



Tuvalu

**MERCHANT SHIPPING (SAFETY)  
REGULATIONS**





Tuvalu

## MERCHANT SHIPPING (SAFETY) REGULATIONS

### Arrangement of Sections

#### Section

<b>PART I - PRELIMINARY</b>	<b>7</b>
1 Citation.....	7
2 Interpretation.....	7
3 Ship not to go to sea without Local Safety certificate .....	8
4 Circumstances in which ship may go to sea without local Safety certificate .....	8
5 Production of certificates .....	9
6 Powers of Surveyor.....	9
7 Special Examination of ships.....	10
8 Notification of change in condition of ship .....	10
<b>PART II - SURVEYS AND CERTIFICATES</b>	<b>10</b>
9 Requirement for ship to be surveyed .....	10
10 Application for survey .....	11
11 Issue of Local safety certificate .....	11
12 Survey Record.....	12
13 Periodic Surveys .....	12
14 Form and Duration of Local Safety certificate .....	12
15 Periodic Survey Endorsement.....	13
16 Guidelines for surveys .....	13
17 Dispensation from survey .....	13
18 Survey Fees.....	13
19 Suspension or cancellation of certificate .....	13
20 Exemptions from surveys and inspections.....	13

### PART III - REQUIREMENTS FOR CONSTRUCTION,

**MACHINERY AND EQUIPMENT** **14**

21	Construction and stability.....	14
22	Machinery and Electrical systems.....	14
23	Load Lines.....	14
24	Lifesaving Appliances.....	15
25	Fire Detection, Fire Extinction and Fire-fighting Equipment.....	15
26	Navigational Equipment.....	15
27	Miscellaneous Equipment.....	15
28	Radio.....	15
29	Exemption from requirements of Part III of Regulations.....	15

**PART IV - SAFETY OF NAVIGATION** **16**

30	Application of Part.....	16
31	Chapter V of the Safety Convention.....	16

**PART V - PREVENTION OF COLLISIONS AT SEA** **16**

32	Interpretation of Part.....	16
33	Navigation, Management and working of Vessels.....	16
34	Provision and use of lights and signals.....	16

**PART VI - MUSTERS AND DRILLS** **17**

35	Musters.....	17
36	Drills.....	17
37	Instruction Cards.....	18
38	Emergency Signal.....	18

**SCHEDULE 1** **19**

FORM 1 - APPLICATION FOR SURVEY OR INSPECTION.....	19
DECLARATION BY SURVEYOR ON COMPLETION OF SURVEY OR INSPECTION.....	20
SURVEY RECORD.....	21
LOCAL SAFETY CERTIFICATE.....	24

**SCHEDULE 2** **26**

DETERMINATION OF LOAD LINE - SHIPS LESS THAN 24 METRES IN LENGTH.....	26
---	----

---

**SCHEDULE 3** **27**

DECK LINE MARKS, LOAD LINE MARKS, AND MARKS OF  
ASSIGNING AUTHORITY .....27

---

**SCHEDULE 4** **28**

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT  
SEA. 1972 .....28

---

**SCHEDULE 5** **29**

FEES .....29

---

**Supporting Documents**

---

---

**ENDNOTES** **30**

Table of Legislation History ..... 30

Table of Renumbered Provisions ..... 30

Table of Endnote References ..... 30





Tuvalu

# MERCHANT SHIPPING (SAFETY) REGULATIONS

Act Number

**MERCHANT SHIPPING ACT 1987**

Commencement [Date]

**IN EXERCISE** of the powers conferred on the Minister by section 141 of the Merchant Shipping Act, 1987, the following Regulations are hereby made:

## PART I - PRELIMINARY

### 1 Citation

These Regulations may be cited as the Merchant Shipping (Safety) Regulations.

### 2 Interpretation

(1) In these Regulations, unless the context otherwise requires —

“**the Act**” means the Merchant Shipping Act, 1987;

“**the Code**” means the South Pacific Maritime Code published by the South Pacific Bureau for Economic co-operation, Suva (now known as South Pacific Forum Secretariat) in 1986, as amended from time to time;

“**hull**” includes all structural members of a vessel, hull plating, frames, beams, girders, deck plating, deck planking, bulkheads, decks, tanks, superstructures, deckhouses, masts, rigging, rudders, anchors and cables;

“**load line**” includes all closing devices, watertight doors, scuttles, hatch covers, shipside doors, shipside openings, shipside fittings, skylights,

freeing ports, air pipes, sounding pipes, ventilators, marking of load lines, means of crew protection on exposed decks and provision of stability data;

“**machinery**” includes all main propulsion machinery of a ship, steering gear, generators, prime movers, fire pumps, bilge pumps, ballast pumps, circulating pumps, shafts, piping systems, propellers, switchboards, electrical equipment, boilers, pressure vessels, windlasses and means of crew protection in machinery spaces;

“**radio**” includes radio installations, radio equipment for life boats and survival craft, emergency position - indicating radio beacons and means of radio operation;

“**safety equipment**” includes lifesaving appliances, fire-fighting appliances, navigational equipment, lights, sound signals, gangways, pilot ladders and mooring lines”;

“**ship**” has the meaning assigned by the Act, except that the expression does not include a Safety Convention Ship or a fishing vessel; and

“**Survey section**” has the meaning assigned by regulation 9.(2).

- (2) A reference in these Regulations to a Form identified by a number is a reference to the Form so numbered in Schedule 1 to these Regulations.

### **3 Ship not to go to sea without Local Safety certificate**

- (1) Subject to regulation 4, a ship shall not go to sea unless there is in force in respect of the ship a local safety certificate.
- (2) Where a ship goes to sea in contravention of sub-regulation (1), the owner or master is guilty of an offence and liable on conviction to a fine of not more than \$2000.

### **4 Circumstances in which ship may go to sea without local Safety certificate**

- (1) This regulation applies where a ship is not —
- (a) registered under this Act; or
  - (b) a Load Line Convention ship; or
  - (c) a safety Convention ship.
- (2) This regulation applies where the Harbour Master is satisfied that a ship may proceed to sea without danger to —
- (a) the ship;
  - (b) passengers; or

- (c) the crew of the ship.
- (3) Where this regulation applies, the Harbour Master may —
  - (a) notwithstanding any other requirement of these Regulations; and
  - (b) subject to such conditions as he thinks fit to impose, allow the ship to go to sea without a local safety certificate.
- (4) Where, under sub-regulation (3), the Harbour Master allows a ship to go to sea without a local safety certificate, he shall give to the master of the ship a written statement setting out —
  - (a) the circumstances of the case; and
  - (b) the conditions, if any, under which the ship is allowed to go to sea.

## **5 Production of certificates**

- (1) The Harbour Master may, before a ship goes to sea, direct the master of the ship to produce to him —
  - (a) a local safety certificate required under these Regulations to be in force in respect of the ship; or
  - (b) a written statement referred to in regulation 4(3).
- (2) A master of a ship who refuses, or fails without reasonable cause, to comply with a direction given under sub-regulation (1) is guilty of an offence and liable on conviction to a fine of not more than \$2000.

## **6 Powers of Surveyor**

- (1) A surveyor, at any reasonable time, may —
  - (a) go on board a ship and surveyor inspect the ship;
  - (b) require any certificate, or other document relating to the ship, to be produced to him; and
  - (c) upon giving reasonable notice to the owner or agent of the ship concerned, enter any premises and make such investigations as he considers necessary.
- (2) A surveyor shall not, in exercising his powers under this regulation, unnecessarily —
  - (a) detain a ship; or
  - (b) delay a ship from going to sea.
- (3) A person who —

- (a) obstructs or hinders a surveyor in the exercise of his powers under this regulation; or
- (b) refuses, or fails without reasonable cause, to comply with any requirements made by a surveyor under this regulation,

is guilty of an offence and liable on conviction to a fine of not more than \$2000.

## **7 Special Examination of ships**

- (1) For the purpose of a surveyor of an inspection of a ship, the Harbour Master may, if he thinks fit, direct an owner or the master of the ship to have the ship —
  - (a) slipped;
  - (b) taken into dock; or
  - (c) otherwise dealt with.
- (2) A person who refuses, or fails without reasonable cause, to comply with a direction under sub-regulation (1) is guilty of an offence and liable on conviction to a fine of not more than \$2000.

## **8 Notification of change in condition of ship**

Where the efficiency or safety of a ship, in respect of which a local safety certificate has been issued, is impaired because of —

- (a) replacement of, or damage or alteration to, a part of the ship; or
- (b) any other circumstances,

an owner or the master of the ship who fails, without reasonable cause, within seven days to notify the Harbour Master of that fact or those circumstances is guilty of an offence and liable on conviction to a fine of not more than \$500.

# **PART II - SURVEYS AND CERTIFICATES**

## **9 Requirement for ship to be surveyed**

- (1) A ship is subject to survey in respect of —
  - (a) safety equipment;
  - (b) hull;
  - (c) load line;

- (d) machinery;
  - (e) radio; and
  - (f) passenger's accommodation
- (2) Each of the matters referred to in sub-regulation (1) shall be known as a Survey Section.
  - (3) A ship shall be surveyed —
    - (a) before the issue; and
    - (b) periodically during the currency, of a local safety certificate, in respect of the ship.
  - (4) The Harbour Master may direct that a ship be surveyed where —
    - (a) any material alteration is made to the ship; or
    - (b) the ship sustains damage or accident which affects, or may affect, the safety of the ship.
  - (5) A survey referred to in sub-regulation (3) (b) shall be known as a periodic survey and shall be carried out as provided in regulation 13.

## 10 Application for survey

- (1) Where an owner or the master of a ship seeks the issue of a local safety certificate in respect of the ship, he may apply to the Harbour Master for the ship to be surveyed.
- (2) An application under sub-regulation(1) shall be in Form 1.
- (3) On receipt of an application under sub-regulation (1), the Harbour Master shall nominate a surveyor who may cause the ship to be surveyed.
- (4) The Harbour Master may require an application for survey to be accompanied by such plans and other documents as are, or to give such information as is, in his opinion, necessary or desirable for the efficient conduct of the survey.

## 11 Issue of Local safety certificate

- (1) On completion of a survey under regulation 10, a surveyor shall prepare and submit to the Harbour Master —
  - (a) a declaration to the effect in Form 2, provided that no declaration is required in relation to load line in cases where a valid International Load Line Certificate is held; and
  - (b) a Survey Record to that effect in Form 3.

- (2) The Harbour Master, where he —
  - (a) has received the —
    - (i) report referred to in sub-regulation (1); and
    - (ii) a Survey Record; and
  - (b) is satisfied that the ship complies with the requirements of these Regulations, shall, subject to such conditions (if any) as he thinks fit, grant a local safety certificate in Form 4 in respect of the ship.

## **12 Survey Record**

- (1) A copy of a Survey Record prepared under regulation 11 shall be supplied to the owner or master of the ship concerned and shall be made available to any person authorised by the Harbour Master for inspection or endorsement.
- (2) A surveyor who has carried out a survey shall endorse upon the Survey Record the results of that survey.

## **13 Periodic Surveys**

- (1) On the issue of a local safety certificate in respect of a ship, the Harbour Master shall, in respect of each survey section, nominate the date upon which the Survey section shall, subject to this section, be surveyed in each subsequent year.
- (2) In nominating the dates in respect of each survey section under sub-regulation (1), the Harbour Master shall have regard to the provisions of sections 4.1 and 4.2 of Part I, Chapter 3 of the Code.

## **14 Form and Duration of Local Safety certificate**

- (1) A local safety certificate shall be in Form 4.
- (2) Subject to any suspension or cancellation under regulation 19, or any endorsement under sub-regulation (3), a local safety certificate shall remain in force for a period not exceeding four years from the date upon which it is granted.
- (3) Notwithstanding sub-regulation (2), where, in the opinion of the Harbour Master, it would be reasonable to do so, he may, by endorsement on a local safety certificate in respect of a ship, grant an extension of the duration of the certificate for a period not exceeding three months after the date on which the certificate would otherwise expire.

**15 Periodic Survey Endorsement**

The Harbour Master shall, where —

- (a) a periodic survey of a ship has been carried out; and
- (b) he is satisfied that, in respect of the ship, there has been compliance with the requirements of these Regulations,

endorse the certificate of the ship accordingly.

**16 Guidelines for surveys**

The scope of work to be carried out at annual and periodic surveys is indicated in schedule 3 to Part I of Chapter 3 of the Code.

**17 Dispensation from survey**

The Harbour Master may accept a local safety certificate or certificate of inspection or its equivalent issued by the marine authority of another state and dispense with the survey of that vessel during the current validity of that certificate.

**18 Survey Fees**

The owner of a vessel shall on the first issue of a local safety certificate and, where the certificate remains in force, on the expiration of each subsequent period of 12 months after the date of issue, pay the fees specified in Schedule 6.

**19 Suspension or cancellation of certificate**

Where, in respect of a ship, the Harbour Master is not satisfied that there has been compliance with the requirements of these Regulations, he may —

- (a) suspend the local safety certificate of the ship until he is so satisfied; or
- (b) cancel the local safety certificate of the ship.

**20 Exemptions from surveys and inspections**

The Harbour Master may, subject to such conditions as he thinks fit, exempt a ship, or a particular class of ship, from compliance with any requirement of this Part relating to surveys and inspections.

## PART III - REQUIREMENTS FOR CONSTRUCTION, MACHINERY AND EQUIPMENT

### 21 Construction and stability

- (1) The requirements for the construction of a ship and the provision of adequate stability for her service conditions shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 2 of Chapter 3 of the Code.
- (2) A classification society referred to in Part 2 of Chapter 3 of the Code means a classification society that is appointed as a surveyor of ships under section 139 of the Act.

### 22 Machinery and Electrical systems

The requirements for the design, fitting, carriage and operation of machinery and electrical systems in a ship shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 3 of Chapter 3 of the Code.

### 23 Load Lines

- (1) In this regulation, unless the contrary intention appears:
  - (a) “**ship**” does not include a ship that is a Load Line Convention ship or in respect of which a valid International Load Line Certificate or International Load Line Exemption Certificate is in force; and
  - (b) “**length**” has the same meaning as in Part 4 of Chapter 3 of the Code.
- (2) The load line of a ship that is 24 metres or more in length shall be determined in accordance with the Regulations made under the Load Line Convention.
- (3) The load line of a ship that is less than 24 metres in length shall be determined in accordance with the requirements set down in Schedule 2 to these regulations.
- (4) The requirements for surveys and inspections of load lines of ships shall be those set down in Part II of these regulations.
- (5) The requirements for marking of the load line of a ship, the deck line mark and the mark of the assigning authority shall be in accordance with the provisions of Part 4 of Chapter 3 of the Code as specified in Schedule 3 to these regulations.

- (6) Load lines that have been assigned to existing ships may be accepted by the Harbour Master, Subject to the conditions set down in Part 4 of Chapter 3 of the Code.

## **24 Lifesaving Appliances**

The lifesaving appliances to be carried in a ship shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 5 of Chapter 3 of the Code.

## **25 Fire Detection, Fire Extinction and Fire-fighting Equipment**

The systems for the detection and extinction of fires and the equipment for fire-fighting to be fitted and carried in a ship shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 6 of Chapter 3 of the Code.

## **26 Navigational Equipment**

The navigational equipment to be fitted and carried in a ship and the provisions for serviceability and power supply of electronic navigational installations shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 7A of Chapter 3 of the Code.

## **27 Miscellaneous Equipment**

The miscellaneous safety equipment, including signalling equipment and medicines and medical and surgical stores to be carried in a ship shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 7B of Chapter 3 of the Code.

## **28 Radio**

The type and number of radio installations and equipment to be fitted and carried in a ship and the duties to be carried out by radiotelephone operators shall be to the satisfaction of the Harbour Master and in accordance with the provisions of Part 8 of Chapter 3 of the Code.

## **29 Exemption from requirements of Part III of Regulations**

The Harbour Master may, Subject to such conditions as he thinks fit exempt a ship or a particular class of ships from compliance with any requirement of this Part.

## PART IV - SAFETY OF NAVIGATION

### 30 Application of Part

This Part applies to all ships on all voyages.

### 31 Chapter V of the Safety Convention

The requirements of Chapter V of the safety Convention in respect of safety of navigation shall be carried out to the satisfaction of the Harbour Master according to the provisions of that chapter as set down in section 1, Part 10 of Chapter 3 of the Code.

## PART V - PREVENTION OF COLLISIONS AT SEA

### 32 Interpretation of Part

In this Part —

- (a) “**Collision Regulations**” means the International Regulations for preventing Collisions at Sea 1972, being the rules and annexes attached to the Collisions convention [a copy of which is set out in Schedule 4 to these regulations]; and
- (b) “**vessel**” means all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels and includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

### 33 Navigation, Management and working of Vessels

The measures to be observed in the navigation, management and working of a vessel for the prevention of collisions are the measures required by the Collision Regulations [as set down in Schedule 4 to these regulations].

### 34 Provision and use of lights and signals

The lights and signals to be provided and used on a vessel are the lights and signals required by the Collision Regulations [as set down in Schedule 4 to these regulations].

## PART VI - MUSTERS AND DRILLS

### 35 Musters

- (1) At least once in every four weeks, the master of the ship shall —
  - (a) cause the crew to be mustered; and
  - (b) inspect the lifesaving and fire appliances of the ship.
- (2) When a ship leaves a port carrying passengers, the master of the ship must cause each passenger to be —
  - (a) mustered; and
  - (b) informed of the emergency signal referred to in Regulation 38, the method of use of lifejackets and the positions for embarkation into lifeboats and life-rafts; and
  - (c) made aware of the instruction cards referred to in paragraph (1) of Regulation 37.
- (3) The master of a ship shall cause a record of all musters and inspections carried out in accordance with this regulation, to be entered in the deck log book of the ship.
- (4) A master of a ship who fails to comply with a requirement of this regulation is guilty of an offence and liable on conviction to a fine of not more than \$100 .

### 36 Drills

- (1) The master of a ship shall cause a boat drill and a fire drill to be carried out on the ship concurrently with the muster required to be held under paragraph (1) of Regulation 35.
- (2) At least once in every period of three months the master of a ship shall cause each lifeboat of the ship to be —
  - (a) swung out to its full extent; and
  - (b) lowered to the water with a launching complement.
- (3) The master of a ship shall cause a fire drill under paragraph (1) to be so held that at least once in every period of three months each item of fire fighting equipment is examined or tested.
- (4) A drill under this regulation must be so arranged that the crew fully understand and are practiced in the duties they have to perform in the event of emergency.

- (5) The master of a ship shall cause all drills carried out under this regulation to be entered in the deck log book of the ship.
- (6) A master of a ship who fails to comply with a requirement of this regulation is guilty of an offence and liable on conviction to a fine of not more than \$100.

### **37 Instruction Cards**

- (1) Where a ship carries an inflatable life-raft, there shall be displayed in a prominent position on the ship an instruction card giving clear and simple directions for launching the life-raft.
- (2) There shall be displayed in a prominent position on a ship an instruction card giving clear and simple directions for the use of lifejackets.

### **38 Emergency Signal**

- (1) A ship that is required by these regulations to be fitted with a general alarm bell shall have an emergency signal.
- (2) The emergency signal referred to in paragraph (1) shall consist of a succession of not less than seven short rings followed by one long ring.

**SCHEDULE 1**

Forms 1-4 Regulation 10

**FORM 1 - APPLICATION FOR SURVEY OR INSPECTION**

- 1. Name of Ship .....
- 2. Port of registry .....
- 3. Registry No. or Official No.....
- 4. Registered length .....
- 5. Tonnages of ship. Gross .....Net .....
- 6. Name and address of owners or agents .....
- 7. Number of crew (including Master).....
- 8. Number of passengers .....
- 9. Type of ship .....
- 10. Build of ship.....
- 11. Trade in which ship is engaged.....
- 12. Address for delivery of certificate .....
- 13. Nature of surveyor inspection required:.....
  - (a) for Certificate of Inspection
  - (b) special (in event of damage, accident or alteration to vessel)
- 14. Name of Classification society (if any).....
- 15. Name of Load line Assigning Authority .....
- 16. Proposed arrangements for surveyor inspection (State place and time of proposed survey.) .....

Dated .....

.....

*Owner/Master*

Form 2 - Regulation 11

**DECLARATION BY SURVEYOR ON COMPLETION OF SURVEY OR INSPECTION**

- 1. Name of ship .....
- 2. Port of registry .....
- 3. Registry No. or Official No.....
- 4. Name and address of owners or agents .....
- 5. Number of crew (including Master).....
- 6. Number of passengers .....
- 7. Details of surveyor inspection carried out.....

8. On....., 19....., I completed the surveyor inspection of the items referred to above and in respect of those items, declare that the above mentioned ship:

- (a) complies with the requirements of the Merchant Shipping Act 1987; and
- (b) is fit to ply on the following voyages or classes of voyages —

until .....19 .....; and

- (c) is fit to carry.....persons.

9. I, a surveyor appointed under the Merchant Shipping Act, 1987, declare that all information and particulars given in the above are true and correct to the best of my knowledge and belief.

Dated .....19.....

.....

*(Signature of Surveyor)*

Form 3 - Regulation 11

(Page 1)

**SURVEY RECORD**

PART A

1. Name of ship .....
2. Port of Registry .....
3. Registry No. or Official No.....
4. Registered length .....
5. Tonnages of ship.      Gross .....Net .....
6. Name and address of owners or agents .....
7. Number of crew (including Master) .....
8. Number of passengers .....
9. Type of ship .....
10. Build of ship .....
11. Trade in which ship is engaged .....
12. Name of Classification society (if any) .....
13. Name of Load line Assigning Authority .....

*Form 3 (Page 2)*

SURVEY RECORD

PART B.

List of items surveyed and record of survey for

(1) Hull Survey Section

.....  
.....  
.....

(2) Machinery Survey section

.....  
.....  
.....

(3) Safety Equipment Survey section

.....  
.....  
.....

(4) Load line survey section

.....  
.....  
.....

(5) Radio Survey Section

.....  
.....  
.....

*Form 3 (Page 3)*

SURVEY RECORD

PART C.

Record of Additional Surveys, and Surveyors Endorsements

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.....  
.....

PART D.

Record of Exemptions Issued

.....  
.....  
.....

Form 4 - Regulation 11

TUVALU

LOCAL SAFETY CERTIFICATE

CERTIFICATE NO.....

PART A - CERTIFICATE

- 1. Name of ship .....
- 2. Port of Registry .....
- 3. Registry No. or Official No.....
- 4. Registered length .....
- 5. Tonnages .....
- 6. Name and address of owners and agents .....

I CERTIFY THAT THE ABOVE DESCRIBED SHIP —

- (a) complies with the Merchant Shipping Act, 1987; and
- (b) is fit to carry not more than .....persons; and
- (c) is fit to ply on the following voyages or classes of voyages —

.....  
.....

THIS CERTIFICATE IS VALID UNTIL ....., subject to compliance with the following conditions:

.....  
.....

Dated ..... 19.....

.....

*Harbour Master*

*Form 4 (Page 2)*

**PART B - PERIODIC SURVEY ENDORSEMENT**

First periodic date	Second periodic date	Third periodic date

Date of endorsement .....

**PART C - EXTENSION OF VALIDITY DATE**

In pursuance of the powers conferred on me by Regulation 14(3) of the Safety of Vessels Regulations, I grant an extension of the duration of this certificate until.

Date .....

.....

*Harbour Master*

**SCHEDULE 2**

## Regulation 23

**DETERMINATION OF LOAD LINE - SHIPS LESS THAN 24 METRES IN LENGTH**

- (1) Computation of Freeboard- The tabular freeboards to be used for ships of less than 24 metres in length shall be:
- (a) For ships having a continuous watertight deck and where hatchways are secured watertight by steel covers or equivalent means: 200 millimetres;
  - (b) For ships having a continuous watertight deck and where hatchways are secured watertight by wooden boards and tarpaulins: 250 millimetres;
  - (c) For ships which are open or only partly decked: 500 millimetres;
  - (d) For ships certified to carry passengers:

The freeboard shall be such that, if all the passengers which the ship is certified to carry, are placed on one extreme side of the ship on the uppermost deck while the ship is in its fully loaded condition, the resultant list shall not submerge the load line by more than 50% of the assigned freeboard.

Freeboard additional to that required by paragraphs (a), (b) or (c) above shall be assigned as necessary to meet this criterion.

(For the purposes of this Schedule, 13.6 persons shall be assumed to have a weight of one ton.)

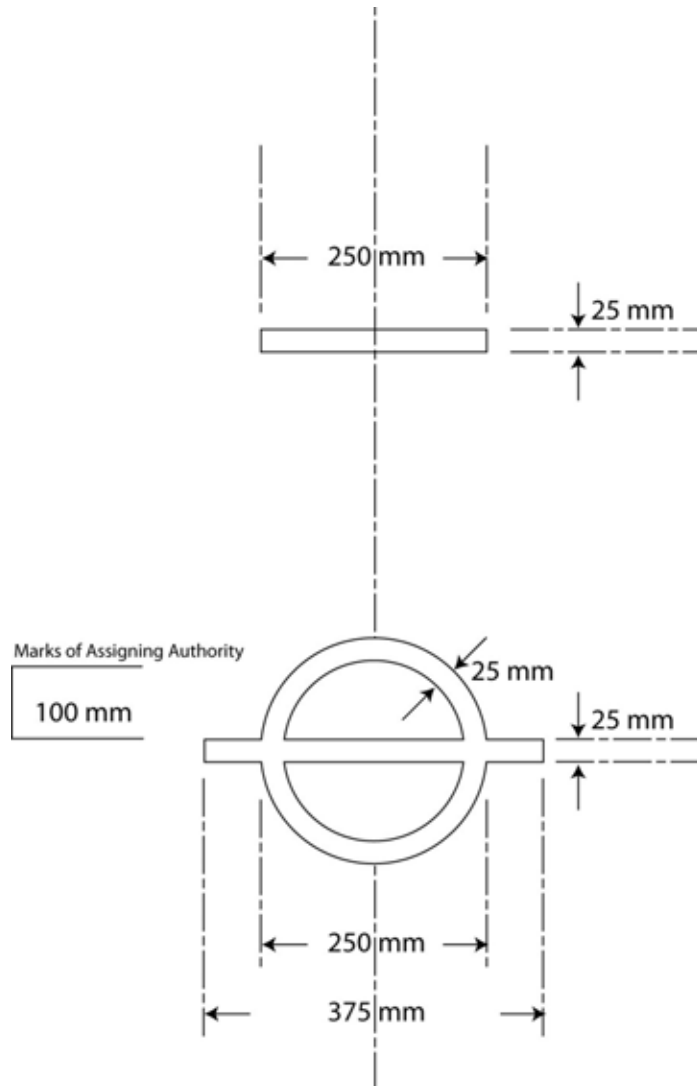
- (2) Conditions of Assignment- The conditions of assignment for ships of less than 24 metres in length shall be those set out in Schedule 2 of Part 4, Chapter 3 of the Code.

**Schedule 3**

Regulation 23

**DECK LINE MARKS, LOAD LINE MARKS, AND MARKS OF ASSIGNING AUTHORITY**

**Note:** As per Schedule 3 to Part 4 of Chapter 3 of the Code.



**SCHEDULE 4**

Regulation 32

**INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT  
SEA. 1972**

**Contents**

Part A General

Part B Steering and sailing Rules

Part C Lights and Shapes

Part D Sound and light Signals

Part E Exemptions

Annex I Positioning and technical details of lights and shapes

Annex II Additional signals for fishing vessels fishing in close proximity

Annex III Technical details of sound signal appliances

Annex IV Distress Signals

**SCHEDULE 5**

## Regulation 18

**FEES**

Column 1	Column2
Survey Section	Fee for each metre, or part of a metre, of the length of the ship.
(i) Hull	\$3.00.
(ii) Machinery and Electrical Installation	\$3.00.
(iii) Equipment	\$3.00
(iv) Load Line	\$3.00
(v) Radio	\$1.50

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>

**Table of Endnote References**