



MERCHANT SHIPPING (LOAD LINE) REGULATIONS 2020

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MERCHANT SHIPPING (LOAD LINE) REGULATIONS 2020

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The Director General, with approval of the Government and after consulting the persons referred to in section 478 of the Merchant Shipping act 2020 and in exercise of the power conferred by sections 196 of that Act, makes the following Regulations:

PART I

GENERAL

Citation

1 These Regulations may be cited as the Merchant Shipping (Load Line) Regulations 2020.

Interpretation

2 (1) In these Regulations—

“the 1966 Convention” means the International Convention on Load Lines, 1966;

“the 1988 Protocol” means the Protocol of 1988 relating to the 1966 Convention;

“alteration” includes deterioration;

“amidships” in relation to a ship means the middle of the ship's length (L);

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

“appropriate certificate” means an International Load Line Certificate

“appropriate load line” means the load line directed to be marked on a ship pursuant to regulation 6(2)(b), or in the case of a ship not surveyed under these Regulations, pursuant to an International Load Line Certificate or an International Load Line Certificate (1966) which is in force, indicating the maximum depth to which the ship may be loaded in salt water in a particular zone or area and seasonal period;

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

“Assigning Authority” means the Director General or any person or organisation authorised by the Director General for the purposes of these Regulations;

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

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

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

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

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“Convention-size” in relation to a ship means, in the case of an existing ship, of not less than 150 gross tons, and in the case of a new ship, of not less than 24 metres in length;

“Exemption Certificate” means an International Load Line Exemption Certificate;

“freeboards” means the distance measured vertically downwards at amidships from the upper edge of the deck-line described in regulation 15 to the position at which the upper edge of the load line appropriate to the freeboard is to be marked;

“freeboard deck” means the deck from which the freeboards assigned to the ship are calculated, being—

(a) the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings open to the weather, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing; or

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

“International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention, as amended by the 1988 Protocol;

“International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention, as amended by the 1988 Protocol;

“international voyage” means a voyage between—

(a) a port in Bangladesh and a port outside Bangladesh; or

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

“length” and “(L)” in relation to a ship means the greater of the following distances—

(a) 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel; or

(b) the length from the fore-side of the stem to the axis of the rudder stock on that waterline.

Where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length and the fore-side of the stem respectively shall be taken at the vertical projection to that waterline of the aftermost point of the stem contour (above that waterline). In ships designed

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with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;

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

“material date” in relation to a new or existing ship is—

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

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

“Director General” means the Director General of the Department of Shipping;

“moulded depth” in relation to a ship means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side, except that—

(a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;

(b) if the form at the lower part of the midship section of the ship is of a hollow character or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(c) in the case of a ship having rounded gunwales it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design; and

(d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

“new ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date and “existing ship” means a ship which is not a new ship;

“Foreign ship” means any ship other than a Bangladesh ship;

“parent country”, in relation to a ship, means the country or territory in which the ship is registered;

“pleasure vessel” means—

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

(i) in the case of a ship wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner or in the case of a ship owned by a body corporate, used only for sport or pleasure and on which the persons are employees or officers of the body corporate, or their immediate families or friends; and

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

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

and in the case of any ship referred to in paragraph (a) or (b) no other payments are made by or on behalf of users of the ship, other than by the owner.

In this definition "immediate family" means the husband or the wife of the individual; and "relative" means brother or sister of the individual; ancestor or lineal descendant of the individual;

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

"relevant entry into force date" means the date when the 1988 Protocol enters into force in respect of the Government of the parent country of the ship in question;

"sailing ship" means a ship designed to carry sail, whether as the sole means of propulsion, or as a supplementary means;

"sea" means beyond Bangladesh territorial waters;

"surveyor" means a surveyor appointed by the Government or an exclusive surveyor of any other Assigning Authority;

"valid Convention certificate" means an International Load Line Certificate or an International Load Line Exemption Certificate, which is in force; or

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

(2) In determining, for the purposes of the definition of an international voyage, what are the ports between which a voyage is made, no account shall be taken of any deviation by a ship from its intended voyage which is solely due to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

(3) Any term used in these regulations which is not defined shall have the meaning as defined in the Convention

Application

3 (1) These Regulations apply to Bangladesh ships wherever they may be and to other ships while they are within Bangladesh waters, except—

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

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

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

(d) pleasure vessels; and

(e) fishing vessels;

(2) classes referred to in paragraph (1)(a) are—

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- (a) coast guard ships;
- (b) ships used by or on behalf of—
 - (i) a Ports authority for the purpose of the authority's functions as such;
 - (ii) a Government department for fishery or scientific research.

Exemptions

4 (1) Subject to paragraph (4), the Director General may exempt from these Regulations—

- (a) any ship which embodies features of a novel kind if the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded if the ship had to comply with all the requirements of these Regulations;
- (b) any ship plying on international voyages within near coastal voyage area if—
 - (i) in his opinion the sheltered nature and condition of the voyages makes it unreasonable or impracticable to apply these Regulations; and
 - (ii) he is satisfied that the Government of the other country (or, as the case may be, of each of the other countries) concurs in that opinion.

(2) Subject to paragraph (4), the Director General may exempt from these Regulations—

- (a) a ship which is not a Convention-size ship;
- (b) any other ship which does not ply on international voyages.

(3) Subject to paragraph (4), where a Bangladesh ship does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Director General may exempt the ship while engaged on that voyage.

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

General compliance and updating of regulations

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

- (a) it has been surveyed in accordance with the applicable Convention requirements;
- (b) it is marked with the appropriate marks;
- (c) it has a valid Convention certificate;
- (d) it complies with the conditions of assignment applicable to it; and
- (e) the information required by regulations 31 and 32 is provided for the guidance of the master of the ship.

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- (2) Paragraph (1) does not apply to a Foreign ship in respect of which a valid Convention certificate is produced.
- (3) A ship shall not be so loaded that—
- (a) if the ship is in salt water and has no list the appropriate load line on each side of the ship is submerged; or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (4) A ship shall not proceed to sea when it is in contravention of paragraph (3).
- (5) Before any ship proceeds to sea from any port in Bangladesh for an international voyage, the master of that ship shall produce to the Principal officer, of that port, a valid Convention certificate.
- (6) For the purpose of this regulation, where a valid Convention certificate cannot be produced the freeboard deck and the freeboard shall be determined in accordance with these Regulations and the appropriate load line shall be the maximum depth to which the ship may be loaded in salt water.
- (7) In these Regulations, any reference to Annex I, Annex II or Annex III of the Convention shall mean a reference to that Annex as modified from time to time;
- (8) A modification to or a replacement of an Annex shall have effect at the time such modification or replacement comes into force in accordance with paragraph (4) of Article 28 of the 1966 Convention or Article VI of the 1988 Protocol.
- (9) No modification or replacement of an Annex shall affect any right or liability arising before the date on which the modification or replacement has effect, unless expressed otherwise.

PART II

SURVEYS AND CERTIFICATES

Assignment of freeboards

- 6 (1) The Assigning Authority shall assign freeboards to a Bangladesh ship in accordance with the requirements of these Regulations and the Convention.
- (2) The Assigning Authority shall—
- (a) determine the particulars of the freeboards to be assigned;
 - (b) determine which of the load lines described in Part III are to be marked on the sides of the ship in accordance with the requirements of that Part;
 - (c) determine the position where the load lines, the deck-line and the load line mark are to be so marked; and
 - (d) complete a copy of the record of particulars relating to the conditions of assignment.

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(3) Where a passenger ship is marked with subdivision load lines, and the lowest of those lines is lower than the line which is the appropriate load line then that subdivision load line shall have effect as if it is the appropriate load line for the purposes of these Regulations.

Initial renewal and annual surveys

7 (1) A Bangladesh ship shall be subject to the following surveys—

(a) an initial survey before the ship is put into service, which shall include a complete inspection of its structure and equipment as required by these Regulations; this survey shall be such as to ensure that the arrangements, materials and scantlings comply fully with the requirements of these Regulations;

(b) a renewal survey at intervals not exceeding five years (except where regulation 9 (2)(a), (5), (6) or (7) is applicable), which shall be such as to ensure that the structure, equipment, arrangements, materials and scantlings comply fully with the requirements of these Regulations;

(c) an annual survey within the period of three months before or after each anniversary date of the appropriate certificate to ensure that—

(i) alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line;

(ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters are maintained in an effective condition;

(iii) the appropriate marks are correctly and permanently indicated; and

(iv) information is provided in accordance with regulations 31 and 32.

(2) The owner and master shall ensure that after any of the surveys referred to in paragraph (1) has been completed, no material alteration is made to the ship, its structure or equipment, without the approval of the Assigning Authority.

(3) After a satisfactory annual survey referred to in paragraph (1)(c), the surveyor shall endorse the International Load Line Certificate accordingly.

Issue of appropriate certificates

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

(2) An International Load Line Certificate shall be in the form prescribed by Annex III to the 1988 Protocol.

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

(4) The Director General may request the Government of a Convention country to survey a Bangladesh ship and, if satisfied that the requirements of the Convention are complied with—

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- (a) issue or authorise the issue of, in respect of the ship, an International Load Line Certificate; or
- (b) in the case of an annual survey required under regulation 7(1)(c), endorse or authorise the endorsement of the International Load Line Certificate, and a certificate issued or an endorsement made in accordance with such a request, and containing a statement that it has been so issued or made, shall have the same effect as if it had been issued by the Director General or made by a surveyor respectively.
- (5) In the case of a ship that has been transferred from the registry of the Government of another country to the Bangladesh registry, the Assigning Authority, subject to such survey requirements it considers to be necessary as may issue an International Load Line Certificate for a period to be determined by the Assigning Authority, but for not longer than the period of validity of the certificate issued by or on behalf of the Government of that other country if satisfied that—
- (a) the ship has already been subjected to satisfactory initial renewal and annual surveys, as appropriate;
- (b) the condition of the ship, including its structure and equipment, has been maintained so as to comply with the requirements of the 1966 Convention applicable to the ship;
- (c) after any of the surveys referred to in subparagraph (a) have been completed, no material change has been made to the ship, including its structure and equipment, subject to such surveys, without the approval of the administration of that State; and
- (d) that the intact stability information approved by or on behalf of the Government of that other country complies with the requirements of the International Maritime Organization's Resolution A.749(18) as amended.

Duration and extension of certificates

- 9 (1) Subject to paragraphs (2) to (8), the duration of any certificate issued under these Regulations shall not exceed a period of five years beginning with the date of completion of the initial or renewal survey referred to in regulation 7(1)(a) or (b) respectively.
- (2) When the renewal survey referred to in regulation 7(1)(b) is completed—
- (a) within three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate;
- (b) after the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the previous certificate;
- (c) more than three months before the expiry of the existing certificate, the new certificate shall be valid for a period beginning with the date of completion of the

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

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

(4) If, after the renewal survey, a new certificate cannot be issued to the ship before the expiry of the existing certificate, the Assigning Authority may extend the validity of the existing certificate for a period which shall not exceed five months: this extension shall be endorsed on the certificate, and shall be granted only where there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard.

(5) If, at the time when a certificate expires, a ship is not in a port in which it is to be surveyed, the Assigning Authority may extend the validity of the certificate but this extension shall be granted only where it appears proper and reasonable to the Assigning Authority to do so, for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed.

(6) No certificate shall be extended for a period longer than three months beginning with the date of expiry, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate.

(7) When the renewal survey is completed, the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(8) A certificate issued to a ship engaged on short voyages which has not been extended under paragraph (3), (4), (5), (6) or (7) of this regulation may be extended by the Assigning Authority for a period of not more than one month beginning with the date of its expiry: when the renewal survey is completed the new certificate shall be valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(9) In special circumstances, as determined by the Assigning Authority, a new certificate need not be dated from the expiry of the previous certificate before the extension was granted, as required by paragraphs (2), (5), (6), (7) and (8): in these special circumstances, the new certificate shall be valid for a period ending on a date which is not more than five years from the date of completion of the renewal survey.

(10) If an annual survey is completed before the period specified in regulation 7(1)(c), then—

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

(b) the subsequent annual survey required by regulation 7(1)(c) shall be completed at the intervals prescribed by that regulation using the new anniversary date;

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(c) the expiry date of the certificate may remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between the surveys prescribed by regulation 7(1)(c) are not exceeded.

Certificates ceasing to be valid: surrender and cancellation of certificates

10 (1) An appropriate certificate issued in respect of a Bangladesh ship shall cease to be valid where—

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

(b) the fittings and appliances mentioned in regulation 7(1)(c)(ii) are not maintained in an effective condition;

(c) the certificate is not endorsed in accordance with regulation 7(3) to show the ship has been surveyed in accordance with regulation 7(1)(c);

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

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

(f) the ship ceases to be a Bangladesh ship.

(2) The Director General may cancel an appropriate certificate issued in respect of a Bangladesh ship if he is satisfied that—

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

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

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

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

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

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

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

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

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

Issue of exemption certificates

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11 (1) Where a ship is exempted under regulation 4(1), (2) or (3), an International Load Line Exemption Certificate in the form prescribed by the 1966 Convention, as amended by Annex III to the 1988 Protocol shall be issued in respect of the ship by the Director General.

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

- (a) the ship shall be assigned freeboards in accordance with regulation 6;
- (b) the ship shall be subject to surveys in accordance with regulation 7; and
- (c) regulations 7 to 9 shall apply in relation to the Exemption Certificate as they apply in relation to an appropriate certificate, subject to the substitution, for references in the said regulations to an Assigning Authority, of references to the Director General.

Posting of load line certificate and notification of draughts

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

(2) Before any Bangladesh ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship shall, subject to paragraph (4), ensure that a notice is posted up in some conspicuous place on board the ship, in a form and containing such particulars relating to the depth to which the ship is loaded as approved by the Director General.

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

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

Foreign ships

13 The Director General may, at the request of a Government of a Convention country, survey a ship registered in that country and if satisfied that the requirements of the 1966 Convention, as amended by the 1988 Protocol are complied with and that a survey has been satisfactorily completed in accordance with these Regulations, issue to the ship an International Load Line Certificate and, where appropriate, endorse such certificate in accordance with the requirements of the 1966 Convention, as amended by the 1988 Protocol: a certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it were issued by that Government and not by the Director General.

PART III

LOAD LINE AND MARKS

Marking

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14 (1) The load line directed to be marked on the ship pursuant to regulation 6(2)(b), the deckline and the load line mark shall be marked by the owner on each side of the ship in accordance with the directions of the Assigning Authority and the requirements of this Part.

(2) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 28, the ship shall be marked by the owner in accordance with regulation 21(4).

Deck-line

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

(2) Subject to paragraph (3), the deck-line shall be marked in such a position on the side of the ship that its upper edge passes through the point amidships where the continuation outwards of the upper surface of the freeboard deck, or of any sheathing of that deck, intersects the outer surface of the shell of the ship as shown in Regulation 4 in Annex I of the Convention.

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

Load line mark

25 The load line mark as shown in Regulation 6 in Annex I of the Convention shall consist of a ring 300 mm in outside diameter and 25 mm wide, intersected by a horizontal line 450 mm long and 25 mm wide, the upper edge of which passes through the centre of the ring: the centre of the ring shall be marked amidships vertically below the deck-line so that, except as otherwise provided in regulation 30, the distance from the centre of the ring to the upper edge of the deck-line is equal to the Summer freeboard assigned to the ship.

Load lines

17 (1) Except as otherwise provided for in paragraph (3), the load lines shown in Regulation 6 in Annex I of the Convention shall consist of horizontal lines of 230 mm in length and 25 mm in width extending forward or abaft a vertical line 25 mm in width marked 540 mm forward of the centre of the ring of the load line mark and at right angles to that line: the individual load lines shall be—

- (a) the Summer load line, which shall extend forward of the said vertical line, and shall correspond horizontally with the line passing through the centre of the ring of the load line mark, and shall be marked S;
- (b) the Winter load line, which shall extend forward of the vertical line, and be marked W;
- (c) the Winter North Atlantic load line, which shall extend forward of the vertical line, and be marked WNA;

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- (d) the Tropical load line, which shall extend forward of the vertical line, and be marked T;
- (e) the Fresh Water load line, which shall extend abaft the vertical line, and be marked F; and
- (f) the Tropical Fresh Water load line, which shall extend abaft the vertical line and be marked TF.

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

(3) In the case of a sailing ship—

- (a) the Summer load line shall consist of the line passing through the centre of the ring of the load line mark as shown in figure 4 in Regulation 6 in Annex I of the Convention; and
- (b) the Winter North Atlantic load line and Fresh Water load line only shall be marked on the ship as shown in figure 2 in Regulation 6 in Annex I of the Convention.

Timber load lines

18 (1) Timber load lines shall consist of horizontal lines of the dimensions specified in respect of such lines in regulation 17(1), extending abaft or forward of a vertical line 25 mm in width and marked 540 mm abaft the centre of the ring of the load line mark and at right angles to that line as shown in Regulation 4 in Annex I of the Convention and individual Timber load lines shall be as follows—

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

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

Appropriate load line for zones and areas

19. The appropriate load line in respect of a ship at any particular zone or area and seasonal period shall be ascertained in accordance Annex II and a ship must

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comply with the load line requirements applicable to it under the zones and areas described in Annex II.

Position of load lines

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

Method of marking

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

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

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

(4) Where an Exemption Certificate is issued in association with the assignment of special freeboards which are less than those required by regulation 28, the load lines and the load line mark shall be marked on the ship by being painted in red on a contrasting background and shall comply with paragraph (2).

Authorisation of removal, etc., of appropriate marks

22 After the appropriate marks have been made on a ship—

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

Mark of Assigning Authority

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

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

PART IV

CONDITIONS OF ASSIGNMENT

Requirements relevant to the assignment of freeboards

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24 (1) Subject to paragraph (2), every ship to which freeboards are assigned under these Regulations shall comply with the conditions of assignment applicable to that ship as set out in Chapter II of the Convention, as amended.

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

Compliance with conditions of assignment

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

- (a) if at any time after the assignment of freeboards there has been any alteration of the hull, superstructures, fittings or appliances of the ship such that —
 - (i) a requirement applicable to the ship under regulation 24 is not complied with; or
 - (ii) it differs in a material respect from the record of particulars provided in accordance with regulation 26; or
- (b) if the record of particulars is not on board in accordance with regulation 26(2).

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

- (a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with these load lines and a new certificate issued to the owner of the ship accordingly; or
- (b) the alteration has been inspected by a surveyor on behalf of the Assigning Authority and that Authority is satisfied that the alteration is not such as to require any change in the freeboards assigned to the ship, and full particulars of the alteration together with the date and place of his inspection have been endorsed by the surveyor on the record referred to in regulation 26(1).

Record of particulars

26 (1) The record of particulars shall be provided on the ship in a form of record of conditions of assignment of load lines as provided in the Convention, as amended by the protocol of 1988.

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

PART V

FREEBOARDS

Types of freeboards

27 The freeboards that can be assigned to a ship under these Regulations are the Summer freeboard, Tropical freeboard, Winter freeboard, Winter North Atlantic

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freeboard, Fresh Water freeboard and Tropical Fresh Water freeboard: in the case of ships carrying timber the freeboards that may be assigned are the Summer Timber freeboard, Winter Timber freeboard, Winter North Atlantic Timber freeboard, Tropical Timber freeboard, Fresh Water Timber freeboard and Tropical Fresh Water Timber freeboard.

Determination of freeboards

28 (1) Except as otherwise provided for in regulation 29, the freeboards assigned to a new ship shall be determined in accordance with relevant regulations of chapter III of the Convention, as amended

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

(3) Notwithstanding paragraph (2), if an existing ship has been so constructed or modified as to comply with all the conditions of assignment set out in Chapter II of the Convention, as amended applicable to a new ship of her type, and application is made for the assignment to her of freeboards determined in accordance with Chapter III of the Convention, as amended, such freeboards shall be assigned to her.

Greater than minimum freeboards

29 (1) A freeboard determined in accordance with regulation 28 is the minimum freeboard that may be assigned to the ship.

(2) Subject to paragraph (3), the Assigning Authority may however, if it is satisfied that the ship complies with the requirements of these Regulations, assign freeboards (other than Timber freeboards) which exceed the minimum freeboards by such an amount as it may determine.

(3) Timber freeboards shall not be assigned to a ship to which greater than minimum freeboards have been assigned.

(4) Where a freeboard greater than the minimum is assigned to a ship and the load line appropriate to that freeboard corresponds to, or is lower than, the position at which the lowest of the load lines appropriate to minimum freeboards would be marked, then—

(a) load lines only appropriate to the greater than minimum Summer freeboard and Fresh Water freeboard shall be marked on the sides of the ship;

(b) the load line appropriate to the greater than minimum Summer freeboard shall be known as the "All Seasons load line" and shall consist of the horizontal line intersecting the load line mark;

(c) the vertical line described in regulation 17 shall be omitted; and

(d) subject to subparagraph (c), the Fresh Water load line shall be as described in regulation 17(1) and be marked accordingly.

Special position of deck-line: correction of freeboards

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30 In any ship where the deck-line is marked in accordance with regulation 15(3), the freeboards assigned to the ship shall be corrected to allow for the vertical distance by which the position of the deck-line is altered by virtue of that paragraph: the reference point to which the deck-line has been so marked, and the identity of the deck which has been taken as the freeboard deck, shall be specified in the appropriate certificate issued in respect of the ship.

PART VI

STABILITY

Information as to stability of ships

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

(2) In the case of a Bangladesh ship, this information shall include all matters specified in regulation 10 of Annex I of the Convention, as amended, and be in the form approved by the Director General or the assigning authority: this information shall also be in accordance with the requirements of paragraphs (3), (4) and (5).

(3) Subject to paragraph (4), this information shall be based on the determination of stability taken from an inclining test carried out in the presence of a surveyor appointed by the Director General or, by the Assigning Authority: this information shall be amended whenever any alterations are made to the ship or changes occur to it which will materially affect this information and, if necessary, the ship shall be re-inclined.

(4) The inclining test may be dispensed with if—

(a) in the case of any ship, basic stability data are available from the inclining test of a sister ship and the Director General or, the Assigning Authority is satisfied that reliable stability information can be obtained from such data; and

(b) in the case of—

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

(ii) any class of such ships,

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

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

(a) it shall be approved by the Assigning Authority which assigned freeboards to the ship; or

(b) it shall be approved by the Director General.

Information as to loading and ballasting of ships

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

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

(3) In the case of a Bangladesh ship, regulation 31(5) shall have effect in respect of information required under this regulation, and the information so approved shall be included in the book referred to in regulation 31(1).

PART VII

EQUIVALENTS, PENALTIES AND DETENTION

Equivalents

33 The Assigning Authority may, with the approval of the Director General—

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

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

Penalties

34 (1) Where regulation 5(1) is contravened the owner and master of the ship shall each be guilty of an offence and shall be punishable

(a) on summary conviction, to a fine not exceeding 100,000 penalty units;

(2) Any contravention of regulation 5(3) shall be an offence by both the owner and master and shall be punishable—

(a) on summary conviction, to a fine not exceeding 100,000 penalty units and by such additional fine, not exceeding an amount calculated in accordance with paragraph (3), as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention;

(3) Any additional fine imposed under paragraph (2)(a) shall not exceed 2,000 penalty units for each complete centimetre by which—

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(a) in a case falling within regulation 5(3)(a), the appropriate load line on each side of the ship was submerged; or

(b) in a case falling within regulation 5(3)(b), the appropriate load line on each side of the ship would have been submerged.

(4) Any contravention of regulation 5(4) shall be an offence by the master and by any other person who, having reason to believe that the ship is so loaded, sends or is a party to sending the ship to sea, and is punishable (without prejudice to any fine in respect of an offence under paragraph (2) on summary conviction, to a fine not exceeding 100,000 penalty units.

(5) Where a person is charged with an offence under paragraph (2), it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(6) Any contravention of regulation 22(a) shall be an offence by both the owner and the master punishable on summary conviction by a fine not exceeding 100,000 penalty units.

(7) Any contravention of regulation 22(b) shall be an offence punishable on summary conviction to a fine not exceeding 100,000 penalty units.

(8) It shall be a defence for a person charged under paragraph (6) or (7) to show that he had reasonable excuse for the contravention.

(9) Any contravention of regulation 8(3) shall be an offence by the master punishable on summary conviction, to a fine not exceeding 100,000 penalty units.

(10) Any contravention of regulation 12 shall be an offence by both the master and owner punishable on summary conviction to a fine summary conviction, to a fine not exceeding 50,000 penalty units.

Offences and penalties in relation to certificates and surveys

35

(1) No person shall—

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

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

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

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

(e) fail to surrender as directed a certificate required to be surrendered under regulation 10(6).

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(2) Any contravention of paragraph (1) shall be an offence punishable on summary conviction to a fine not exceeding 100,000 penalty units

Detention

36 (1) Any ship which, in contravention of regulation 5(1), proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been so surveyed and marked.

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

(3) Without prejudice to any proceedings under regulation 34, any ship which is loaded in contravention of regulation 5(3) may be detained until it ceases to be so loaded.

(4) In any case where a ship is liable to be detained, section 198 of the Merchant Shipping Act 2020 (which relates to the detention of a ship) shall have effect in relation to the ship.

Review of the regulations

29.—(1) The Director General must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before five years from the date of coming into force of these regulations.

Signed by the Director General of Shipping.

15th March 2020

Director General
Department of Shipping

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating to the Convention. The Regulations also implement all amendments to the Convention and Protocol as at the date of this instrument. All future amendments to Annexes I, II and III to the Convention will be automatically incorporated into the Regulations by way of auto update reference (regulation 5).

The Regulations apply the provisions of the Convention, to Bangladesh ships and to foreign ships in Bangladesh waters, including ships from countries which are not parties to the Convention, and which are engaged on international voyages.

The Convention regulates technical detail in relation to the loading, stability and watertight integrity of ships, and includes provision for the survey, certification and inspection of ships for the purpose of ascertaining compliance with the Convention. Load lines marked on a ship indicate the maximum safe loading of a ship in specific conditions.

Under regulation 3, the Director General may authorise persons or organizations to act as Assigning Authorities for the purposes of these Regulations.

Regulation 23 sets out the scope of the control exercisable by the Director General in relation to foreign ships in Bangladesh ports. Such control is exercised in practice by way of the port State control regime.

Regulation 29 requires the Director General to review the operation and effect of these Regulations and publish a report before December 2024 and at intervals not exceeding five years after that. Following a review it will fall to the Director General to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or to revoke the Regulations.

The International Convention on Load Lines, 1966 and the Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and are available at the Department of Shipping, Dhaka Bangladesh

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in Bangladesh, found on <http://dos.gov.bd>. An amendment will be publicised in advance of its in force date by means of a Marine Notice, which will be available in copy from the DOS and on <https://www.dos.gov.bd>