EXPLANATORY MEMORANDUM

1. The "International Convention on Tonnage Measurement of Ships 1969", in short "The Convention", was the first successful attempt to introduce a universally accepted tonnage measurement system. Prior to this, every flag State had its own tonnage measurement system used to calculate the tonnage of merchant ships. The most popular tonnage measurement systems prior to the Convention were, the Norwegian Tonnage System (NIS) also referred to as the OSLO Convention, the British Tonnage Rules which included the Thames River Measurement system[1] for small vessels, the Panama Canal Universal Measurement system PC/UMS[2] and Swiss Canal Tonnage Measurement system. Although, all these systems were based on the method devised by George Moorsom of the British Board of Trade in 1854, there were considerable differences and it was recognized that there was a great need for one single international system.[3] This lead States whose desire it was to establish uniform principles and rules with respect to the determination of tonnage of ships engaged in international voyages to adopt the Convention.

2. The Convention was adopted on the 23rd of June 1969, by the International Maritime Organization (IMO) and entered into force on the 18th of July 1982. The rules apply to all ships built (keel laying) on or after 18 July 1982, while ships built before that date are allowed to retain their existing tonnage calculation for 12 years after entry into force, or until 18 July 1994. A total of 141 States are parties to this Convention representing 98.61% of the world tonnage.[4] The Convention meant a transition from the traditionally used terms, gross register tons (GRT) and net register tons (NRT) to gross tons (GT) and net tons (NT).

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[1]This is another volumetric system, generally used for small vessels such as yachts; it uses a formula based on the vessel's length and beam.
Source:http://www.mybulgaria.info/modules.php?name=Wiki&title=Gross_Register_Tonnage

[2] This measurement is based on ***net tonnage***, modified for Panama Canal purposes. PC/UMS is based on a mathematical formula to calculate a vessel's total volume; a PC/UMS net ton is equivalent to 100 cubic feet of capacity.

[3] Source: www.imo.org/Conventions/mainframe

[4] Lloyd's Register/Fairplay World Fleet Statistics 31 December 2006.

3. GRT represents the total internal volume of the ship which excludes non productive spaces, for example the living quarters for the crews. The calculation of GRT represents the total measured cubic content of the permanently enclosed spaces of a vessel, with some allowances or deductions for exempt spaces such as living quarters (1 gross register ton = 100 cubic feet = 2.83 cubic meters). NRT is the volume of cargo the vessel can carry which is basically the GRT minus the volume of space which cannot hold cargo (engine compartment, crew quarters, etc); NRT is representative of the volume of the ship which is available for cargo and passengers.[5]

4. GT on the other hand refers to the volume of all ship's enclosed spaces (from keel to funnel) measured to the outside of the hull framing for ships that are over 24 meters in length. It is always larger than GRT, though by how much depends on the vessels design. It is calculated by using the formula: $GT = K \cdot V$, where V = total volume in m³ and K = a coefficient figure from 0.22 up to 0.32, depending on the ship's size (calculated by : $K = 0.2 + 0.02 \cdot \log_{10} V$). GT is consequently a measure of the overall size of the ship. NT is based on a calculation of the volume of all cargo spaces of the ship. It indicates a vessel's earning space and is a function of the moulded volume of all cargo spaces of the ship.[6]

5. In practice several systems of tonnage measurement have existed side by side, however, the method of tonnage measurement has evolved and differs considerably from jurisdiction to jurisdiction.[7] The existence of different tonnage measurement systems, virtually one for every flag State, meant that the same ship, with no alterations or modifications etc, could be subject to different tonnage measurements under different flags. Therefore, the need for a common system used internationally to measure the tonnage of a ship was critical because of the

[5] Source: http://www.answers.com/topic/tonnage?cat=technology
[6] Source: http://www.answers.com/topic/tonnage?cat=technology
[7] Source: http://www.fao.org/fishery/cwp/handbook/L

various usages of tonnage measurements. The Convention seeks to bring about this harmonization for vessels that are more than 24 meters in length and leaves the tonnage of vessels less than 24 meters to be determined by each jurisdiction as most of these vessels may not be engaged in international voyages.

6. Tonnage measurement is used by States and persons involved in the marine industry for a variety of purposes mainly:

- To determine the applicability of International Conventions, such as: the International Convention for the Safety of Life at Sea, 1974 ("**SOLAS**"), the International Convention for the Prevention of Pollution from Ships 1973 as modified by the protocol of 1978 ("**MARPOL**"), the Standard of Training and Watch keeping Convention ("**STCW**") rules, Civil Liability for Oil Pollution Convention 1992("**CLC**"),[8] International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea ("**HNS**") 1996, [9] the International Convention on Limitation of Liability for Maritime Claims 1976/1996 ("**LLMC**")[10]and the Nairobi International Convention on the Removal of Wrecks 2007.[11]
- The applicability of regulations relating to licensing, manning, and inspection of vessels may also utilize tonnage measurement;
- Tonnage measurement is also required by flag States upon registration of vessels;
- Drydocking, wharfage, mooring, and berthing costs are usually calculated on the basis of the ship's tonnage;
- Pilotage fees usually depend on the ships tonnage;
- Tonnage taxes, international canal tolls, and port dues are based on ships tonnage; and
- Protection and indemnity insurance underwriters and hull insurance underwriters utilize the tonnage measurement of a vessel to determine the insurance premium rate. [12]

7. All these various uses to which tonnage calculations are put to use over the world, insist on a uniform calculation so that there are no discrepancies between tonnage measurements. For example, the ship-owners' operational scope like the dues incurred, manning requirements and shipboard equipment are all determined by

[8] See Article 5 where the ship owner is entitled to limit his liability on the basis of the tonnage of the vessel.
[9] See Article 20 where liability is linked to tonnage.
[10] See Article 6 1976 Convention and Article 3 of the 1996 Protocol where the limits of liability are tied to tonnage measurement of the ship.
[11] See Article 5(2) (b) and Article 12 (b).
[12] Source: http://www.uscg.mil/hq/g-m/nmc/pubs/msm/v4/c7.htm.

the ships tonnage and if there are variances in the calculations it would cause some ship-owners to be at an advantage, if the method used to determine their tonnage calculations, results in a tonnage measurement that is lower than a similar ship made to the exact specifications, that has been measured based on a different method.

8. Canals, ports, pilots and lighthouse authorities plan their facilities and operations around tonnage; therefore, a uniform system of calculation is critical for there to be consistency and uniformity in the policies developed based on tonnage. Tonnage is also used by insurance brokers as a basis for calculating premiums again; if there is no uniform system, ships can benefit from a lower premium based on a system of tonnage measurement that is not uniform. The various limits of liability established under various conventions are determined on the basis of tonnage and should be based on a system that is uniform to prevent ship owners being advantaged or disadvantaged based on which system of tonnage its flag State employs. Uniformity is therefore an essential element in trying to prevent discrepancies from developing in the application of tonnage measurements. It is hoped that by adopting and implementing the Tonnage Convention, these discrepancies would be reduced in the measurement of ships flying the flag of St. Vincent and the Grenadines.

9. St. Vincent and the Grenadines adhered to the Tonnage Convention on the 28th of October 1983, in an effort to harmonize the measurement of a ship's tonnage in accordance with international standards. The Constitution of St. Vincent and the Grenadines is silent with regard to the position of International Conventions within the domestic law. However, since St. Vincent and the Grenadines inherited its legal system from the United Kingdom, custom and usage dictate that there needs to be an enacting provision within the domestic legal system, in order to give force of law to a treaty or convention. This is in the spirit of the dualist doctrine of international law.

10. The Ministry of Foreign Affairs is the Ministry responsible for authorizing representatives to sign treaties on behalf of the Government of St. Vincent and the Grenadines. If the Minister of Foreign Affairs or his authorized agent signs, ratifies or adheres to a treaty, the State would be bound by this treaty under international law. However, the national courts or national agencies would be unable to enforce or monitor compliance with the Convention in the absence of enacting legislation. The enacting provision for the domestic application of the Convention is the Shipping Act 11/2004 ("**The Act**").

11. The Act is based on a model Shipping Act, prepared for the English speaking islands of the Caribbean by the International Maritime Organization ("**IMO**")[13] and patterned from the Merchant Shipping Act of the United Kingdom 1995. The IMO has also prepared model regulations to complement the Model Shipping Act. These Draft Tonnage Regulations ("**The Draft Regulations**") are based on the Model Regulations prepared by the IMO.

12. The Act seeks to consolidate and make provision for the incorporation of the various conventions which St. Vincent and the Grenadines is a party. Section 39(1) of the Act empowers the Minister of Maritime Affairs to make Tonnage Regulations in accordance with the 1969 Tonnage Convention.[14] This means that the actual practical application of the Convention is to be facilitated through subsidiary legislation.

13. The provision which governs the entry into force of subsidiary legislation in St. Vincent and the Grenadines is Section 21 of the Interpretation and General Provisions Act, Chapter 10 of the Law of St. Vincent and the Grenadines 1990 Revised Edition which states:

[13] The Act was prepared by Dr. Winston Mc Calla, IMO Legal Consultant in March 2000.
[14] Sec 31 (1) the Shipping Act 11/2004: The tonnage of any ship to be registered under this Part shall be ascertained in accordance with regulations made by the Minister, referred to in this Act as "Tonnage Regulations".

All subsidiary legislation shall, unless it is otherwise expressly provided in any written law, be published in the Gazette, and shall come into operation on the day of such publication, or, if it is enacted either in the subsidiary legislation or in some other written law that such subsidiary legislation shall come into operation on some other day, on that day, subject to annulment where applicable.[15]

14. St. Vincent and the Grenadines is an open registry State, which has approximately 657 vessels registered in its Register of Ships.[16] Presently, information regarding the tonnage capacity of a ship is required whenever a vessel is being registered as a St. Vincent and the Grenadines ship.[17] The Maritime Administration[18] is the authority that has the power to exercise supervision with regard to all matters relating to the Act and before any ship is registered under the Act, the tonnage must be ascertained in accordance with the provisions of the Convention.

15. The Draft Regulations enables the Minister to authorise persons to act as Certifying Authorities for the purpose of the Regulations. Since becoming a party to the Convention, St. Vincent and the Grenadines has delegated the responsibility for the measurement and issuance of tonnage certificates to classification societies and authorized surveyors around the world.[19] The Government now envisages recruiting a surveyor who will be based in the local office of the Maritime Administration, to perform tonnage measurements and to monitor the work of the classification societies and authorized agents. In order for such monitoring and supervision to be effective, there is a need to promulgate regulations as prescribed by the provisions of the Act, considering that the obligation still remains on the

[15] See Section 1(2) of the draft St. Vincent and the Grenadines Tonnage Regulation 2008.
[16] http://en.wikipedia.org/wiki/List_of_merchant_marine_capacity_by_country
[17] Part IV, Clause 8 and 9 of the St. Vincent and the Grenadines Ship Registration form.
[18] Set up under Article 293(1) of the Shipping Act 2004.
[19] The following Classification Societies are authorized to issue certificates on behalf of the Government of St. Vincent and the Grenadines: American Bureau of Shipping (**ABS**), Bureau Veritas (**BV**), China Classification Society (**CCS**) , Croatian Register of Shipping (**CR**), Det Norske Veritas (**DNV**) , Germanischer Lloyd (**GL**), Hellenic Register of Shipping (**HRS**), International Naval Surveys Bureau (**INSB**), Korean Register of Shipping (**KRS**), Lloyds Register of Shipping (**LR**), Russian Maritime Register of Shipping (**RS**), Nippon Kaiji Kyokai (**NKK**), Polish Register of Shipping (**PRS**), Registro Italiano Navale (**RINA**).

State to guarantee the completeness and accuracy of the certificates issued under its authority. The entry into force of the Draft Regulations would ensure that the necessary framework to satisfy these obligations is put in place.

16. Consequently, in an effort to obtain effective implementation of the Convention, it is necessary to promulgate the Regulations as proposed in this draft to monitor and ensure compliance. These Draft Regulations would also act as an enforcement tool by creating offences and prescribing penalties for non-compliance.[20] Sections 15 of the Draft Regulations have made it an offence to contravene the Draft Regulations or to cause someone else to contravene the provisions of the Draft Regulations relating to the calculation of tonnage.

17. If such a contravention or infringements takes place the Draft Regulations would be used as the legal basis for establishing culpability, given that if there are no regulations in force, it is difficult to enforce the provisions of the Convention in the national laws, given that the State would be bound by the Convention on an international level, however, the courts or national agencies would be unable to verify or check compliance, without any local enacting provision giving legal effect to the provisions of the Convention.

18. Consequently, it is proposed to have these Draft Regulations approved by the Parliament[21] to plug these loop holes, raise the standards of tonnage measurement and ensure that the machinery that was agreed in the Convention to implement the tonnage measurement of ships, is actually effected on the domestic level in St. Vincent and the Grenadines.

[20] See offences in Part IV of the draft Tonnage Regulations.
[21] The practice of the Government in certain cases is although, the Minister is empowered to make regulations they are usually laid before the Parliament for approval before they enter into force.

SAINT VINCENT AND THE GRENADINES

MINISTRY OF MARITIME AFFIARS

TONNAGE REGULATIONS 2008

ARRANGEMENT OF REGULATIONS

REGULATIONS

Schedule 1 – Coefficients
Schedule 2 - Tonnage Certificate

SAINT VINCENT AND THE GRENADINES
MINISTRY OF MARITIME AFFAIRS
STATUTORY RULES AND ORDERS

2008 NO:

_____

_____

IN EXERCISE of the powers conferred upon him by section 39 (1) of the Shipping Act 2004, the Minister makes the following Regulations:

TONNAGE REGULATIONS, 2008

PART I

GENERAL

Short title and commencement

1. (1) These Regulations may be cited as the (Tonnage) Regulations, 2008.

(2) These Regulations shall come into operation on the XX of XXXXX XXXX.[22]

Interpretation

2. In these Regulations, unless the context otherwise requires –

"Act" means the Shipping Act No. 11 of 2004;

"Administration" means the Government of the State whose flag the ship is flying;

"amidships" means the mid-point of the length as defined below;

"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

[22] . See Paragraph 11 of the Explanatory Memorandum.

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 thereto;

"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;

"Certifying Authority" means the Director of Maritime Affairs or any other person authorised by the Director for the purposes of these Regulations.

"Contracting Government" means the Government of a country which has accepted the International Convention on Tonnage Measurement of Ships, 1969;

"Convention" means the International Convention on Tonnage Measurements of Ships, 1969;

"Director" has the meaning given in the Act;

"enclosed spaces" means all those 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 without limiting the generality of the foregoing, no break in a deck, nor any opening in the ship's hull, a deck, a covering of a space, or the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, precludes a space from being included in the enclosed spaces; furthermore, notwithstanding the definition of "excluded spaces" provided below, any such space which fulfils at least one of the following conditions shall be treated as an enclosed space -

(a) a space fitted with shelves or other means for securing cargo or stores;

(b) a space fitted with any means of closing the openings therein;

(c) a space constructed in such a way so that there exists any possibility of an opening mentioned in paragraph (b) being closed;

"excluded spaces" referred to in the definition of enclosed spaces, means –

(a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwart ship 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; save that –

(i) where at any point the width of the enclosed space because of any arrangement except convergence of the outside plating, 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 athwart ship line intersecting that point.

(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, then no part of the enclosed spaces are excluded.

(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, save that 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.

(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.

(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.

(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.

"foreign ship" means a ship which is not a St. Vincent and the Grenadines ship within the meaning of section 5 of the Act;

"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

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

the said 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;

"Load Line Regulations" means the *Load Line Regulations* made under the Act and includes in relation to any ship not registered in St. Vincent and the Grenadines any corresponding regulations of the country in which the ship is registered;

"moulded depth" and in the case of a ship of less than 24 metres in length, "depth", means the vertical distance measured from the top of the keel of a metal ship, or in wood and composite ships 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, save that:-

(a) where the form at the lower part of the midship 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 ships 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 through 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 and for the purpose of this definition of "moulded depth" -

(i) "upper deck" means the uppermost complete deck exposed to weather and sea, which has a permanent means of weathertight closing all openings in the weather part thereof, 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, and

(ii) "weathertight" means that in any sea conditions water will not penetrate into the ship;

"moulded draught" means

(a) for ships assigned load lines in accordance with the Load Line Regulations, 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 the applicable Passenger Ship Construction regulations.

(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 combination carriers and for the purposes of this definition "combination carrier" means a ship designed to carry either oil or solid cargoes in bulk;

"passenger" has the meaning given in section 2 of the Act;

"similar stage of construction" means the stage 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" means a surveyor appointed by a Certifying Authority.

PART II
APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR SHIPS OF TWENTY-FOUR METRES IN LENGTH AND OVER

Application of Part II

3. This Part applies to ships of 24 metres in length or over registered or to be registered in St. Vincent and the Grenadines.

4. (1) A ship shall be measured by a surveyor. Method of Measurement

(2) The gross and net tonnages shall be determined in accordance with regulations 6 and 7 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 shall be taken and expressed in metres to the nearest one hundredth of a metre.

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

5. (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, 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 to the inner side of the structural boundary surfaces in ships constructed of any other material. Calculation of Volumes

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of spaces open to the sea shall be excluded from the total volume.

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

6. The gross tonnage (GT) of a ship shall be determined by the formula GT'K_1 V where - Gross Tonnage

V ' total volume of all enclosed spaces of the ship in cubic metres;

K_1 ' 0.2+0.02 $\log_{10}$ V, as specified in the Second Schedule.

7. (1) The net tonnage (NT) of a ship shall be determined by the formula Net Tonnage

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

where -
V_c ' total volume of cargo spaces in cubic metres;
K_2 ' 0.2+0.02 $\log_{10}$ V_c as specified in the Second Schedule;

$$K_3 = 1.25\frac{GT + 10{,}000}{10{,}000}$$

GT ' gross tonnage calculated in accordance with regulation 6;
D ' moulded depth amidships in metres;
d ' moulded draught amidships in metres;
N_1' number of passengers in cabins with not more than 8 berths; and
N_2' number of other passengers who may be accommodated on the ship

(2) However -

(a) the factor - $\left(\frac{4d}{3D}\right)^2$ shall not be taken as greater than unity;

(b) the term -

$$K_2 V_c \left(\frac{4d}{3D}\right)^2$$

shall not be taken as less than 0.25 GT;

(c) N_1 and N_2 shall be taken as zero when $N_1 + N_2$ is les than 13;

(d) NT shall not be taken as less than 0.30 GT

Segregated ballast oil tanker

8. Where segregated ballast tanks complying with regulation 13 of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks. The tonnage of such segregated ballast tanks shall be calculated according to the formula -

$$K_1 \times V_b$$

where -
K_1 ' $0.2+0.02 \log_{10} V$ or as specified in the Second Schedule;
V ' the total volume of all enclosed spaces of the ship in cubic metres; and
V_b ' the total volume of all enclosed spaces of the ship in cubic metres measured in accordance with regulation 5.

Issue of Certificates

(9) Where it is in order to do so, the Certifying Authority shall, issue to the owner an International Tonnage Certificate (1969) in the form set out in the Convention,

certifying the tonnages of the ship and containing the particulars shown thereon and the official number of the ship shall be included as a distinctive number.

Cancellation of Certificates

10. (1) Where alterations are made in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry under the terms of the ship's passenger certificate, assigned load line, or permitted draught of the ship such as would cause an increase in the gross or net tonnage, the existing International Tonnage Certificate (1969) shall cease to be valid and shall be delivered up to and cancelled by the Certifying Authority.

(2) When a ship is transferred from the St. Vincent and the Grenadines Register the International Tonnage Certificate (1969) shall cease to be valid except when the transfer is to the Administration of a State which is a Contracting Government in which case the certificate may remain in force for a period not exceeding three months or until the new Administration issues another International Tonnage Certificate (1969) whichever is the earlier.

(3) The Certifying Authority shall transmit to the Administration of a Contracting Government referred to in subsection (2) as soon as possible after the transfer has taken place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

Change of net tonnage necessitating issue of certificate

11. (1) When alterations in the values of V, V_c, d, N_1 or N_2 as defined in regulations 6 and 7 result in an increase in the net tonnage a new International Tonnage Certificate (1969) incorporating the increase a net tonnage shall be issued.

(2) In the case of a passenger ship assigned subdivision load lines in accordance with any Shipping (Passenger Ship Construction) Regulations made under the Act and load lines in accordance with any Shipping (Load Lines) Regulations made under the Act, only one net tonnage shall be applied and where the draught corresponding to the Summer load line differs from that corresponding to the deepest subdivision load line the net tonnage shall, subject to subregulation (3) be determined in accordance with regulation 7 by applying the draught corresponding to the appropriate assigned loadline for the trade in which the ship is engaged.

(3) Subject to subregulation (4) where alterations in the values of V, Vc, d, N_1 or N_2 as defined in regulations 6 and 7, or changes in the position of the load lines result in a decrease in the net tonnage, a new International Tonnage Certificate (1969) incorporating the decreased net tonnage shall not be issued until twelve months have elapsed from the date on which the current certificate was issued.

(4) A new International Tonnage Certificate (1969) may be issued when -

(a) a ship which was registered outside St. Vincent and the Grenadines is registered in St. Vincent and the Grenadines; 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.

Use of gross tonnages ascertained under previous regulations

12. (1) The Minister may permit the continuing use of a gross tonnage additionally ascertained in accordance with the provisions of the of any (Tonnage) Regulations made under previous legislation by the following ships -

(a) a ship the keel of which was laid or which was at a similar stage of construction before 18th July 1982;

(b) a ship the keel of which is laid or which was at a similar stage of construction not later than 31st December, 1985, not being a ship referred to in paragraph (a);

(c) a ship which is a cargo ship of less than 1600 tons gross tonnage, determined in accordance with the Regulations in force prior to the coming into force of the Convention, the keel of which is laid or is at a similar stage of construction not later than 18th July, 1994, not being a ship referred to in paragraph (a).

(2) Ships specified in subregulation (1) may use the tonnages so ascertained for the application of the provisions of the Regulations implementing the International Convention for the Safety of Life at Sea 1974 and the Protocol of 1978 relating thereto, the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended in 1995.

(3) An International Tonnage Certificate (1969) may be annotated, under "Remarks", by the Certifying Authority

(a) in the case of a ship to which subregulation (1)(a) refers, with the duly completed and signed entry -

"The ship is remeasured according to article 3(2)(d) of the 1969 Tonnage Convention. The GROSS TONNAGE according to the

measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships, 1969, is: .....RT, according to the regulations ....." and

(b) in the case of a ship to which subregulation (1)(b) or (c) refers, with the duly completed and signed entry -

"The ship is additionally measured according to resolution A.494(XII), A.540(13), or A.541.(13).

The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships, 1996, is: ..... RT, according to the regulations .....".

(4) Where such an entry has been made on an International Tonnage Certificate (1969) and the ship undergoes alterations or modification which affect its tonnage the old tonnage referred to in subregulation (1) shall be deleted.

(5) Where a gross tonnage has been ascertained and is to be used in accordance with sub regulation (1), then any certificate issued for the purposes of the conventions and protocols referred to shall record only that gross tonnage together with the following appropriate footnote -

(a) "The above gross tonnage has been determined by a Certifying Authority of St. Vincent and the Grenadines in accordance with the national tonnage rules which were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships, 1969"; or

(b) "See REMARKS column of the valid International Tonnage Certificate (1969)".

Part III
FOREIGN SHIPS

Ascertainment of Tonnage and Certification

13. (1) The Certifying Authority may, at the request of the Administration of a Contracting Government ascertain the gross and net tonnages of a foreign ship in accordance with Part II and issue to the owner an International Tonnage Certificate (1969). In such cases the certificate shall be endorsed to the effect that it has

been issued at the request of the Government of the State whose flag the ship is or will be flying, and a copy of the certificate and the calculations of the tonnages shall be transmitted to the requesting Government as soon as possible.

(2) The Certifying Authority may, at the request of an owner of a foreign ship flying the flag of State whose Government is not a Contracting Government, ascertain the gross and net tonnages of the ship in accordance with Part II and issue a Certificate of St. Vincent and the Grenadines Tonnage Measurement. In such cases the certificate shall bear the endorsement "for use only whilst within St. Vincent and the Grenadines or the waters thereof".

(3) 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 in IMO/MSC Circular 264 and the tonnage so determined may be used in the calculation of port and other dues.

Part IV
OFFENCES

Offences

14. Any owner or master who fails without reasonable cause to deliver up a certificate for cancellation as required by regulations 10(1) or 14(9) shall be guilty of an offence and liable to a fine of $10,000.

15. Any person who contravenes or suffers any person under his control to contravene the provisions of these regulations or any person who omits or suffers any person under his control to omit anything the performance of which is required by the provisions of these regulations shall be guilty of an offence and shall be liable to a fine not exceeding $6,000 for each such offence.

16. Where an offence has been committed as provided by sub regulation (2), the Minister may direct that the sailing of the ship in respect of which the offence was committed shall be prohibited until the contravention or omission constituting the offence has been removed.

FIRST SCHEDULE

COEFFICIENTS K_1 AND K_2 REFERRED TO IN REGULATIONS 6, 7 AND 8

V or V_c ' Volume in cubic metres;
Coefficients K_1 or K_2 at intermediate values of V or Vc 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

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