

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 36 of 2007

MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2007.

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MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2007.

In exercise of the power conferred under section 48(1) of the Merchant Shipping Act, No. 24 of 2002, the Minister responsible for Maritime Affairs makes these Regulations:

PART I
PRELIMINARY

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1. **CITATION.** These Regulations may be cited as the Merchant Shipping (Tonnage) Regulations, 2007.

2. **INTERPRETATION.** In these Regulations, unless the context otherwise requires:

“Act” means the Merchant Shipping Act, No. 24 of 2002;

“Administration” means the Department of Maritime Affairs of the State whose flag the ship is entitled to fly;

“amidships” means the midpoint 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 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 the Department of Maritime Affairs or any other person authorised by the Director of Maritime Affairs 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;

“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 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 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 and notwithstanding the definition of “excluded spaces”, 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 that there exists any possibility of an opening, mentioned in paragraph (b), being closed;

“excluded 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, as specified in figure 1 of the First Schedule, save that

- (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 the First Schedule, 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, as specified in figures 2 and 4 of the First Schedule;
 - (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, as specified in figures 5 and 6 of the First Schedule;
- (b) a space under an overhead deck covering open to the sea and the weather and 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, as specified in figure 7 of the First Schedule;
- (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 the First Schedule;
- (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 the First Schedule;
- (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 the First Schedule;

“fixed permanent structure” includes any portion of the hull which is capable of being detached, but which must be fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders;

“International Tonnage Certificate” or “ITC” means the International Tonnage Certificate issued under the Convention;

“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;

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

“Load Line Regulations” means the Merchant Shipping (Load Line) Regulations made under the Act and includes in relation to any ship not registered in Saint Christopher and Nevis any corresponding regulations of the country in which the ship is registered;

“moulded depth” has the same meaning as depth;

“moulded draught” means

- (a) for ships assigned load lines, 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 whatever Passenger Ship Construction Regulations are applicable to the ship in question at the time the draft 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 combination carriers;

“Register” means the Register of Saint Christopher and Nevis ships for the purposes of section 11 of the Act;

“Shipping (Passenger Ship Construction) Regulations” means the Shipping (Passenger Ship Construction) Regulations made under 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;

“SOLAS” means the International Convention for the Safety of Life at Sea;

“surveyor” means a surveyor appointed pursuant to section 411(3) of the Act.

PART II
ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR
SAINT CHRISTOPHER AND NEVIS SHIPS OF 24 METRES IN LENGTH
AND OVER

3. **APPLICATION OF PART II.** This Part applies to ships of 24 metres in length or over registered or to be registered in Saint Christopher and Nevis.

4. **METHOD OF MEASUREMENT.** (1) A ship shall be measured by a surveyor.

(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 provided 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. **CALCULATION OF VOLUMES.** (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.

(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 sufficiently detailed to facilitate checking.

6. **GROSS TONNAGE.** The gross tonnage (GT) of a ship shall be determined by the formula:

$$GT = K_1 V$$

where-

(a) V represents total volume of all enclosed spaces of the ship in cubic metres;

(b) K_1 represents $0.2 + 0.02 \log_{10} V$, as specified in the Second Schedule.

7. **NET TONNAGE.** (1) The net tonnage (NT) of a ship shall be 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 represents total volume of cargo spaces in cubic metres;
 - (b) K_2 represents $0.2 + 0.02 \log_{10} V_c$ as specified in the Second Schedule;
 - (c) $K_3 = 1.25 \frac{GT + 10,000}{10,000}$
 - (d) GT represents gross tonnage calculated in accordance with regulation 6;
 - (e) D represents moulded depth amidships in metres;
 - (f) d represents moulded draught amidships in metres;
 - (g) N_1 represents number of passengers in cabins with not more than 8 berths; and
 - (h) N_2 represents 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 less than 13;
- (d) NT shall not be taken as less than 0.30 GT.

8. SEGREGATED BALLAST OIL TANKER. (1) 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, are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks.

(2) The tonnage of such segregated ballast tanks shall be 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 the Second Schedule;
- (b) V_b represents the total volume of all enclosed spaces of the ship in cubic metres measured in accordance with regulation 5.

9. ISSUE OF CERTIFICATES. Where it is in order to do so, the Certifying Authority shall, issue to the owner an International Tonnage Certificate 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.

10. CANCELLATION OF CERTIFICATES. (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 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 Saint Christopher and Nevis Register the International Tonnage Certificate 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 whichever is the earlier.

(3) The Certifying Authority shall transmit to the Administration of a Contracting Government, referred to in subregulation (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.

11. CHANGE OF NET TONNAGE NECESSITATING ISSUE OF CERTIFICATE.

(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 net tonnage shall be issued.

(2) In the case of a passenger ship assigned subdivision load lines in accordance with any Merchant Shipping (Passenger Ship Construction) Regulations made under the Act and load lines in accordance with the Merchant 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 sub-regulation (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 sub-regulation (4) where alterations in the values of V , V_c , 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 Saint Christopher and Nevis is registered in Saint Christopher and Nevis; 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.

12. USE OF GROSS TONNAGE ASCERTAINED UNDER PREVIOUS REGULATIONS. (1) The Minister may permit the continuing use of a gross tonnage ascertained in accordance with the provisions of the Merchant Shipping Act, No. 15 of 1985 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 was 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 was laid or was 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 sub-regulation (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 the International Convention for the Prevention of Pollution from Ships, 1973 and of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978.

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

- (a) in the case of a ship to which sub-regulation (1)(a) refers, with the duly completed and signed entry as follows;

"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".

- (b) in the case of a ship to which sub-regulation (1)(b) or (c) refers, with the duly completed and signed entry as follows;

“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 sub-regulation (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 Saint Christopher and Nevis 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

ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR SAINT CHRISTOPHER AND NEVIS SHIPS OF LESS THAN 24 METRES IN LENGTH

13. APPLICATION OF PART III. This Part applies to ships, being ships of less than 24 metres in length and not being fishing vessels registered or to be registered under Part II of the Act and for which the ascertainment of tonnage is required under Regulations made under section 10 of the Act.

14. MEASUREMENT AND CERTIFICATION. (1) A ship shall be measured by a surveyor or by a measurer appointed by the Director of Maritime Affairs.

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

- (b) the depth of a ship shall be measured vertically at the midpoint of the length overall
- (i) the upper terminal point for depth shall be
 - (aa) in the case of a decked ship, the underside of the deck on the middle line or, if there is no deck on the middle line at the point of measurement, the underside of the deck at the side plus the full deck camber
 - (bb) in the case of an open ship, the top of the upper strake or gunwale.
 - (ii) the lower terminal point of depth shall be
 - (aa) in the case of a wooden ship, the upper side plank at the side of the keel or hog;
 - (bb) in the case of a metal ship, the top of the plating at the side of the keel;
 - (cc) in the case of a glass reinforced plastic ship, the inside of the hull. Where no keel member is fitted and the keel is open trough construction, the lower terminal point for depth shall be the top of the keel filling, if fitted, or the level at which the inside breadth of the trough is 10 centimetres, whichever gives the greater depth.
 - (iii) where a break exists in way of the point of measurement for depth, the height of the break shall not be included in the measurement of depth.

(4) The tonnage determined in accordance with sub-regulation (2) shall be the gross tonnage and the net tonnage.

(5) In the case of multi-hull ships the tonnage of each hull shall be measured separately and the sum of such tonnages shall be used in computing the tonnage referred to in sub-regulation (2). For multi-hull ships having a structure connecting the hull which has a buoyant volume such buoyant volume shall be treated as a break and added to the computation. Buoyant volume will be average length multiplied by breadth multiplied by depth below main deck multiplied by 0.35 of the joining structure.

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

(7) Tonnage shall be expressed to two decimal places, the second decimal place being increased by one if the third decimal place is 5 or more.

(8) 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 tonnage, the existing measurement shall cease to be valid, any certificate shall be delivered up to and cancelled by the issuer and the owner of the ship shall make an application for it to be remeasured in accordance with sub-regulation (1).

(9) Notwithstanding sub-regulation (2) nothing in this Part shall be 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.

15. ISSUE OF CERTIFICATES. (1) A Tonnage Certificate shall be issued to every vessel for which International Convention on Tonnage Measurement 1969 is not applicable and the Gross and Net Tonnages of which have been determined in accordance with this Part.

(2) Such Certificates shall be issued by the Administration of Saint Christopher and Nevis or organization duly authorised by it in a form approved by Administration of Saint Christopher and Nevis.

16. CANCELLATION OF CERTIFICATES. Where alterations are made in the arrangement, construction, use of spaces of the ship such as would cause an increase in the tonnage, the existing measurement shall cease to be valid, any certificate shall be cancelled by the issuer and the owner of the ship shall make an application for it to be remeasured.

PART IV

FOREIGN SHIPS

17. ASCERTAINMENT OF TONNAGE AND CERTIFICATION. (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 a 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 Saint Christopher and Nevis Tonnage Measurement. In such cases the certificate shall bear the endorsement "for use only whilst within Saint Christopher and Nevis 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 or MSC Circular 264 and the tonnage so determined may be used in the calculation of port and other dues.

PART V

SCHEME FOR COMPLIANCE WITH THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY BY CARGO SHIPS USING A GROSS TONNAGE AS CALCULATED ACCORDING TO SECTION 12 OF THE ACT

18. DEFINITIONS IN THIS PART. (1) For the purpose of this Part:

"Gross tonnage" means the gross tonnage of the ship as determined under the provisions of the International Convention on the Tonnage Measurement of Ships, 1969 and shown on the International Tonnage Certificate (1969) of the ship;