

Shipping (Tonnage) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2016, No. 9

ARRANGEMENT OF REGULATIONS

Regulation

PRELIMINARY

1. Citation
2. Interpretation

PART I

SAINT LUCIAN SHIPS OF LESS THAN 24 METRES IN LENGTH

3. Application of Part I
4. Measurement of ship of less than 24 metres

PART II

SAINT LUCIAN SHIPS OF 24 METRES IN LENGTH AND OVER

5. Application of Part II
6. Measurement of ship of 24 metres and over
7. Calculation of volumes
8. Gross tonnage
9. Net tonnage
10. Segregated ballast oil tankers

PART III

TONNAGE CERTIFICATE

11. Tonnage Certificate
12. Cancellation
13. Alterations
14. Transfer of ship

PART IV

FOREIGN SHIPS

15. Ascertainment of tonnage and certification

SCHEDULE 1
SCHEDULE 2

Shipping (Tonnage) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2016, No. 9

[February 1, 2016]

In exercise of the powers conferred under section 30 of the Shipping Act, Cap. 13.27, the Minister responsible for shipping makes these Regulations:

PRELIMINARY

Citation

1. These Regulations may be cited as the Shipping (Tonnage) Regulations, 2016.

Interpretation

2. In these Regulations –

“Act” means the Shipping Act, Cap 13.27;

“amidships” means the mid-point of the length of the ship;

“breadth” means the maximum breadth of the ship, measured amidships, to the moulded line of the frame in a ship with a metal shell, and, to the outer surface of the hull in a ship with a shell of any other material;

“break” means the space bounded longitudinally by a side to side upward step in the lowest line of the upper deck and another such step or the end of the ship, transversely by the sides of the ship and vertically by the higher part of the deck and the lowest line of the upper deck continued parallel to the upper deck;

“cargo spaces” means enclosed spaces which are included in the computation of gross tonnage and are appropriated for the transport of cargo to be discharged from the ship and which are permanently marked with the letters “CC” which mean cargo compartment, such letters being not less than one hundred millimetres in height and so positioned as to be readily visible;

Shipping (Tonnage) Regulations

“combination carrier”, in relation to an oil tanker, means a ship designed to carry oil or solid cargo in bulk;

“depth” means the vertical distance measured from the top of the keel of a metal ship, or, in a wood and composite ship from the lower edge of the keel rabbet, to the underside of the upper deck at the side, or, in the case of a ship which is not fully decked, to the top of the upper strake or gunwale, except —

- (a) where the form at the lower part of the amidships sections is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (b) in the case of a glass reinforced plastic ship where no keel member is fitted and keel is of open trough construction, the distance is measured from the top of the keel filling, if any, or the level at which the inside breadth of the trough is 100 millimetres, whichever gives the lesser depth;
- (c) in a ship having rounded gunwales, the depth measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and
- (d) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the depth measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part;

“enclosed spaces” means all the spaces, other than excluded spaces, which are bounded by the ship’s hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or moveable awnings and a break in a deck, or any opening in the ship’s hull, and includes a deck, a covering of a space, or the

Shipping (Tonnage) Regulations

partitions or bulkheads of a space, or the absence of a partition or bulkhead or space which is -

- (a) fitted with shelves or other means for securing cargo or stores;
- (b) fitted with any means of closing the openings;
- (c) constructed in such a way so that there exists any possibility of an opening mentioned in paragraph (b) being closed;

“excluded spaces” in relation to enclosed spaces, means -

- (a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwartships line at a fore and aft distance from the opening equal to half the breadth of the deck of the line of the opening, such end opening having a breadth equal to or greater than ninety per cent of the breadth of the deck at the line of the opening and extending from deck to deck or to a curtain plate of a depth not exceeding by more than twenty-five millimetres the depth of the adjacent deck beams, as specified in Figure 1 of Schedule 1 except -
 - (i) where at any point the width of the enclosed space because of any arrangement except convergence of the outside plating, as specified in Figure 3 of Schedule 1, becomes less than ninety per cent of the breadth of the deck at the line of the opening, the excluded space extends only to an athwartships line intersecting that point, as specified in Figures 2 and 4 of Schedule 1,
 - (ii) where the opposite ends of two enclosed spaces are separated by a gap, which is completely open except for bulwarks or open rails and of fore and aft length less than half the least breadth of the deck at the gap, no part of the enclosed spaces are excluded, as specified in Figures 5 and 6 of Schedule 1;

Shipping (Tonnage) Regulations

- (b) a space under an overhead deck covering open to the sea and weather having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support, however, in such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side and the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as specified in Figure 7 of Schedule 1;
- (c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one third of the height of the erection, whichever is the greater, save that where the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces is limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening, as specified in Figure 8 of Schedule 1;
- (d) a space in an erection immediately below an uncovered opening in the deck overhead, save that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as specified in Figure 9 of Schedule 1;
- (e) a recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, save that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in Figure 10 of Schedule 1;

“length” means the greater of the following distances -

- (a) the distance between the foreside of the stem and the axis of the rudder stock; or

Shipping (Tonnage) Regulations

- (b) ninety-six per cent of the distance between the foreside of the stem and the aft side of the stern,

the points and measurements being taken respectively at and along a waterline at eighty-five per cent of the least moulded depth of the ship, the waterline, being taken to be parallel to the designed waterline in the case of a ship having a rake of keel;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the aft side of the aftermost fixed permanent structure;

“moulded depth” means the vertical distance measured from the top of the keel of a metal ship, or in a wood and composite ship from the lower edge of the keel rabbet, to the underside of the upper deck at side, or, in the case of a ship which is not fully decked, to the top of the upper strake or gunwale, except -

- (a) where the form at the lower part of the amidships section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (b) in the case of a glass reinforced plastic ship where no keel member is fitted and the keel is of open trough construction, the distance is measured from the top of the keel filling, if any, or the level at which the inside breadth of the trough is 100 millimetres, whichever gives the lesser depth;
- (c) in a ship having rounded gunwales, the depth measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and
- (d) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the depth

Shipping (Tonnage) Regulations

measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part;

“moulded draught” means —

- (a) for ships assigned load lines in accordance with any law relating to load line, the draught corresponding to the Summer Load Line, other than timber load lines;
- (b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with any law relating to passenger ship construction which is applicable to the ship in question at the time the draught is assigned;
- (c) for ships to which no load line has been assigned but the draught of which is restricted by the Minister, the maximum permitted draught;
- (d) for other ships, seventy-five per cent of the moulded depth amidships;

“oil tanker” means a ship constructed or adapted to carry oil in bulk in its cargo spaces and includes a combination carrier;

“register book” means a register book kept under section 21 of the Act;

“similar stage of construction” means the point at which -

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is the less;

“Surveyor of Ships” means a surveyor appointed under section 35 of the Act;

“upper deck” in relation to moulded depth, means the uppermost complete deck exposed to weather and sea,

Shipping (Tonnage) Regulations

which has a permanent means of weathertight closing all openings in the weather part, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing and, in a ship having a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck;

“weathertight” in relation to upper deck, means that in any sea conditions water will not penetrate into the ship.

PART I**SAINT LUCIAN SHIPS OF LESS THAN 24 METRES IN LENGTH****Application of Part I**

3. This Part applies to ships of less than 24 metres in length, except fishing vessels, registered or to be registered in Saint Lucia.

Measurement of ship of less than 24 metres

4.—(1) A ship shall be measured by a Surveyor of Ships.

(2) The tonnage of a ship is the sum of —

- (a) the product of multiplying together its length overall, extreme breadth over the outside hull and depth in metres and multiplying the resultant figure by 0.16; and
- (b) the tonnage of any break or breaks, calculated for each break by multiplying together its mean length, mean breadth and mean height in metres and multiplying the resultant figure by 0.35.

(3) For the purpose of this Part —

- (a) the breadth of a ship is its extreme breadth over the outside plating, planking or hull, no account being taken of rubbers and fenders even where they are moulded so as to be integral with the hull;

Shipping (Tonnage) Regulations

- (b) the depth of a ship is measured vertically at amidships;
 - (c) the upper terminal point for depth is —
 - (i) in the case of a decked ship, the underside of the deck on the middle line or, where there is no deck on the middle line at the point of measurement, the underside of the deck at the side of the ship plus the full deck camber,
 - (ii) in the case of an open ship, the top of the upper strake or gunwale;
 - (d) the lower terminal point for depth is —
 - (i) in the case of a wooden ship, the upper side of the plank at the side of the keel or hog,
 - (ii) in the case of a metal ship, the top of the plating at the side of the keel,
 - (iii) in the case of a glass reinforced plastic ship, the inside of the hull, and where no keel member is fitted and the keel is of open trough construction, the top of the keel filling, where fitted, or the level at which the inside breadth of the trough is 10 centimetres, whichever gives the greater depth;
 - (e) where a break exists in way of the point of measurement for depth, the height of the break is not included in the measurement of depth.
- (4) The tonnage determined in accordance with subregulation (2) is the gross tonnage and net tonnage.
- (5) In the case of multi-hull ships the tonnage of each hull is measured separately and the sum of the tonnages is used in computing the tonnage referred to in subregulation (2).
- (6) For multi-hull ships having a structure connecting the hull which has a buoyant volume the buoyant volume is —
- (a) treated as a break and added to the computation;
 - (b) the average length multiplied by breadth multiplied by depth below main deck multiplied by 0.35 of the joining structure.

Shipping (Tonnage) Regulations

(7) All measurements used in the calculations of volumes must be taken and expressed in metres to the nearest one hundredth of a metre.

(8) Tonnage must be expressed to two decimal places, the second decimal place being increased by one where the third decimal place is 5 or more.

(9) Notwithstanding subregulation (2), nothing in this Part is taken to require any ship, the tonnage of which was validly determined under the law in force immediately before the coming into force of these Regulations to have its tonnage re-determined.

PART II**SAINT LUCIAN SHIPS OF 24 METRES IN LENGTH AND OVER****Application of Part II**

5. This Part applies to ships of 24 metres in length or over registered or to be registered in Saint Lucia.

Measurement of ships of 24 metres in length and over

6.—(1) A ship shall be measured by a Surveyor of Ships in accordance with section 29 of the Act.

(2) The gross and net tonnages are determined in accordance with regulations 8 and 9 provided that in the case of novel types of craft with constructional features which render the application of the provisions of these Regulations unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Minister.

(3) All measurements used in the calculation of volumes must be taken and expressed in metres to the nearest one hundredth of a metre.

(4) Gross and net tonnages must be expressed as whole numbers, decimals being rounded off downwards.

Calculation of volumes

7.—(1) A Surveyor of Ships shall measure all volumes included in the calculation of gross and net tonnages irrespective of the fitting of insulation or the like —

Shipping (Tonnage) Regulations

- (a) to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell; or
- (b) to the inner side of the structural boundary surfaces in ships constructed of any other material.

(2) In calculating the total volume, a Surveyor of Ships shall include the volumes of appendages and exclude the volumes of spaces open to the sea.

(3) The method and accuracy of the calculations must be to the satisfaction of the Minister and must be sufficiently detailed to facilitate checking.

Gross Tonnage

8. The gross tonnage of a ship is determined by the formula —

$$GT = K_1 V$$

where —

- (a) V = total volume of all enclosed spaces of the ship in cubic metres; and
- (b) K_1 = $0.2 + 0.02 \log_{10} V$, as specified in Schedule 2.

Net Tonnage

9.—(1) The net tonnage of a ship is determined by the formula—

$$NT = K_2 V_c \left(\frac{4d}{3D} \right)^2 + K_3 \left(N_1 + \frac{N_2}{10} \right)$$

where —

- (a) V_c = total volume of cargo spaces in cubic metres;
- (b) K_2 = $0.2 + 0.02 \log_{10} V_c$, as specified in Schedule 2;

Shipping (Tonnage) Regulations

- (c) $K_3 = 1.25 \frac{GT + 10,000}{10,000}$
- (d) GT = gross tonnage calculated in accordance with regulation 8;
- (e) D = moulded depth amidships in metres;
- (f) d = moulded draught amidships in metres;
- (g) N_1 = number of passengers in cabins with not more than 8 berths; and
- (h) N_2 = number of other passengers who may be accommodated on the ship.

(2) Notwithstanding subregulation (1) —

- (a) the factor $-\left(\frac{4d}{3D}\right)^2$ is not taken as greater than unity;
- (b) the term $-K_2 V_c \left(\frac{4d}{3D}\right)^2$ is not taken as less than 0.25 GT;
- (c) N_1 and N_2 are taken as zero when $N_1 + N_2$ is less than 13;
- (d) NT is not taken as less than 0.30 GT.

Segregated ballast oil tankers

10.—(1) Where segregated ballast tanks complying with any international instrument relating to the prevention of pollution from ships are provided in oil tankers, an entry may be made on the certificate of survey indicating the total tonnage of these tanks.

(2) The tonnage of such segregated ballast tanks is calculated according to the formula —

$$K_1 \times V_b$$

where —

- (a) K_1 represents $0.2 + 0.02 \log_{10} V$, or as specified in Schedule 2;

Shipping (Tonnage) Regulations

- (b) V represents the total volume of all enclosed spaces of the ship in cubic metres measured in accordance with regulation 7.

PART III**TONNAGE CERTIFICATE****Tonnage Certificate**

11. A tonnage certificate must be issued to every vessel for which the gross and net tonnages have been determined in accordance with these Regulations.

Cancellation

12.—(1) A tonnage certificate is cancelled where alterations are made in the arrangement, construction, use of spaces of the ship such as would cause an increase in the tonnage and the existing measurement ceases to be valid.

(2) Where a tonnage certificate is cancelled under subregulation (1), the owner or master of the ship shall make an application for the ship to be remeasured.

(3) Any owner or master who fails, without reasonable cause, to deliver up a certificate for cancellation as required by subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars.

Alterations

13.—(1) When alterations in the values of V, V_c , d, N_1 or N_2 as defined in regulations 8 and 9 result in an increase in the net tonnage, a new tonnage certificate incorporating the increase of net tonnage is issued.

(2) In the case of a passenger ship assigned subdivision load lines in accordance with any law relating to passenger ship construction and load lines in accordance with any law relating to load lines, one net tonnage is applied and where the draught corresponding to the Summer Load Line differs from that corresponding to the deepest subdivision

Shipping (Tonnage) Regulations

load line the net tonnage is, subject to subregulation (3), determined in accordance with regulation 9 by applying the draught corresponding to the appropriate assigned load line for the trade in which the ship is engaged.

(3) Subject to subregulation (4), where alterations in the values of V , V_c , d , N_1 or N_2 as defined in regulations 8 and 9, or changes in the position of the load lines result in a decrease in the net tonnage, a new tonnage certificate incorporating the decreased net tonnage must not be issued until twelve months have elapsed from the date on which the current certificate was issued.

(4) A new tonnage certificate may be issued when —

- (a) a ship which was registered outside Saint Lucia is registered in Saint Lucia; or
- (b) a ship undergoes alterations or modifications of a major character, such as the removal of a superstructure, which requires an alteration of the assigned load line; or
- (c) the ship is a passenger ship employed in special trades for carriage of large numbers of special trade passengers, such as the pilgrim trade.

Transfer of ship

14.—(1) When a ship is transferred from the Saint Lucian Register the tonnage certificate ceases to be valid except when the transfer is to a State which is a party to the International Convention on Tonnage Measurement of Ships (1969), in which case the certificate remains in force for a period not exceeding three months or until that State issues another tonnage certificate whichever is the earlier.

(2) The Surveyor of Ships shall transmit to the State referred to in subregulation (1), as soon as possible after the transfer has taken place, a copy of the tonnage certificate carried by the ship at the time of transfer and a copy of the tonnage calculations.

*Shipping (Tonnage) Regulations***PART IV
FOREIGN SHIPS****Ascertainment of tonnage and certification**

15. —(1) A Surveyor of Ships may, at the request of a State which is party to the International Convention on Tonnage Measurement of Ships (1969), ascertain the gross and net tonnages of a foreign ship in accordance with these Regulations and issue to the owner a tonnage certificate.

(2) A tonnage certificate issued under subregulation (1), must be endorsed to the effect that it has been issued at the request of the State, and a copy of the certificate and the calculations of the tonnages must be transmitted to the State as soon as possible.

(3) The Certifying Authority may, at the request of an owner of a foreign ship flying the flag of a State whose Government is not a party to the International Convention on Tonnage Measurement of Ships (1969), ascertain the gross and net tonnages of the ship in accordance with these Regulations and issue a tonnage certificate and in such cases the certificate must bear the endorsement “for use only whilst within Saint Lucia or Saint Lucian waters”.

(4) Where a ship is not measured in accordance with the provisions of these Regulations or in accordance with the Convention, the ship may be measured by the method given by IMO and the tonnage determined may be used in the calculation of port and other dues.

Shipping (Tonnage) Regulations

SCHEDULE 1

(Regulation 2)

EXCLUDED SPACES

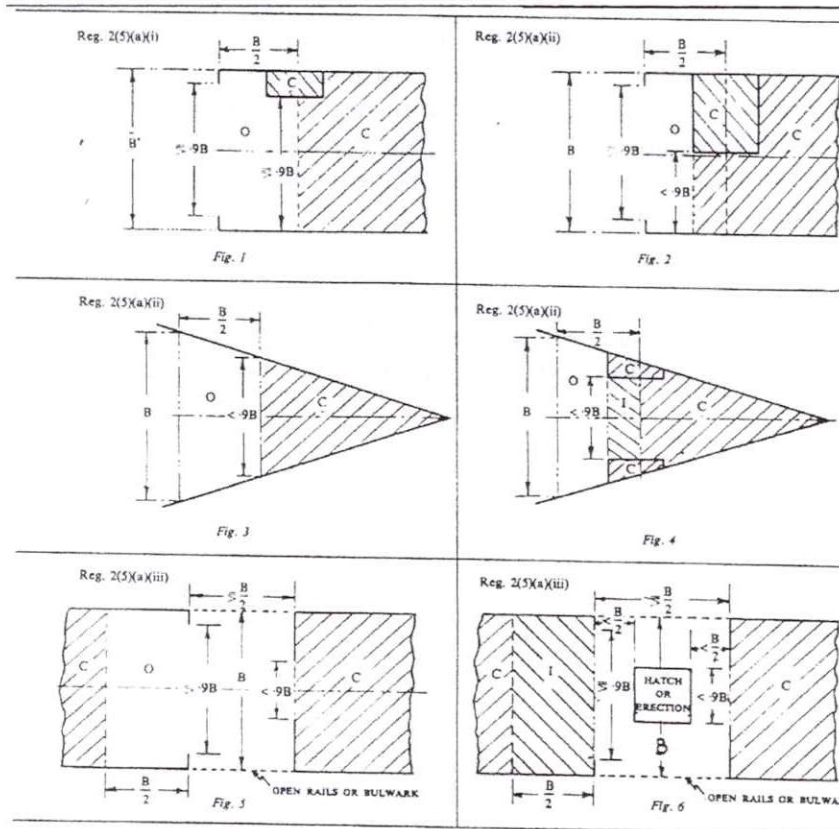
Key:

O = excluded space;

C = enclosed space;

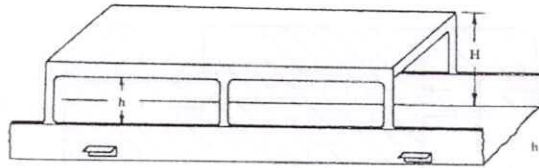
I = space to be considered as an enclosed space. (Hatched-in parts to be included as enclosed spaces);

B = breadth of the deck in way of the opening. (In ships with rounded gunwales the breadth is measured as indicated in Figure 11).



Shipping (Tonnage) Regulations

Reg. 2(5Xb)



$h = \text{AT LEAST } \frac{H}{3} \text{ OR } 0.75 \text{ m (2.5 FEET) WHICHEVER IS THE GREATER}$

Fig. 7

Reg. 2(5Xc)

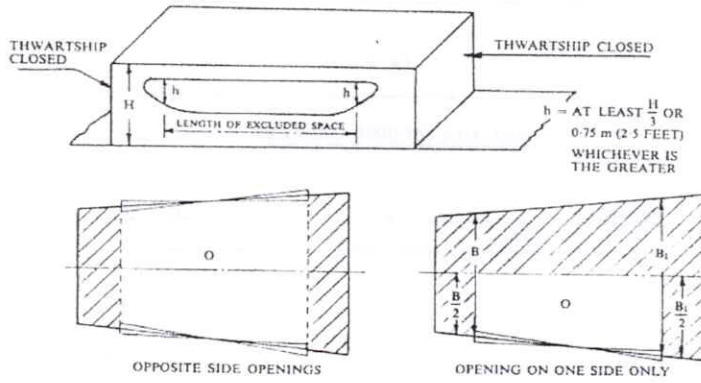


Fig. 8

Reg. 2(5Xd)

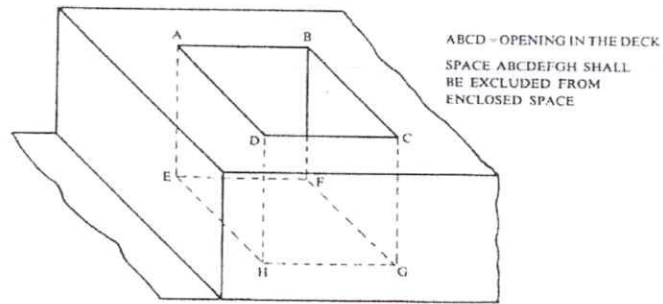


Fig. 9

Shipping (Tonnage) Regulations

Reg. 2(5)(c)

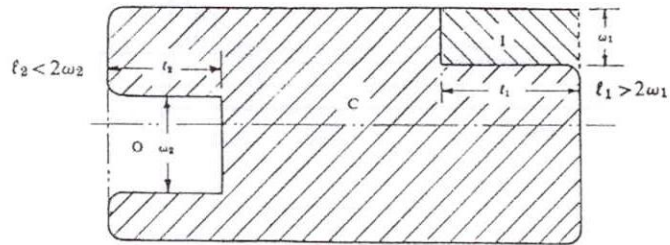


Fig. 10

SHIPS WITH ROUNDED GUNWALES

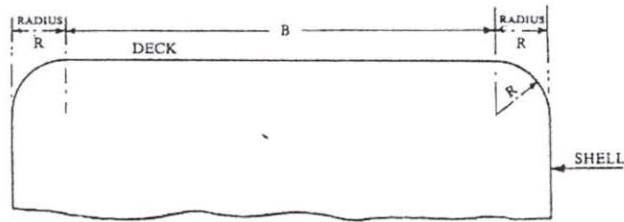


Fig. 11

*Shipping (Tonnage) Regulations***SCHEDULE 2**

(Regulations 8, 9 and 10)

COEFFICIENTS K_1 AND K_2 V or V_c = Volume in cubic metres;Coefficients K_1 or K_2 at intermediate values of V or V_c shall be obtained by linear interpolation.

V or V_c	K_1 or K_2	V or V_c	K_1 or K_2	V or V_c	K_1 or K_2	V or V_c	K_1 or K_2
10	0.2200	45 000	0.2931	330 000	0.3104	670 000	0.3165
20	0.2260	50 000	0.2940	340 000	0.3106	680 000	0.3166
30	0.2295	55 000	0.2948	350 000	0.3109	690 000	0.3168
40	0.2320	60 000	0.2956	360 000	0.3111	700 000	0.3169
50	0.2340	65 000	0.2963	370 000	0.3114	710 000	0.3170
60	0.2356	70 000	0.2969	380 000	0.3116	720 000	0.3171
70	0.2369	75 000	0.2975	390 000	0.3118	730 000	0.3173
80	0.2381	80 000	0.2981	400 000	0.3120	740 000	0.3174
90	0.2391	85 000	0.2986	410 000	0.3123	750 000	0.3175
100	0.2400	90 000	0.2991	420 000	0.3125	760 000	0.3176
200	0.2460	95 000	0.2996	430 000	0.3127	770 000	0.3177
300	0.2495	100 000	0.3000	440 000	0.3129	780 000	0.3178
400	0.2520	110 000	0.3008	450 000	0.3131	790 000	0.3180
500	0.2540	120 000	0.3016	460 000	0.3133	800 000	0.3181
600	0.2556	130 000	0.3023	470 000	0.3134	810 000	0.3182
700	0.2569	140 000	0.3029	480 000	0.3136	820 000	0.3183
800	0.2581	150 000	0.3035	490 000	0.3138	830 000	0.3184
900	0.2591	160 000	0.3041	500 000	0.3140	840 000	0.3185
1 000	0.2600	170 000	0.3046	510 000	0.3142	850 000	0.3186
2 000	0.2660	180 000	0.3051	520 000	0.3143	860 000	0.3187
3 000	0.2695	190 000	0.3056	530 000	0.3145	870 000	0.3188
4 000	0.2720	200 000	0.3060	540 000	0.3146	880 000	0.3189
5 000	0.2740	210 000	0.3064	550 000	0.3148	890 000	0.3190
6 000	0.2756	220 000	0.3068	560 000	0.3150	900 000	0.3191
7 000	0.2769	230 000	0.3072	570 000	0.3151	910 000	0.3192
8 000	0.2781	240 000	0.3076	580 000	0.3153	920 000	0.3193
9 000	0.2791	250 000	0.3080	590 000	0.3154	930 000	0.3194
10 000	0.2800	260 000	0.3083	600 000	0.3156	940 000	0.3195
15 000	0.2835	270 000	0.3086	610 000	0.3157	950 000	0.3196
20 000	0.2860	280 000	0.3089	620 000	0.3158	960 000	0.3196
25 000	0.2880	290 000	0.3092	630 000	0.3160	970 000	0.3197
30 000	0.2895	300 000	0.3095	640 000	0.3161	980 000	0.3198
35 000	0.2909	310 000	0.3098	650 000	0.3163	990 000	0.3199
40 000	0.2920	320 000	0.3101	660 000	0.3164	1 000 000	0.3200

Made this 26th day of January, 2016.

PHILIP. J. PIERRE,
Minister responsible for shipping

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