

GUERNSEY STATUTORY INSTRUMENT

2009 No. *A*

**The Merchant Shipping (Tonnage)
(Bailiwick of Guernsey) Regulations, 2009**

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2009 No.

**The Merchant Shipping (Tonnage)
(Bailiwick of Guernsey) Regulations, 2009**

Made by the Public Services Department

15th January, 2009

Made by the General Services Committee

31st January, 2009

Made by the Shipping Committee

22nd January, 2009

Coming into operation

1st February, 2009

THE STATES OF GUERNSEY PUBLIC SERVICES DEPARTMENT, THE STATES OF ALDERNEY GENERAL SERVICES COMMITTEE, and THE CHIEF PLEAS OF SARK SHIPPING COMMITTEE, in exercise of the powers conferred on them by sections 18 and 289 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002^a, and all other powers enabling them in that behalf, hereby make the following Regulations:-

**PART I
GENERAL**

Citation and commencement.

1. These Regulations may be cited as the Merchant Shipping (Tonnage) (Bailiwick of Guernsey) Regulations 2009 and shall come into force on 1st February 2009.

^a Order in Council No. VIII of 2004.

Definitions and interpretation.

2. (1) In these Regulations, unless the context otherwise requires -

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

"**amidships**" means the mid-point of the length, except in the case of a ship of less than 24 metres in length when it means the mid-point of the length overall;

"**authorised measurer**" means a measurer appointed by an organisation authorised for the purposes of Part III or Part IV by the Department;

"**the Bailiwick**" means the Bailiwick of Guernsey;

"**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 appropriated for the transport of cargo to be discharged from the ship;

"**Certifying Authority**" means the Department or any person authorised by the Department for the purposes of these Regulations;

"**Contracting Government**" means the Government of a country which has accepted the Convention;

"**Construction Rules**" means the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and IIA) Regulations 1998^b in relation to a ship currently or previously registered in the United Kingdom, and the corresponding rules of the country in which it is, or was previously, registered in relation to any other ship;

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

"**the Department**" means the States of Guernsey Public Services Department;

"**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. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed spaces and, for the purposes of this definition;

"**excluded spaces**" means, subject to sub-paragraph (f) below, any of the spaces specified in sub-paragraphs (a) to (e) below -

- (a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwartship line at a fore and aft distance from the opening equal to half the breadth of the deck

^b S.I. 1998/2514

at the line of the opening. Such end opening shall have a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening and shall extend from deck to deck or to a curtain plate of a depth not exceeding by more than 25 millimetres the depth of the adjacent deck beams, as specified in Figure 1 of Schedule 1: provided 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 Schedule 1, becomes less than 90 per cent of the breadth of the deck at the line of the opening, the excluded space shall extend only to an athwartship 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, then no part of the enclosed spaces shall be excluded, as specified in Figures 5 and 6 of Schedule 1;
- (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. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided 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 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. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be 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, provided 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, provided 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;
- (f) notwithstanding the provisions of subparagraphs (a) to (e) inclusive, any space listed in those subparagraphs

which fulfils at least one of the following conditions shall be treated as an enclosed space -

- (i) the space is fitted with shelves or other means for securing cargo or stores;
- (ii) the openings are fitted with any means of closure;
- (iii) the construction provides any possibility of such openings being closed;

"**the Law**" means the Merchant Shipping (Bailiwick of Guernsey) Law 2002;

"**length**" means the greater distance of the following distances -

- (a) the distance between the fore side of the stem and the axis of the rudder stock; or
- (b) 96 per cent of the distance between the fore side of the stem and the aft side of the stern;

the points and measurements being taken respectively at and along a waterline at 85 per cent of the least moulded depth of the ship. In the case of a ship having a rake of keel the waterline shall be parallel to the designed waterline;

"**length overall**" means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and "fixed permanent structure" includes any portion of the hull which is capable of being detached, but which is 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, other than where such functional arrangements are designed to replace any part of the hull that has been removed;

"Load Line Rules" means the Merchant Shipping (Load Line) Regulations 1998^c in relation to a ship currently or previously registered in the United Kingdom, and the corresponding rules of the country in which it is, or was previously, registered in relation to any other ship;

"moulded depth", and in the case of a ship of less than 24 metres "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, provided 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

^c S.I. 1998/2241

breadth of the trough is 100 millimetres, whichever gives the lesser depth;

(c) in ships having rounded gunwales, the distance is 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 measured, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part; and for the purposes of this definition -

(i) **"upper deck"** means the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of 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. 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 is taken as the upper 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 Rules, 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 Construction Rules;
- (c) for ships to which no load line has been assigned but the draught of which is restricted by the Department, the maximum permitted draught; and
- (d) for other ships, 75 per cent of the moulded depth amidships;

"non-Guernsey ship" means a ship which is not a Guernsey ship within the meaning of section 80(4) of the Law;

"passenger" means any person carried in a ship except -

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented; and
- (c) a child under one year of age;

pleasure vessel" means –

- (a) any vessel which is –
 - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or
 - (ii) owned by a body corporate and used only for the sport or pleasure of employees or officers of the body corporate, or their immediate family or friends,

and is on a voyage or excursion which is one for which the owner is not paid for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, or

- (b) any vessel which is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

and no payments other than those mentioned above are made by or on behalf of the users of the vessel, other than by the owner, and in this definition, "**immediate family**" means, in relation to an individual, the spouse of the

individual, and a brother, sister, ancestor or lineal descendant of that individual or of that individual's spouse,

"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;
and

"uniform scale" means the uniform scale of fines from time to time specified under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^d.

(2) In these Regulations -

- (a) a reference to a numbered Part is, unless otherwise stated, a reference to the Part of that number in these Regulations;
- (b) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations;

^d Ordres en Conseil Vol. XXXI, p. 278 (amended by Recueil d'Ordonnances Tome XXV, p. 344 and Recueil d'Ordonnances Tome XXVIII, p. 89)

(c) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that regulation; and

(d) a reference to a numbered Schedule is, unless otherwise stated, a reference to the Schedule of that number in these Regulations.

(3) Expressions not defined in paragraph (1) have the same meanings as in the Law.

(3) The Interpretation (Guernsey) Law, 1948^e applies to the interpretation of these Regulations throughout the Bailiwick.

PART II

APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR SHIPS OF 24 METRES IN LENGTH AND OVER

Application.

3. This Part applies to ships, being ships of 24 metres in length or over, registered or to be registered in the Bailiwick under Part II of the Law and for which the ascertainment of tonnage is required under Regulations made under section 10(1) of the Law.

Method of measurement.

4. (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

^e Ordres en Conseil Vol. XIII, p. 355.

Regulations unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Department.

(3) All measurements used in the calculations 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.

Calculation of volumes.

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.

(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.

Gross tonnage.

6. The gross tonnage (GT) of a ship shall be determined by the following formula -

$$GT = K1V$$

where -

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

$K1 = 0.2 + 0.02 \log_{10} V$, as specified in Schedule 2.

Net tonnage.

7. The net tonnage (NT) of a ship shall be determined by the following formula -

$$NT = K2VC(4d / 3D)^2 + K3(N1 + N2 / 10)$$

where -

VC = total volume of cargo spaces in cubic metres;

$K2 = 0.2 + 0.02 \log_{10} VC$, as specified in Schedule 2;

$K3 = 1.25 ((GT + 10,000) / 10,000)$;

GT = gross tonnage calculated in accordance with regulation 6;

D = moulded depth amidships in metres;

d = moulded draught amidships in metres;

N1 = number of berths for passengers in cabins with not more than 8 berths; and

N2 = number of other passengers who may be accommodated on the ship;

provided that -

(a) the factor -

$(4d / 3D)^2$ shall not be taken as greater than unity;

(b) the term -

$K2 VC(4d / 3D)^2$

shall not be taken as less than 0.25 GT;

- (c) N1 and N2 shall be taken as zero when $N1 + N2$ is less than 13; and
- (d) NT shall not be taken as less than 0.30 GT.

Issue of certificates.

8. If 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 to be shown thereon. The official number of the ship shall be included as a distinctive number.

Cancellation of certificates.

9. (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 Guernsey Register of British Ships 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 3 months or until the new Administration issues another International Tonnage Certificate (1969), whichever is the earlier. The Certifying Authority shall transmit to the Administration of that Government 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.

10. (1) When alterations in the values of V, VC, d, N1 or N2 as defined in regulations 5 and 6 result in an increase in the net tonnage a new International Tonnage Certificate (1969) incorporating the increased net tonnage shall be issued.

(2) In the case of a passenger ship assigned subdivision load lines in accordance with the Construction Rules and load lines in accordance with the Load Line Rules only one net tonnage shall be applied. 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 paragraph (3)(a), be that determined in accordance with regulation 7 by applying the draught corresponding to the appropriate assigned load line for the trade in which the ship is engaged.

(3) (a) Subject to subparagraph (b) below, where alterations in the values of V, VC, d, N1 or N2, 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 12 months have elapsed from the date on which the current certificate was issued.

(b) A new International Tonnage Certificate (1969) may be issued forthwith when –

- (i) a ship which was not registered as a British ship is re-registered as a British ship;
- (ii) 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

- (iii) 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 tonnage ascertained under previous Regulations.

11. (1) In the case of a ship other than a ship referred to in paragraph (2) -

- (a) which is a ship the keel of which was laid or which was at a similar stage of construction not later than 31st December 1989, or
- (b) which is a cargo ship of less than 1600 tons gross tonnage when ascertained in accordance with the provisions of the Merchant Shipping (Tonnage) (Guernsey) Regulations 1988, the keel of which was laid or which was at a similar stage of construction before 18th July 1994, not being a ship referred to in subparagraph (a);

the Department may permit the continuing use of a gross tonnage additionally ascertained in accordance with the provisions of the Merchant Shipping (Tonnage) (Guernsey) Regulations 1988, for the purpose of the application of regulations implementing international maritime conventions and protocols which permit such use.

(2) In the case of a ship previously registered in the UK -

- (a) which is a ship the keel of which was laid or which was at a similar stage of construction not later than 31st December 1989, or
- (b) which is a cargo ship of less than 1600 tons gross tonnage when ascertained in accordance with the provisions of the Merchant Shipping (Tonnage) Regulations 1982 as amended^f, the keel of which was laid or which was at a similar stage of construction before 18th July 1994, not being a ship referred to in subparagraph (a);

the Department may permit the continuing use of a gross tonnage additionally ascertained in accordance with the provisions of the Merchant Shipping (Tonnage) Regulations 1982 as amended, for the purpose of the application of regulations implementing international maritime conventions and protocols which permit such use.

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

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

"The ship is re-measured according to article 3(2)(d) of the 1969 Tonnage Convention.

The GROSS TONNAGE according to the measurement system previously in force to the

^f S.I. 1982/841; amended by S.I. 1988/1910.

measurement system of the International Convention on Tonnage Measurement of Ships, 1969, is:

..... GT, according to the regulations
....."; and

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

"The ship is additionally measured according to resolution A. 494(XII).

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:

..... GT, according to the regulations

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

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

"The above gross tonnage has been determined by a Certifying Authority (a tonnage authority) authorised by the

States of Guernsey 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

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

PART III

MEASUREMENT OF LARGER FISHING VESSELS

Application.

12. This Part applies to fishing vessels of 15 metres or more in length overall but less than 24 metres in length, registered or to be registered under Part II of the Law for which the ascertainment tonnage is required under Regulations made under section 10(1) of the Law.

Authorised measurer.

13. A fishing vessel to which this Part applies shall be measured, and its tonnage calculated, by an authorised measurer in accordance with these Regulations.

Application of certain regulations.

14. Regulation 4(2), (3) and (4) and regulations 6 and 7 shall apply for the measurement of tonnage of vessels to which this Part applies as they apply for the purposes of Part II.

Issue of certificate.

15. The authorised measurer shall, if it is in order to do so, issue a certificate in an approved form.

Cancellation of certificates.

16. Where alterations are made in the arrangement, construction, capacity, use of spaces, or permitted draught of the vessel 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 vessel shall make an application for it to be re-measured in accordance with regulation 13 above.

PART IV

MEASUREMENT OF OTHER FISHING VESSELS

Application.

17. This Part applies to fishing vessels of less than 15 metres in length overall, registered or to be registered under Part II of the Law for which the ascertainment of tonnage is required under Regulations made under section 10(1) of the Law.

Authorised measurer.

18. A fishing vessel to which this Part applies shall be measured, and its tonnage calculated, by an authorised measurer in accordance with these Regulations.

Registered length, registered breadth and registered depth.

19. The registered length of the vessel shall be its length measured in accordance with the rules specified in paragraph 1 of Schedule 3, and its registered breadth and registered depth shall be respectively its breadth and depth measured in accordance with the rules specified in paragraphs 2 and 3 of that Schedule.

Calculation of tonnage.

20. The tonnage of every vessel to which this Part applies shall be calculated in accordance with the rules specified in Schedule 4 hereto.

Issue of certificate.

21. The authorised measurer shall on receipt of the prescribed fee (if any) measure the vessel and calculate its tonnage in accordance with these Regulations and shall issue and deliver to the Department a Certificate of Measurement in a form approved by the Department.

Status of particulars stated on certificate.

22. The tonnage and other particulars stated in the certificate shall, unless any alteration is made in the particulars of the vessel, or it is shown that its tonnage or measurements have been erroneously recorded, be taken to be as recorded in the certificate.

Issue of new certificate on re-measurement of vessels.

23. On re-measurement of a vessel any certificate of measurement in force in relation to the vessel shall be invalid and the authorised measurer shall issue a new certificate in place thereof.

Redetermination of tonnage and re-measurement of vessels.

24. Nothing in this Part shall be taken to require any vessel 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 redetermined, but any vessel required under that law to be re-measured shall be re-measured in accordance with these Regulations.

PART V

**APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION
FOR SHIPS OF LESS THAN 24 METRES IN LENGTH, OTHER THAN
FISHING VESSELS**

Application.

25. (1) This Part shall apply to ships of less than 24 metres in length, not being fishing vessels, registered or to be registered under Part II of the Law and

for which the ascertainment of tonnage is required under Regulations made under section 10(1) of the Law.

Measurement and certification.

26. (1) A ship shall be measured by a surveyor.

(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; 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 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 -

(A) 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 of the ship plus the full deck camber;

(B) in the case of an open ship, the top of the upper strake or gunwale.

(ii) The lower terminal point of depth shall be –

(A) in the case of a wooden ship, the upper side of the plank at the side of the keel or hog;

(B) in the case of a metal ship, the top of the plating at the side of the keel;

(C) in the case of a glass reinforced plastic ship, the inside of the hull. Where no keel member is fitted and the keel is of 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 100 millimetres, 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 paragraph (2) shall be the gross tonnage and net tonnage.

(5) In the case of a multi-hull ship 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 paragraph (2).

(6) All measurements used in the calculations 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) On completion of the measurement the surveyor shall forward to the Registry of British Ships, Guernsey a Certificate of Measurement in a form approved by the Department.

(9) 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 re-measured in accordance with paragraph (1).

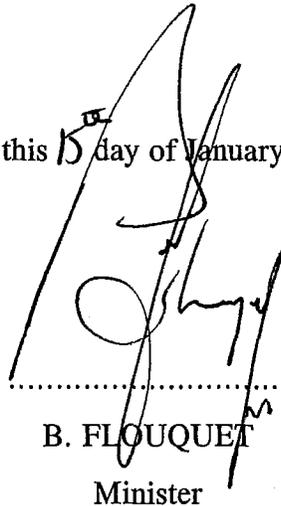
(10) Notwithstanding paragraph (2) nothing in this Part shall be taken to require any ship the tonnage of which was validly determined under the law in force immediately before the coming into force of these Regulations to have its tonnage redetermined, but any vessel required under that law to be re-measured shall be re-measured in accordance with these Regulations.

**PART VI
PENALTIES**

Failure to deliver up certificate for cancellation.

27. Any owner or master who fails without reasonable cause to deliver up a certificate for cancellation as required by regulations 9(1), 16 or 26(9) shall be guilty of an offence punishable on summary conviction by a fine not exceeding level 3 on the uniform scale.

Dated this 15 day of January, 2009.



.....
B. FLOUQUET
Minister

For and on behalf of the Public Services Department

Dated this day 31st of January, 2009.



.....
W. WALDEN
Chairman

For and on behalf of the General Services Committee of the States of Alderney.

Dated this 22 day of January, 2009.

Peter Cole

.....

P. COLE

Chairman

For and on behalf of the Shipping Committee of the Chief Pleas of Sark.

SCHEDULE 1

EXCLUDED SPACES AS DEFINED IN REGULATION 2

Regulation 2

In the following figures:

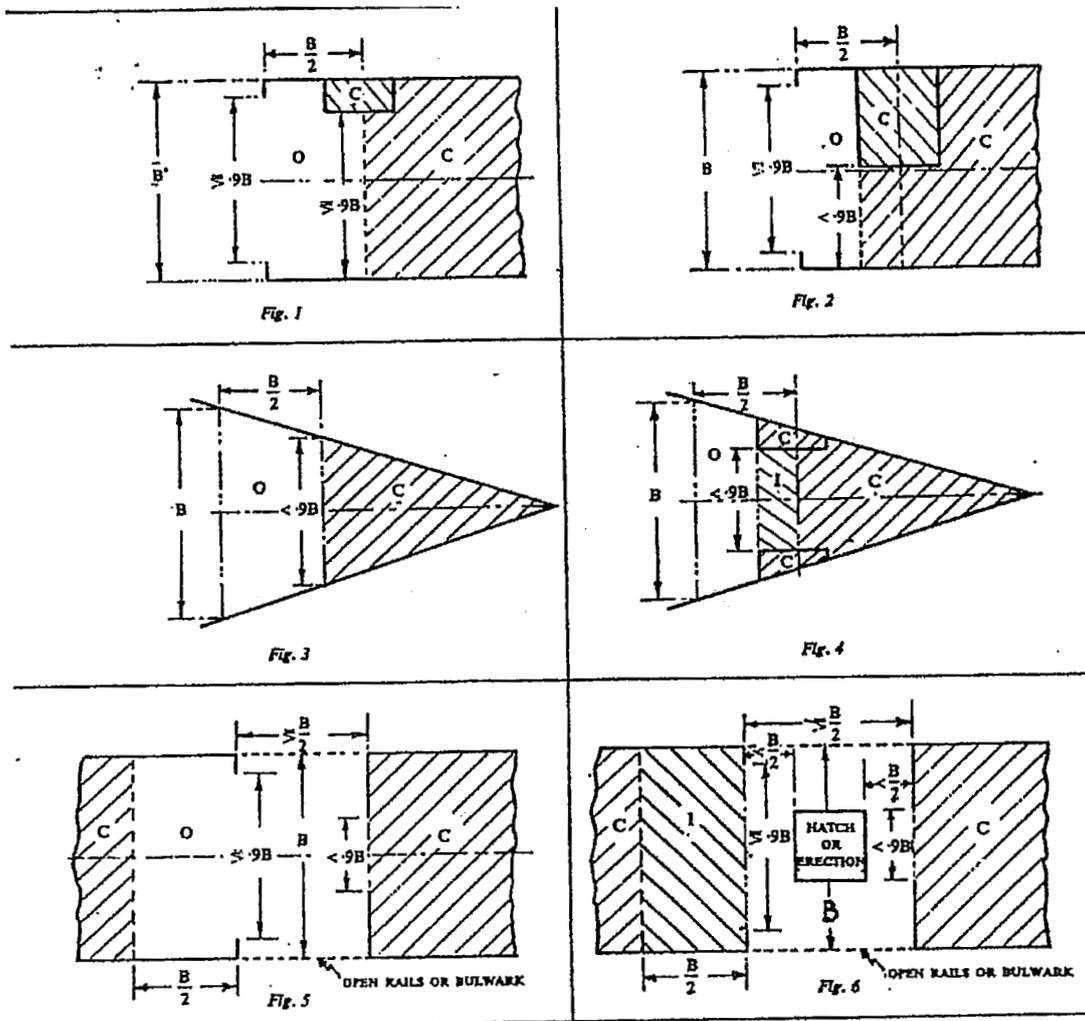
O = excluded space

C = enclosed space

I = space to be considered as enclosed space

Hatched in parts to be included as enclosed spaces

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



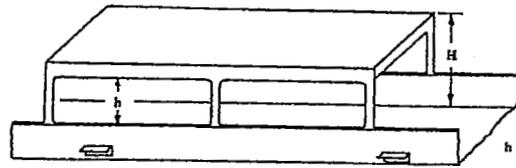


Fig. 7

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

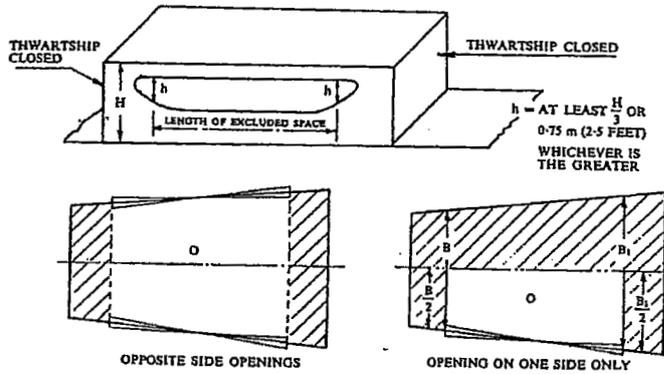


Fig. 8

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

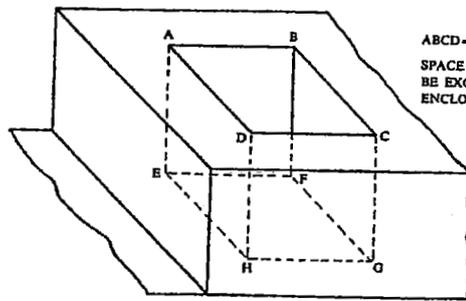


Fig. 9

ABCD—OPENING IN THE DECK
SPACE ABCDEFGH SHALL
BE EXCLUDED FROM
ENCLOSED SPACE

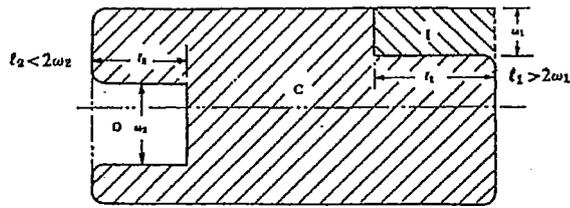


Fig. 10

SHIPS WITH ROUNDED GUNWALES

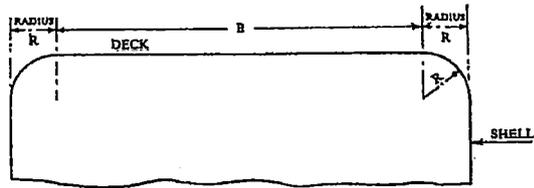


Fig. 11

SCHEDULE 2

COEFFICIENTS K1 AND K2 REFERRED TO IN REGULATIONS 6 AND 7

Regulations 6 and 7

V or VC = Volume in cubic metres;

Coefficients K1 or K2 at intermediate values of V or VC shall be obtained by linear interpolation.

V or VC K1 or K2 V or VC K1 or K2 V or VC K1 or K2 V or VC K1 or K2

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

SCHEDULE 3
RULES FOR THE MEASUREMENT OF VESSELS TO WHICH
REGULATION 19 APPLIES

Regulation 19

The measurements of the vessels shall be ascertained as follows:—

1. Length

Measure the length from the foreside of the foremost fixed permanent structure to the aftermost part of the rudder post, or, in a vessel not having a rudder post, to the foreside of the rudder stock at the point where the rudder stock passes out of the hull. In vessels not having a rudder post or rudder stock, measure to the aftermost part of the stern or transom.

2. Breadth

Measure the maximum breadth of the vessel to the outside of the shell, planking or plating.

3. Depth

Measure the depth amidships in one of the following ways:—

(i) from the underside of the upperdeck on the centre line to the upperside of the double bottom plating or to the top of the normal line of open floors or timbers as the case may be or, where no frames or timbers are fitted, to the inside of the hull on the centre line;

(ii) for open vessels from the upper edge of the shell or the upper strake of planking or plating to the upper side of bottom frames or timbers on the centre line.

Where ceiling or insulation is fitted on the tank top, its thickness up to a maximum 8 cm shall be deducted from the measurement.

SCHEDULE 4
RULES FOR THE CALCULATION OF TONNAGE

Regulation 20

1. Multiply together the Registered Length, Registered Breadth and Registered Depth in metres and multiply the product by the factor 0.16. The result shall be the Registered Tonnage of the vessel, except for those vessels to which paragraph 2 also applies.

2. For vessels with a break or breaks above the line of deck multiply together the mean length, mean breadth and mean depth in metres of the space or each of the spaces thereby formed, then multiply the product for each space so measured by the factor 0.35 and add the results to the figure obtained by the calculation set out in paragraph 1. For such vessels the final result shall be the Registered Tonnage of the vessel.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

Summary

These Regulations are made under section 18 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 ("the Law"). Section 18 falls within Part II (Registration) of the Law, most of which Part, together with Part I (British Ships) and some supporting sections, was commenced by the Merchant Shipping (Bailiwick of Guernsey) (Commencement) Ordinance, 2009. Another set of regulations made under section 18 relating to the ascertainment of the tonnage of ships - the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009 ("the Registration Regulations") - is being made at the same time as these.

These regulations relate to the ascertainment of tonnage and measurement of ships registered or to be registered under Part II of the Law for which the ascertainment of tonnage is required under the Registration Regulations. The regulations are largely a consolidatory measure. The most significant practical change they effect is to simplify the ascertainment of tonnage of ships (other than fishing vessels) under 24 metres in length by making it consistent with practice in Jersey and the UK.

The regulations are divided into six Parts and four Schedules, and the provisions of each Part and Schedule are summarised below.

Part I

This contains citation and commencement provisions, and definitions of terms used in the regulations.

Part II

Part II applies to ships of 24 metres in length and over. It provides that such a ship shall be measured by a surveyor and sets out how its gross and net tonnage shall be determined, how volumes shall be calculated, and makes provision in relation to the issue and cancellation of International Tonnage Certificates (1969) for such ships,

including the circumstances in which changes of net tonnage necessitate the issue of such a certificate. It also provides that in the case of certain defined classes of ship, the Department may permit the continued use of a gross tonnage additionally ascertained in accordance with the provisions of the Merchant Shipping (Tonnage) (Guernsey) Regulations 1988^g; and makes similar provision for certain classes of ship previously registered in the UK and gross tonnages additionally ascertained in accordance with the provisions of the Merchant Shipping (Tonnage) Regulations 1982^h. It also makes provision in relation to the annotation of International Tonnage Certificates (1969) in such cases.

Part III

This Part applies to larger fishing vessels (fishing vessels of 15 metres or more in length overall but less than 24 metres in length). It provides that such a fishing vessel shall be measured and have its tonnage calculated by an authorised measurer, and that certain regulations in Part II shall apply for the measurement of tonnage of vessels to which Part III applies, and makes provision in relation to the issue and cancellation of certificates.

Part IV

Part IV applies to fishing vessels of less than 15 metres in length overall. It provides that such a fishing vessel shall be measured and have its tonnage calculated by an authorised measurer; that its registered length, breadth and depth shall be measured in accordance with the rules in Schedule 3; and its tonnage according to the rules in Schedule 4. It also contains provisions relating to the issue of certificates by the authorised measurer and the status of particulars stated on certificates. Finally, it provides that nothing in this Part shall be taken to require a vessel that had its tonnage validly determined under the previous law to have its tonnage re-determined, but any vessel required under that law to be re-measured shall be re-measured in accordance with these regulations.

^g G.S.I. 1988 No. 35

^h S.I. 1982/841; amended by S.I. 1988/1910

Part V

This Part applies to ships of less than 24 metres in length other than fishing vessels. It provides that such a ship shall be measured by a surveyor, and provides how its tonnage shall be calculated, and, on completion, for the surveyor to forward to the Registry a Certificate of Measurement. It also provides that where alterations are made to the ship that would cause an increase in its tonnage, the existing tonnage measurement shall cease to be valid, any Certificate of Measurement shall be cancelled, and an application shall be made for the ship to be re-measured. Finally, it contains a provision similar to that in Part IV relating to a ship that has had its tonnage validly re-determined under the previous law.

Part VI

This Part makes it an offence for an owner or master without reasonable cause to fail to deliver up a certificate for cancellation when required to do so by the regulations. The offence is punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

Schedule 1

This Schedule contains diagrams that relate to the definition of "excluded spaces" in the regulations.

Schedule 2

Schedule 2 sets out the co-efficients K1 and K2 that are referred to in regulations 6 (Gross tonnage) and 7 (Net tonnage).

Schedule 3

Schedule 3 sets out the rules for the measurement of fishing vessels to which Part IV applies.

Schedule 4

Schedule 4 sets out the rules for the calculation of tonnage of fishing vessels to which Part IV applies.