



Government Circular 151/90

DEPARTMENT OF HIGHWAYS, PORTS AND PROPERTIES

MARINE ADMINISTRATION

MERCHANT SHIPPING ACT 1985

MERCHANT SHIPPING (SAFETY PROVISIONS) (APPLICATION) ORDER 1990

1. The Merchant Shipping (Safety Provisions) (Application) Order 1990 is made by the Department of Highways, Ports and Properties in exercise of its powers under section 5 of the Merchant Shipping Act 1985 after consultation with the Secretary of State of the Department of Transport and the Treasury. The Order applies to the Isle of Man the following United Kingdom Statutory Instrument -

The Merchant Shipping (Load Lines) (Exemption) Order 1968
(S. I. 1968 No. 1116).

2. The Order was approved by Tynwald on the 16th. May, 1990 and will come into operation on the 1st June, 1990

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MERCHANT SHIPPING ACT 1985

MERCHANT SHIPPING (SAFETY PROVISIONS) (APPLICATION) ORDER 1990

In exercise of the powers conferred on the Department of Highways, Ports and Properties by section 5 of the Merchant Shipping Act 1985 (a), after consultation with the Secretary of State, and of all other powers enabling it in that behalf, the following Order is hereby made:-

Citation, commencement, revocation and modification

1. (1) This Order may be cited as the Merchant Shipping (Safety Provisions) (Application) Order 1990 and, subject to section 5(4) of the Merchant Shipping Act 1985, this Order shall come into operation on the 1st. June, 1990.

(2) The public document mentioned in Schedule 2 is revoked to the extent specified in the third column of that Schedule

(3) In the Merchant Shipping (Load Lines) Act 1981 (b):-

(a) in schedule 1 entry 3 is repealed;

(b) in schedule 2, for the definition of "the load lines exemption order" the following shall be substituted -

"the load lines exemption order" means the Merchant Shipping (Load Lines) (Exemption) Order 1968 (c) as it has effect in the Island;".

Application of Subordinate legislation to the Island.

2. Subject to the exceptions, adaptations and modifications specified in the Schedule 1, the provisions of the Merchant Shipping (Load Lines) (Exemption) Order 1968 shall apply to the Island as part of the law of the Island.

(a) c.3 (b) c.24 (c) S.I. 1968/1116

SCHEDULES

Article 2

Schedule 1

MODIFICATIONS AND EXCEPTIONS SUBJECT TO WHICH THE MERCHANT SHIPPING (LOAD LINES) (EXEMPTION) ORDER 1968 (S.I. 1968 no. 1116) SHALL HAVE EFFECT IN THE ISLE OF MAN

<u>Provision of Order</u>	<u>Subject Matter</u>	<u>Modification and Exceptions</u>
Article 1	Exemption of certain ships	<p>(1) In paragraph (1)-</p> <p>(a) for "the Act" substitute "the Merchant Shipping (Load Lines) Act 1981 (an Act of Tynwald)";</p> <p>(b) for sub-paragraph (d) substitute -</p> <p>"(d) ships which are regularly employed in pilotage services by or on behalf of a harbour authority and which are approved or licenced by that harbour authority;"</p> <p>(c) in sub-paragraph (e) -</p> <p>(i) in head (i), omit "general or local"; and</p> <p>(ii) for heads (ii) and (iii) substitute -</p> <p>"(ii) the Department of Agriculture, Fisheries and Forestry for fishery protection purposes or for the regulation of sea fisheries;</p> <p>(iii) a Department or a Statutory Board as defined in section 3 of the Interpretation Act 1976 (an Act of Tynwald) for fishery or scientific research;"</p> <p>(d) omit sub-paragraph (f).</p> <p>(e) in sub-paragraph (g), for "passenger steamer certificate" substitute "passenger and safety certificate"; and</p> <p>(2) in paragraph (2), for "passenger steamer certificate" substitute "passenger and safety certificate".</p>

Provision of
Order

Subject Matter

Modification and Exceptions

Article 2 Interpretation

- (1) For paragraph (1) substitute-
- "2(1) In this Order-
- "Cargo" means goods, wares, merchandise, articles of every kind (not being part of the equipment of the ship), mail and live animals;
- "coasting trade" means a voyage in the course of which a ship is at no time more than 12 miles from the coast of the Isle of Man;
- "smooth waters" means any waters not being the sea or partially smooth waters, and in particular, means waters of any of the areas specified in column 2 of Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Regulations 1987;"
- (2) In sub-paragraph (3) omit the words from "and shall" to the end of that paragraph.

Regulation 1(2)

SCHEDULE 2

REVOCATION

G.C. no	Title	Extent of Revocation
232/84	Merchant Shipping (Load Lines) (Modification) Order 1984	In Schedule 1, entry 7, and Schedule 6

Made this 12th day of April, 1990

A. Arnold Callin,

MINISTER for
Highways, Ports and Properties.

EXPLANATORY NOTE

(This Note is not part of the Order)

PART I

This Order revokes and re-enacts the application of the Merchant Shipping (Load Lines) (Exemption) Order 1968 to the Isle of Man to take account of recent amendments to the 1968 Order in the United Kingdom.

The 1968 Exemption Order exempts from the provisions of the Merchant Shipping (Load Lines) Act 1967, classes of ships under 80 tons register engaged solely in the coasting trade, while not carrying cargo, and passenger ships under 80 tons register so engaged while carrying cargo in accordance with the terms of their passenger and safety certificates.

A copy of the Exemption Order as modified by the Application Order is reproduced at Part II below with modifications from the original text entered in italic print:

PART II

the Merchant Shipping (Load Lines) (Exemption) Order 1968 as applied to the Isle of Man by GC 151/90

STATUTORY INSTRUMENTS

1968 No. 1116

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Load Lines) (Exemption) Order 1968

<i>Made</i>	<i>12th July 1968</i>
<i>Laid before Parliament</i>	<i>19th July 1968</i>
<i>Coming into operation</i>	<i>21st July 1968</i>

The Board of Trade in exercise of their powers under section 18(2) of the Merchant Shipping (Load Lines) Act 1967 (d) and of all other powers enabling them in that behalf hereby make the following Order:-

1(1) Ships under 80 tons register engaged solely in the coasting trade, being ships of the following classes, shall be exempt from the provisions of the *Merchant Shipping (Load Lines) Act 1967 (an Act of Tynwald)* while not carrying cargo:-

- (a) tugs and salvage ships;
- (b) ships engaged in the surveying of harbours or the approaches thereto;

(d) 1967 c 27

- (c) hopper barges and dredgers;
- (d) *ships which are regularly employed in pilotage services by or on behalf of a harbour authority and which are approved or licenced by that harbour authority;*
- (e) ships used by or on behalf of-
 - (i) a lighthouse authority for the purpose of the authority's functions as such;
 - (ii) *the Department of Agriculture, Fisheries and Forestry for fishery protection purposes or for the regulation of sea fisheries;*
 - (iii) *a Department or a Statutory Board as defined in section 3 of the Interpretation Act 1976 (an Act of Tynwald) for fishery or scientific research;*
 - (iv) the Secretary of State for Defence for the purpose of ensuring safety in the use of firing ranges or weapons at sea;
- (f) *(omitted by Application Order).*
- (g) ships in respect of which *passenger and safety certificates* are in force specifying limits beyond which the ship must not ply, and which operate solely within those limits;
- (h) ships carrying not more than 12 passengers on voyages in the course of which they are at no time more than 15 miles (exclusive of any smooth waters) from the point of departure or more than 3 miles from land.

(2) Ships coming within class (g) in paragraph (1) of this Article shall also be exempt from the provisions of the Act while carrying cargo in accordance with the terms, if any, of the ship's *passenger and safety certificate* expressly authorising the carriage of cargo.

2(1) *In this Order-*

"Cargo" means goods, wares, merchandise, articles of every kind (not being part of the equipment of the ship), mail and live animals;

"Coasting trade" means a voyage in the course of which a ship is at no time more than 12 miles from the coast of the Isle of Man;

"smooth waters" means any waters not being the sea or partially smooth waters, and in particular, means waters of any of the areas specified in column 2 of Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Regulations 1987 (e).

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

(3) This Order may be cited as the the Merchant Shipping (Load Lines) (Exemption) Order 1968.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order exempts from the provisions of the Merchant Shipping (Load Lines) Act 1981, classes of ships under 80 tons register engaged solely in the coasting trade, while not carrying cargo, and passenger ships under 80 tons register so engaged while carrying cargo in accordance with the terms of their passenger and safety certificates.