Federation shall mean -

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

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

### **325. Inspection of ships not registered in the Federation**

The provisions of section 314 shall apply to load line ships, other than British or Malayan ships registered in the Federation or Load Line Convention ships not registered in the Federation, while they are within any port in the Federation, as they apply to British or Malayan load line ships registered in the Federation.

### **326. Load Line certificate of ships not registered in the Federation**

(1) United Kingdom load line certificates shall have the same effect for this Part as Federation of Malaya load line certificates.

(2) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of Federation of Malaya load line certificates, shall apply to load line ships not registered in the Federation as they apply to British or Malayan load line ships registered in the Federation, subject to the following modifications, namely -

(a) any such certificate may be issued in respect of an international load line ship as in respect of a local load line ship, so however that any such certificate issued in respect of a Load Line Convention ship shall only be valid so long as the ship is not plying on international voyages, and shall be endorsed with a statement to that effect, and shall be cancelled by the *Surveyor-General of Ships (LN 332/58)* if he has reason to believe that the ship is so plying; and

(b) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the *Surveyor-General of Ships. (LN 332/58)*

(3) Where the *Minister (LN 332/58)* certifies -

(a) either-

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

(ii) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising

Federation of Malaya load line certificates as having the same effect in ports of that country as certificates issued under the said provision; and

(b) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part and is equally effective; the *Minister* (LN 332/58) may direct that load line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of Her Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part as Federation of Malaya load line certificates:

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

(4) Sub-paragraph (1) of paragraph (a) of the last foregoing sub-section shall apply with respect to any foreign country in which for the time being Her Majesty has jurisdiction, as if that country was a part of Her Majesty's dominions.

### **327. Certificates to be produced to Port Officer by ships not registered in the Federation**

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

### ***Loading of Timber***

#### **328. Carriage of timber deck cargo**

(1) The *Minister* (LN 332/58) may make regulations (hereinafter referred to as the "timber cargo regulations") as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any load line ship.

(2) The timber cargo regulations shall contain such regulations as appear to the *Minister* (LN 332/58) to be necessary for the purpose of giving effect to the Load Line Convention. (*amended by deletion - A895/1994*)

(3) Subject to the provisions of the last foregoing sub-section, the timber cargo regulations may prescribe generally the conditions on which timber may be carried as aforesaid in any load line ship either on all voyages or on any particular class of voyage and either at all seasons or at any particular season, and in particular may prescribe the manner and position in which the timber is to be stowed and the provision which is to be made on the ship for the safety of the crew.

(4) For the purpose of this section, and without prejudice to the generality of the powers therein contained, the timber cargo regulations made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to rules made under this section, be deemed to be timber cargo regulations made under this section.

(5) If any provision of the timber cargo regulations is contravened in the case of any British or Malayan load line ship registered in the Federation, the master of the ship shall be liable to a fine not exceeding five thousand dollars:

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

(6) For securing the observance of the timber cargo regulations, any officer having authority in that behalf from the *Minister*, (LN332/58) either general or special, shall have power to inspect any load line ship carrying timber cargo in any uncovered space on her deck, and for that purpose shall have all the powers of an Inspector under this Ordinance.

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

### *Supplemental*

#### **329. Provisions as to rules and regulations**

Notwithstanding any provision of the load line rules or timber cargo regulations which requires a particular fitting, appliances or apparatus, or type thereof, to be fitted or carried in a ship, or any particular provision to be made in a ship, the *Surveyor General of Ships* (LN 332/58) may allow any other fittings, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made if he is satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the said rules or regulations.

### **330. Inspection of ships in relation to load line**

(1) A Surveyor of Ships may inspect any British or Malayan ship registered in the Federation for the purpose of seeing that the provisions of this Part relating to load lines have been complied with in the case of the ship, and for the purpose of any such inspection any such Port Officer or Surveyor of Ships shall have all the powers of an Inspector.

(2) The provisions of this section shall apply to load line ships not registered in the Federation, as they apply to British or Malayan load line ships registered in the Federation.

### **331. Saving for foreign ship coming in under stress of weather**

Nothing in the preceding provisions of this Part shall affect any foreign ship not bound to a port or place in the Federation which comes into any port or place in the Federation for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunkers.

### **331A. Countries to which Load Line Convention applies**

*The Minister, if satisfied -*

*(a) that the government of a country has ratified or acceded to, or denounced, the Load Line Convention; or*

*(b) that the Load Line Convention has been applied, or has ceased to apply, to any territory,*

*may by order make a declaration to that effect. (A792/91)*