

## **Merchant Shipping (Load Lines) Regulation 2007**

### **STATUTORY INSTRUMENT**

**No 7 of 2007.**

## **Merchant Shipping (Load Lines) Regulation 2007**

Being a Regulation,

MADE by the Head of State, acting with and in accordance with, the advice of the National Executive Council under the Merchant Shipping Act (Chapter 242).

1. Interpretation.

(1) In this Regulation, unless the contrary intention appears—

"Act" means the Merchant Shipping Act (Chapter No. 242);

"Assigning Authority" means:

(a) in the case of a ship whose freeboard is assigned or to be assigned by a Survey Authority<sup>1</sup> - that Survey Authority; or

(b) in the case of any other ship—the Authority;

"Authority" means the National Maritime Safety Authority established by the National Maritime Safety Authority Act 2003;

"freeboard" means the distance measured vertically downwards amidships from the upper edge of the freeboard deck to the upper edge of the related load line;

"load lines convention" has the same meaning as in the Act;

"IMO" means the International Maritime Organization;

"load line certificate" means, in the case of a ship registered in Papua New Guinea, the certificate in respect of the ship issued under Part IV of the Act;

"Papua New Guinea ship" means a ship that is registered under the Act; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act;

"recognised organisation" means an Organisation which has entered into a memorandum of agreement with the Authority in compliance with the International Maritime Organization Assembly Resolution A.739(18) and the Annexes thereto entitled Guidelines for the Authorisation of Organizations Acting on Behalf of the Administration, whereby that Organisation may undertake the survey of Papua New Guinea ships for the purpose of assigning load lines in accordance with the International Convention on Load Lines, 1966 and any amendments thereto from time to time adopted, amendments included in the Supplement of 1981, and the Protocol of 1988 in respect of Merchant Shipping (Load Lines) Regulation the International Conference on the Harmonised System of Survey and Certification;

"SOLAS" means the Safety Convention as defined in the Act;

"SOLAS ship" means a Safety Convention ship as defined in the Act;

"survey authority" means a corporation or association for the survey of shipping, approved by NMSA, in writing, for the purposes of the Act;

"surveyor" means the Authority or a surveyor employed by a Recognised Organisation, or any suitably qualified person who has been appointed by the Authority under Section 57 of the Act, as a surveyor entitled to undertake the particular functions referred to in this Regulation;

"USL Code" means the Uniform Shipping Laws Code (USL Code) of Australia that provides standards for the design, construction and operation of domestic commercial vessels.

(2) The Regulations of the Load Line Convention have the force of law as part of the law of the Papua New Guinea in relation to all ships to which those Articles and Regulations apply, except to the extent that the contrary intention is expressed in this Regulation or to the extent that the ship is exempted under the Act.

(3) An Article or Regulation of the Load Line Convention referred to in the unified interpretations of the Convention published by the IMO as circulars LL.3/Circ.55, LL.3/Circ.69, LL.3/Circ.77, LL.3/Circ.130 and LL.3/Circ.155 are to be read and applied in accordance with those circulars.

## 2. Application.

(1) This Regulation applies to a ship to which Part IV of the Act applies, in the circumstances set out in that Part.

(2) Subject to Subsection (3), this Regulation applies to and in relation to:

(a) a ship registered in Papua New Guinea, except to the extent that exemption from the provisions of this Regulation or of the Load Line Convention has been granted under Section 54 of the Act; and

(b) a ship, other than a ship registered in Papua New Guinea, that is in the territorial sea of Papua New Guinea or in waters on the landward side of the territorial sea, except:

(i) where an exemption from the provisions of this Regulation has been granted - to the extent of that exemption; or

(ii) where a valid International Load Line Exemption Certificate exists in relation to the ship—to the extent of any exemption from the provisions of the Load Line Convention specified in that certificate.

(3) This Regulation does not apply to or in relation to a fishing vessel.

## 3. Strength of ship.

(1) Where freeboards are proposed to be assigned to a ship in accordance with this Regulation, they may be assigned only if the general structural strength of the ship is sufficient to permit it to be loaded to the draughts corresponding to those freeboards.

(2) For the purposes of Subsection (1), a ship built and maintained in accordance with the requirements of a classification society recognised by the Administration of the country of registration of the ship is deemed to have the general structural strength required by that provision.

4. Non-load line convention ships.

(1) Ships 24 metres and over in length.

The conditions of assignment applicable to a ship, not being a Load Line Convention ship, 24 metres and over in length, are the applicable provisions of parts 2, 3, 5 and 6 of Section 7 of the USL Code, rather than the corresponding provisions of the Load Line Convention.

(2) Ships under 24 metres in length.

The conditions of assignment applicable to a ship, not being a Load Line Convention ship, being under 24 metres in length, are the applicable provisions of Part 11 of Section 7 of the USL Code, rather than the corresponding provisions of the Load Line Convention.

(3) The master and owner of a ship under 24 metres in length, need not comply with Survey and Certification provisions of this Regulation, provided that a valid Safety Certificate is maintained in respect of the ship.

5. Statement of Assigning Authority.

(1) The owner of a ship shall provide to the ship with a statement by the Assigning Authority setting out the conditions of assignment of freeboard:

(a) specified in the Load Line Convention; or

(b) in the case of a ship to which the Load Line Convention does not apply, that specified in the relevant rules of the Administration of the country in which the ship is registered.

(2) The master of a ship shall ensure that the statement referred to in Subsection (1) above is available on the ship at all times.

6. Loading information.

(1) For the purpose of compliance with Regulation 10(1) of the Load Line Convention, the owner of a ship of 65 metres or more in length shall provide to the ship:

(a) in the case of a ship classed by a survey authority—such loading Stress information, including a loading manual and loading instrument as is required by that authority; and

(b) in all other cases - such loading stress information as the Authority considers necessary to provide adequate guidance to the master.

(2) The master of a ship shall ensure that the information referred to in Subsection (1) is available on the ship at all times.

7. Entries to be made in the official log-book.

(1) The master of a Papua New Guinea registered ship shall ensure that the following entries are made in the Official Log-Book:—

(a) if not previously entered, all the particulars contained in the Certificate of Registry concerning length, breadth, depth, tonnage, draft, freeboard and other particulars of the vessel;

(b) if not previously entered, all particulars contained in the International Load Line Certificate or the International Load Line Exemption Certificate, or in the case of a ship to which the International Load Line Convention does not apply — a Load Line Certificate — concerning the freeboards assigned for Tropical, Summer, Winter or Winter North Atlantic or Timber Load Line Freeboard, as applicable.

(2) The master of a Papua New Guinea registered ship shall, before it leaves the dock, wharf, place or harbour for the purpose of proceeding to sea, make the following entries in the Official Log-Book:

(a) the actual draught of water of the ship as shown on the scale on the stem and stern post when the ship is loaded and ready to leave the dock, wharf, place or harbour;

(b) the actual freeboard amidships on the port and starboard sides of the ship and the mean freeboard;

(c) the density of the water in which the ship was lying when loaded and ready to leave;

(d) the allowances, if any, to be made in order to arrive at the mean freeboard amidships, when the ship first reaches salt water after leaving the berth. These allowances may be in respect of:

(i) the density of the water in which the ship was lying when loaded; and

(ii) the weight of fuel, water and stores that would normally be consumed before the ship reaches salt water; and

(iii) any correction for list that may affect the mean draft amidships and the corrected freeboard; and

(iv) any correction for hog or sag that might affect the freeboard;

(e) the mean draught of water and the mean freeboard amidships of the ship in salt water as calculated after making the appropriate allowances.

(3) Watertight doors and other appliances for closing openings in watertight bulkheads, side-doors, gangway doors and stern ramps shall be closed before a ship proceeds to sea, and shall be kept closed while the ship is at sea, other than when it may be necessary for the working of the ship to have them open, and any such doors so opened and the times during which they are opened shall be noted in the Official Log Book.

(4) Such entries as are required by this Regulation shall be signed by the Master and the Chief Mate, or another deck officer.

(5) The Officer in charge of the watch, shall, at intervals of not less than four hours, enter in the Deck Log Book the Weather Conditions prevailing at the time, including Barometric Pressure in millibars, Air and Sea Temperature in degrees Celsius, Wind Direction and estimated Force, Sea State and Swell, and Visibility as contained in Schedule I.

(6) The Officer in charge of the watch, shall, at intervals of not less than four hours, enter in the Deck Log Book the average engine revolutions, the estimated speed of the ship through the water, the course steered and the course and distance made good.

(7) In conditions of severe weather, the Officer in charge of the watch, shall, record as necessary in the Deck Log Book the effect of the weather on the handling of the ship; whether or not water is being taken over the bulwarks and on the hatch covers; the condition of the sea and waves on any deck cargo; and the status of deck cargo lashings; and the soundings of tanks and void spaces.

## 8. Surveys.

(1) Initial, renewal and annual load line surveys of ships shall be carried out in accordance with Article 14 of the Load Line Convention<sup>1</sup> and IMO Resolution A.948(23): Revised survey guidelines under the harmonized system of survey and certification, as supplemented by Subsections (2), (3) and (4) of this Section.

(2) Initial survey—

(a) application for initial survey of a ship under this Part shall be made to the Authority in the first instance;

(b) the Authority may delegate this initial survey to a Survey Authority;

(c) where, under the Load Line Convention, the means of closing hatchways and other openings are required to be weathertight or watertight, tests for weathertightness or watertightness, as the case may be, of those means shall be made at the initial survey;

(d) at the initial survey, the Assigning Authority shall ascertain that the information specified in Sections 5 and 6 is carried on the ship; and the ship has been marked with:

(i) the seasonal load lines to be used in association with the load line mark; and

(ii) draught marks in accordance with Section 19 of the Act and Section 14 of this Regulation.

(3) Renewal survey—

(a) a ship shall be subjected to a renewal survey at intervals not exceeding 5 years;

(b) subject to Subsection (3)(c), an application for a renewal survey shall be made to the Assigning Authority for the existing load line certificate, which may require the applicant to furnish such plans and information as are necessary for the purposes of the survey;

(c) an application for a renewal survey may be made to an Assigning Authority other than the Assigning Authority for the existing Load Line Certificate and, in such case, the applicant shall provide all relevant plans and documents to the Assigning Authority that will be carrying out the renewal survey;

(d) where, under the Load Line Convention, the means of closing hatchways and other openings are required to be weathertight or watertight, tests for weathertightness or watertightness, as the case may be, of those means shall be made at each renewal survey;

(e) at each renewal survey the Assigning Authority shall ascertain that the information specified in Sections 5 and 6 is carried on the ship; and the ship has been marked with:

- (i) the seasonal load lines to be used in association with the load line mark; and
- (ii) draught marks in accordance with Section 19 of the Act and Section 14 of this Regulation.

(4) Annual survey—

(a) an annual survey is to be conducted for the existing Load Line Certificate within three months of the anniversary date of that certificate:

- (i) by the Assigning Authority; or
- (ii) if application is made by or on behalf of the owner for the survey to be conducted by a different Assigning Authority, by that Assigning Authority;

(b) at each annual survey the Assigning Authority shall ascertain that the information specified in Sections 5 and 6 is carried on the ship; and the ship has been marked with:

- (i) the seasonal load lines to be used in association with the load line mark; and
- (ii) draught marks in accordance with Section 19 of the Act and Section 14 of this Regulation.

9. Issue of an international load line certificate.

(1) Where a Load Line survey has been conducted by a Survey Authority, the Survey Authority shall furnish to the Authority:

- (a) a statement setting out the details of the computation for freeboard;
- (b) the damage stability calculations upon which the assignment is based; And
- (c) a recommendation that a Load Line Certificate be issued and the details to be contained therein.

(2) When a recommendation has been received under Subsection 1(c) of this Regulation, the Authority shall issue an International Load Line Certificate for a period specified by the Authority, which shall not exceed 5 years.

10. Extension of certificate.

(1) The validity of an International Load Line Certificate or an International Load Line Exemption Certificate may be extended by the Assigning Authority in accordance with Article 19(4) of the Load Line Convention.

(2) The validity of a Papua New Guinea Load Line Certificate may be extended by the Authority for a period not exceeding 3 months, provided that the Authority is satisfied that the safety of the ship and any person on board will not be adversely affected.

#### 11. Cancellation of certificate.

(1) An International Load Line Certificate or an International Load Line Exemption Certificate may be cancelled in accordance with Article 19(9) of the Load Line Convention by the Authority upon the report of a surveyor or a Survey Authority.

(2) Articles 19(9) and (11) of the Load Line Convention applies to a Load Line Certificate issued by the Authority to a vessel to which the Load Line Convention does not apply, as if it were an International Load Line Certificate.

(3) A Load Line Certificate issued to a ship by the Authority shall cease to be valid upon the transfer of such a ship to the flag of another State.

(4) Further to the circumstances identified in Article 19(10) of the Load Line Convention, an International Load Line Exemption Certificate shall be cancelled if the ship does not comply with a safety requirement with which the ship must comply.

#### 12. Alterations.

The owner of a ship shall not permit an alteration referred to in Article 15(1) of the Load Line Convention to be made to the ship unless:

(a) written application for approval has been made to the Authority, specifying the nature of the alteration proposed; and

(b) the proposed alteration has been approved by the Authority; and

(c) the alteration is in accordance with any conditions specified in the approval.

#### 13. Overloading.

(1) For the purposes of Section 91 of the Merchant Shipping Act, the appropriate load line at any time for:

(a) a ship registered in Papua New Guinea; or

(b) a Load Line Convention ship registered in a country other than Papua New Guinea,

is that load line marked on the ship, in accordance with the Load Line Convention, applicable for the season of the year and the zone in which the ship is located.

(2) For the purposes of Section 91 of the Merchant Shipping Act, the appropriate load line at any time for a ship registered in a country other than Papua New Guinea and not being a Load Line Convention ship is:

(a) if the ship is marked in accordance with the Load Line Convention — the load line applicable to the season of the year and the zone in which the ship is located; or

(b) if the ship is marked in any other manner - the load line that is stated in the ship's papers to be the appropriate load line for that ship at that time or, if that load line cannot be ascertained from the ship's papers, the lowest load line marked on the ship.

(3) If only one subdivision load line is marked on either side of a passenger ship, being:

(a) a ship registered in Papua New Guinea; or

(b) a SOLAS ship registered in a country other than Papua New Guinea, that subdivision load line is, for the purposes of Subsection (1)(2) of the Merchant Shipping Act, the appropriate subdivision load line at that time for that passenger ship.

(4) Where:

(a) more than one subdivision load line is marked on each side of a passenger ship, being:

(i) a ship registered in Papua New Guinea; or

(ii) a SOLAS ship registered in a country other than Papua New Guinea; and

(b) passengers are at any time being carried in the spaces specified in relation to one of those subdivision load lines in the appropriate certificate for the ship, the lowest subdivision load line is, for the purposes of subsection (1)(2) of the Merchant Shipping Act, the appropriate subdivision load line at that time for that ship.

(5) In Subsection (4) the "appropriate certificate" means:

(a) for a ship registered in Papua New Guinea - the Passenger Ship Safety Certificate or the Safety Certificate as a passenger ship; and

(b) for a SOLAS ship registered in a country other than Papua New Guinea - the Passenger Ship Safety Certificate.

14. Markings.

(1) For the purposes of Section 90 of the Merchant Shipping Act, the required markings for a ship are:

(a) the marks required by the Load Line Convention; and

(b) marked in accordance with Section 3 of the Merchant Shipping (Registration) Regulation.

(2) The owner of a ship shall ensure that the marks referred to in Subsection (1) are maintained in a clearly visible condition.





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WEATHER

CLEAR

PARTLY CLOUDY

CLOUDY

SAND STORM

FOG or HAZE

DRIZZLE

RAIN

SNOW or SLEET

FOG AND VISIBILITY SCALE

Code	Name	Visibility in N.M.
0	Dense fog	Less than 45 metres
1	Thick fog	Less than 180 metres
2	Fog	Less than 360 metres
3	Moderate fog	Less than 0.5 N.M.
4	Thin fog	Less than 1 N.M.
5	Poor visibility	Less than 2 N.M.
6	Moderate visibility	Less than 5 N.M.
7	Good visibility	Less than 10 N.M.
8	Very good visibility	Less than 30 N.M.
9	Excellent visibility	More than 30 N.M.

SEA CONDITION

Symbol Name    Height of waves

0	Calm (glassy)	0 Metres
1	Calm (rippled)	0—0.10 M
2	Smooth (wavelets)	0.10—0.50 M
3	Slight	0.50—1.25 M
4	Moderate	1.25—2.50 M
5	Rough	2.50—4.00 M
6	Very Rough	4.00—6.00 M
7	High	6.00—9.00 M
8	Very High	9.00—14.00 M
9	Phenomenal	14.00 M+