

**MONTSERRAT**

**STATUTORY RULES AND ORDERS**

**S.R.O. 38 OF 2026**

**LOAD LINES CONVENTION REGULATIONS 2026**

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**MONTserrat**  
**STATUTORY RULES AND ORDERS**

**S.R.O. 38 OF 2026**

**LOAD LINES CONVENTION REGULATIONS 2026**

**THE LOAD LINES CONVENTION REGULATIONS MADE BY  
THE GOVERNOR ACTING ON THE ADVICE OF CABINET  
UNDER SECTIONS 104 AND 123 OF THE MERCHANT SHIPPING  
(REGISTRATION) ACT (CAP. 7.11).**

**PART 1- PRELIMINARY AND GENERAL MATTERS**

**1. Citation**

These Regulations may be cited as the Load Lines Convention Regulations 2026.

**2. Purpose**

The purpose of these Regulations is to give effect in the law of Montserrat to the 1966 Convention, as modified by the 1988 Protocol, which is given the force of law in Montserrat by section 122 of the Act; and to make associated provision.

**3. Interpretation**

**(1)** In these Regulations, unless the context otherwise requires—

“**1966 Convention**” means the International Convention on Load Lines 1966, as modified by the 1988 Protocol and as amended;

“**1988 Protocol**” means the Protocol of 1988 relating to the 1966 Convention, as amended;

“**Act**” means the Merchant Shipping (Registration) Act, 2013 (Cap. 7.11);

“**alteration**”, in relation to a ship, includes deterioration;

“**Annex I**”, “**Annex II**”, and “**Annex III**” mean Annex I, Annex II and Annex III respectively of the 1966 Convention;

“**annual survey**” means a survey of a ship required under Article 14(1)(c);

“**applicable Convention requirements**” means the requirements of the 1966 Convention, except where regulation 11(3) applies;

“**appropriate load line**” means the line directed to be marked on a ship indicating the maximum depth to which a ship may be loaded in a particular zone or area and seasonal period (as defined in Annex II) and which is calculated in accordance with Annex 1;

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

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

“**Convention certificate**” means an International Load Line Certificate or an International Load Line Exemption Certificate;

“**Convention country**” means—

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

(b) a territory to which the 1966 Convention or the 1988 Protocol extends;

“**flag State**” in relation to a ship, means the State whose flag the ship is entitled to fly;

“**foreign ship**” has the meaning given in section 2(1) of the Act;

“**IMO**” means the International Maritime Organization;

“**International Load Line Certificate**” means an International Load Line Certificate issued under the 1966 Convention;

“**International Load Line Exemption Certificate**” means an International Load Line Exemption Certificate issued under the 1966 Convention;

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

“**MCA**” means the United Kingdom’s Maritime and Coastguard Agency, an executive agency of the United Kingdom’s Secretary of State for Transport;

“**Maritime Administration**” means the Maritime Administration established in accordance with section 3A(2) of the Act; and where a function is conferred on the Maritime Administration by these Regulations, unless the context otherwise requires, includes a surveyor organisation authorised under section 125(1) of the Act to perform that function;

“**Montserrat ship**” has the meaning given in section 2(1) of the Act;

“**Montserrat waters**” has the meaning given in section 2(1) of the Act;

“**renewal survey**” means a survey of a ship required under regulation 16(2);

“**sea**” means the sea or other waters seaward of the baselines for measuring Montserrat’s territorial sea;

“**Secretary of State**” means the United Kingdom’s Secretary of State for Transport;

“**State**” includes a territory;

“**valid**” in the context of an International Load Line Certificate or an International Load Line Exemption Certificate, means in force.

- (2) In these Regulations a reference to an Article, an Annex or a Regulation in an Annex is, unless otherwise stated, a reference to an Article, Annex or Regulation in an Annex in or to the 1966 Convention.
- (3) The following words or expressions have the same meaning as they have in the 1966 Convention—
- (a) deck-line;
  - (b) existing ship;
  - (c) freeboard;
  - (d) international voyage;
  - (e) length;
  - (f) load line mark;
  - (g) new ship.

#### 4. **Electronic communication**

In these Regulations, a requirement that a notice shall be in writing or a certificate be issued is satisfied where the text of a notification or the certificate is—

- (a) transmitted by electronic means,
- (b) received in legible form,
- (c) capable of being used for subsequent reference, and
- (d) in the case of certificates, complies with all requirements for electronic certificates established by the IMO.

**5. Dynamic references**

- (1) In these Regulations, except for regulation 11(3), any reference to the 1966 Convention, the 1988 Protocol, Annex I, Annex II or Annex III is to be construed—
  - (a) as a reference to that instrument as modified from time to time, and
  - (b) if that instrument is replaced by another instrument, as a reference to that instrument.
- (2) For the purposes of subregulation (1) an instrument is modified if—
  - (a) omissions, additions or other alterations to the text take effect in accordance with Article 29 of the 1966 Convention or with Article VI of the 1988 Protocol, or
  - (b) supplementary provision made under Article 29 of the 1966 Convention or under Article VI of the 1988 Protocol takes effect.
- (3) A modification to or a replacement of an instrument by virtue of subregulation (1) has effect at the time such modification or replacement comes into force in accordance with Article 28(4) of the 1966 Convention or Article VI of the 1988 Protocol, as the case may be.
- (4) The Maritime Administration shall as soon as reasonably practicable—
  - (a) notify the House of Assembly of any modification or replacement by virtue of this section, and
  - (b) publish details of the modification or replacement with an explanation of their effect in such manner as the Maritime Administration thinks fit.
- (5) No modification or replacement of a reference to an instrument by virtue of this section affects any right or liability arising before the date on which the modification or replacement has effect.

**6. Construction of references to the Administration etc in the 1966 Convention**

In applying the 1966 Convention or the 1988 Protocol, any reference in the 1966 Convention or the 1988 Protocol to—

- (a) the “**Administration**” is to be construed—
  - (i) in relation to a Montserrat ship, as a reference to the Maritime Administration, and
  - (ii) in relation to a foreign ship, as a reference to the maritime administration of the ship’s flag State or, if none, the government of the flag State, and

- (b) a “**Contracting Government**” is to be construed as a reference to—
  - (i) in relation to Montserrat or Montserrat waters, the Government of Montserrat, and
  - (ii) in relation to any other State or waters, the Government of that State.

## 7. **Application**

- (1) Subject to subregulation (2), these Regulations apply to—
  - (a) Montserrat ships engaged on international voyages;
  - (b) foreign ships while they are within Montserrat waters and engaged on international voyages.
- (2) These Regulations do not apply to—
  - (a) ships of war,
  - (b) new ships of less than 24 metres in length,
  - (c) existing ships of less than 150 gross tons,
  - (d) pleasure vessels,
  - (e) fishing vessels,
  - (f) ships solely navigating—
    - (i) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees W,
    - (ii) the Caspian Sea, or
    - (iii) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay, and
  - (g) a foreign ship which was—
    - (i) not subject to the provisions of the 1966 Convention at the time of its departure on any voyage, and
    - (ii) whose presence within Montserrat waters is solely on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.
- (3) In this regulation “**fishing vessels**” and “**pleasure vessel**” have the meanings given in section 2(1) of the Act.

## 8. **Exemptions**

- (1) Subject to subregulation (2), the Maritime Administration may exempt from these Regulations—

- (a) a ship engaged on an international voyage between near neighbouring ports so long as—
    - (i) it remains on such a voyage, and
    - (ii) the Maritime Administration and the governments of the States in which such ports are situated are satisfied that the sheltered nature or conditions of such a voyage make it unreasonable or impracticable to apply the provisions of these Regulations,
  - (b) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with all the requirements of these Regulations, and
  - (c) a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.
- (2) An exemption under subregulation (1) may be granted subject to such safety requirements as the Maritime Administration thinks fit to ensure the overall safety of the ship.
  - (3) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.
  - (4) Where any exemption is granted, the Maritime Administration shall arrange for the particulars of the exemption and the reasons for granting the exemption to be communicated to the IMO.

## **9. Equivalents**

- (1) The Maritime Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, if satisfied by trial or otherwise that such fitting, material, appliance, apparatus or provision is at least as effective as that required by the 1966 Convention.
- (2) The Maritime Administration shall arrange for the particulars of any approval under subregulation (1), together with a report on any trials made, to be communicated to the IMO.

## **PART 2 – REQUIREMENTS OF THE LOAD LINES CONVENTION**

### **10. Assignment of freeboards**

- (1) The Maritime Administration shall assign freeboards to a Montserrat ship in accordance with the requirements of these Regulations and the 1966 Convention.

- (2) The Maritime Administration shall in particular—
  - (a) determine the particulars of the freeboards to be assigned,
  - (b) determine which of the load lines described in Annex I are to be marked on the sides of the ship in accordance with the requirements of that Annex,
  - (c) determine the position where the appropriate marks are to be so marked, and
  - (d) complete a record of the conditions of assignment.
- (3) The Maritime Administration may assign a freeboard greater than the minimum freeboard prescribed by Chapter III of Annex 1.

**11. General compliance**

- (1) Subject to subregulations (2) and (3), a ship shall comply with Annex I.
- (2) Where an existing ship requires a reduction in freeboard, that ship shall comply with all the requirements under these Regulations applicable to new ships.
- (3) New ships constructed on or after 21st July 1968 but before 1st January 2005 shall comply with the requirements in Annex I which were applicable to such ships engaged on international voyages as they applied immediately before 1st January 2005.

**12. Repairs, alterations and modifications**

Article 10 shall apply to a ship which undergoes repairs, alterations, modifications and any related outfitting.

**13. Zones and areas**

A ship shall comply with the requirements applicable to it in the zones and areas described in Annex II.

**14. Submersion**

A ship shall comply with Article 12(1), except as provided for in Article 12(2) and (3).

**15. Force majeure**

In applying these Regulations, the Maritime Administration shall give due regard to any deviation or delay caused by any ship owing to stress of weather or any other cause of force majeure.

**PART 3 –**

**SURVEY AND CERTIFICATION**

**16. Initial, renewal and annual surveys**

- (1) A Montserrat ship shall be surveyed in accordance with Article 14.
- (2) For the purposes of Article 14(1)(b) (intervals for renewal surveys), a renewal survey shall be undertaken at intervals not exceeding five years.
- (3) After a satisfactory annual survey, the Maritime Administration shall endorse the ship's Convention certificate issued under regulation 17 in accordance with Article 14(2).

**17. Issue of Convention certificates**

Upon satisfactory completion of an initial or renewal survey of a Montserrat ship, and upon payment of any fee, the Maritime Administration shall issue a Convention certificate in respect of the ship.

**18. Issue or endorsement of International Load Line Certificates by another Government**

- (1) The Maritime Administration may request a Contracting Government—
  - (a) to survey a Montserrat ship, and
  - (b) to issue, or authorise the issue of, or endorse, or authorise the endorsement of, an International Load Line Certificate in accordance with the requirements of the 1966 Convention in respect of that ship if the Contracting Government is satisfied that the ship complies with the applicable Convention requirements.
- (2) Where an International Load Line Certificate is issued pursuant to subregulation (1), the certificate is to be regarded as being issued by the Maritime Administration.

**19. Issue or endorsement of International Load Line Certificates on behalf of other Contracting Governments**

- (1) When requested to do so by a Contracting Government, the Maritime Administration—
  - (a) may cause a survey to be carried out in respect of a ship, and
  - (b) shall, subject to payment of any appropriate fee, issue or endorse an International Load Line Certificate in respect of that ship, in accordance with the applicable

Convention requirements, if the Maritime Administration is satisfied that the ship complies with the applicable Convention requirements.

- (2) An International Load Line Certificate issued pursuant to subregulation (1) shall contain a statement that it has been issued at the request of the Contracting Government and that it has the same effect as a certificate issued by the Contracting Government which made the request.
- (3) The Maritime Administration shall send as soon as possible to the Contracting Government which made the request referred to in subregulation (1) a copy of—
  - (a) the International Load Line Certificate,
  - (b) the survey report used for computing the freeboard, and
  - (c) a copy of the computations.
- (4) The Maritime Administration shall not issue an International Load Line Certificate in respect of a ship which—
  - (a) is registered in a country the government of which is not a Contracting Government, or
  - (b) is not so registered but is entitled to fly the flag of a country whose government is not a Contracting Government.

**20. Form of Convention certificates**

A Convention certificate shall be in the form prescribed by Annex III.

**21. Duration and validity of an International Load Line Certificate**

- (1) Subject to the provisions of Article 19(2), the duration of an International Load Line Certificate is for such period as the Maritime Administration specifies in the certificate, not exceeding a period of five years, beginning with the date of completion of the initial or renewal survey.
- (2) An International Load Line Certificate issued in respect of a Montserrat ship ceases to be valid where—
  - (a) the circumstances listed in Article 19(9) exist, or
  - (b) the ship ceases to be a Montserrat ship.

**22. Extension of periods of validity of an International Load Line Certificate**

- (1) The Maritime Administration may extend the period of validity of an International Load Line Certificate beyond its expiry date in the circumstances set out in, and in accordance with, paragraphs (3) to (6) of Article 19.

- (2) Where an extension is granted pursuant to subsection (1), the Maritime Administration shall endorse the extension on the existing certificate.

**23. Duration and validity of an International Load Line Exemption Certificate**

- (1) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 8(1)(a) or 8(1)(b) applies, is for such period as specified in the certificate, not exceeding five years beginning with the date of completion of the initial survey or most recent renewal survey, as appropriate.
- (2) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 8(1)(c) applies, is limited to the single voyage for which it is issued.
- (3) Paragraphs (2) to (9) of Article 19 apply in relation to an International Load Line Exemption Certificate as they apply in relation to an International Load Line Certificate.

**24. Maintenance of conditions after survey**

The owner and master of a ship shall ensure that after completion of any survey required under these Regulations, no material alteration is made to the ship, its structure, equipment, arrangements, material or scantlings covered by the survey without the approval of the Maritime Administration.

**25. Procedure to be adopted when a ship is deficient**

- (1) This regulation applies where the Maritime Administration determines that—
  - (a) the condition of a Montserrat ship or its equipment does not correspond substantially with—
    - (i) the requirements applicable to it under Annex I, or
    - (ii) a Convention certificate that has been issued in respect of that ship, or
  - (b) a Montserrat ship is not fit to proceed to sea without presenting an unreasonable threat of harm to human life or the marine environment.
- (2) In the circumstances described in subregulation (1), the Maritime Administration shall give notice in writing to the owner or master of the ship of the corrective action which the Maritime Administration considers to be necessary.
- (3) Where a Convention certificate has been issued in respect of the ship and is still valid, the Maritime Administration may

suspend the validity of the certificate until the corrective action has been taken.

- (4) Where the Maritime Administration suspends the validity of a certificate issued in respect of a Montserrat ship, it shall immediately give notice in writing of such suspension—

(a) to the owner of the ship, and

(b) where the ship is in a port outside Montserrat, to the appropriate maritime authorities of the State in which the port is situated.

- (5) Where the owner of the ship is given notice under subregulation (4), that owner shall notify the master of the ship in question of the suspension.

**26. Cancellation of International Load Line Certificates and surrender of Convention certificates**

- (1) The Maritime Administration may cancel an International Load Line Certificate issued in respect of a Montserrat ship where the Maritime Administration is satisfied that—

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

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

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

- (2) Where the Maritime Administration proposes to cancel a certificate, the Maritime Administration shall first notify the owner in writing, specifying the ground for the proposed cancellation.

- (3) Subject to subregulation (4), the Maritime Administration shall not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Maritime Administration has considered any such representations made.

- (4) Subregulation (3) does not apply where the Maritime Administration considers that urgent safety considerations require immediate cancellation of the certificate.

- (5) The Maritime Administration may direct any Convention certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered.

**27. Acceptance of Convention certificates**

- (1) The Maritime Administration shall accept a valid Convention certificate issued by a Contracting Government in respect of a foreign ship.
- (2) The Maritime Administration shall accept a valid Convention certificate issued in respect of a Montserrat ship by another Contracting Government under regulation 18(1).

**28. Authorisation of removal etc., of appropriate marks**

After the appropriate marks have been made on a ship, the owner and master—

- (a) shall keep the ship so marked, and
- (b) shall ensure that the marks are not concealed, removed, altered, defaced or obliterated except with the authority of the Maritime Administration.

**29. Record of conditions of assignment**

- (1) A record containing the conditions of assignment required by the Maritime Administration shall be provided to the ship.
- (2) The record shall be—
  - (a) retained on board at all times, and
  - (b) available for inspection by an authorised person on request.
- (3) A ship ceases to comply with the conditions of assignment if the record is not on board and available for inspection in accordance with subregulation (2).

**PART 4 – ENFORCEMENT**

**30. Prohibition on proceeding to sea**

- (1) Subject to subregulation (2), a ship shall not proceed, or attempt to proceed, to sea unless—
  - (a) it has been surveyed in accordance with regulation 16,
  - (b) it is marked with the appropriate marks where required,
  - (c) it has a valid Convention certificate,
  - (d) it complies with the conditions of assignment applicable to it, and
  - (e) the information required under Regulation 10 of Annex I is provided by the owner of the ship to the master.
- (2) Subregulation (1) does not apply to a foreign ship in respect of which a valid Convention certificate is produced.

**31. Inspection of foreign ships holding a valid Convention certificate**

- (1) A foreign ship holding a valid Convention certificate is subject to inspection by an inspector appointed under section 124(1) of the Act when it is in a port in Montserrat.
- (2) So far as is reasonable and practicable, the inspection of a foreign ship purporting to hold a valid Convention certificate when such ship is in a port in Montserrat is for the purpose of verifying whether or not there is on board that ship a valid Convention certificate relating to it.
- (3) If there is a valid International Load Line Convention certificate on board the ship, any inspection shall be limited to the purpose of determining that—
  - (a) the ship is not loaded beyond the limits allowed by the certificate,
  - (b) the position of the load line of the ship corresponds with the certificate, and
  - (c) none of the matters set out in Article 19(9)(a), (b) and (d) apply to the ship so as to cause the ship to be manifestly unfit to proceed to sea without danger to human life.
- (4) If there is a valid International Load Line Exemption Certificate on board the ship, the inspection shall be for the purpose of determining that any conditions stipulated in that certificate are complied with.
- (5) An inspection under this regulation shall be carried out in accordance with IMO resolution A.1119(30) on the Procedures for Port State Control.
- (6) If an inspection is undertaken to determine the matters described under subregulation (3)(c), it shall only be exercised in so far as it may be necessary to ensure that the ship does not sail until it can proceed to sea without danger to passengers or the crew.
- (7) In the event of an inspection giving rise to intervention of any kind, the Maritime Administration shall immediately inform the ship's flag administration or diplomatic representative of the ship's flag State in writing of the intervention and of all the circumstances in which the intervention was deemed necessary.

**32. Powers of inspectors**

For the purposes of regulation 31 an inspector has the powers of an inspector contained in sections 126 to 128 of the Act.

**33. Detention**

- (1) A ship which, in contravention of regulation 30, proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been so surveyed and marked.
- (2) A ship which—
  - (a) does not comply with the conditions of assignment applicable to it, or
  - (b) does not retain on board the record issued by the Maritime Administration detailing the conditions of assignment,may be detained until it complies.
- (3) A ship which is loaded so as to submerge the load line may be detained until it ceases to be so loaded.

**34. Enforcing detention of ship**

Sections 134 and 135 of the Act (power to detain; enforcing detention of a ship) shall have effect in relation to the detention of a ship under these Regulations, as if the detention was a detention under that Act.

**35. Arbitration**

Section 136 of the Act (references of improvement, prohibition and detention notices to arbitration) applies in relation to a detention under regulation 33 as if references to a detention or detention notice in section 136 were references to a detention or detention notice issued in relation to a ship detained under regulation 33.

**36. Compensation for unjustified detention**

- (1) If on a reference to an arbitrator under regulation 35 relating to a detention under regulation 33, the arbitrator decides that the owner has proved—
  - (a) that the matter complained of did not constitute a valid basis for the detaining officer's opinion, and
  - (b) that there were no reasonable grounds for the detention,the arbitrator may, subject to section 137(3) of the Act, award the owner such compensation in respect of any loss suffered in consequence of the detention of the ship as the arbitrator thinks fit.
- (2) Any compensation awarded under this section is payable by the Maritime Administration and is enforceable as a debt.

**37. Offences**

- (1) Any contravention of regulations 11(1), 11(2), 11(3), 13, 16(1), 24, 29(2) or 30(1) is an offence by each of the master and the owner.
- (2) A person who commits an offence under subregulation (1) is liable—
  - (a) on summary conviction to a fine not exceeding \$25,000;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding six months or to a fine not exceeding \$100,000, or to both.
- (3) Any contravention of regulation 14 is an offence by each of the owner and master.
- (4) A person who commits an offence under subregulation (3) is liable—
  - (a) on summary conviction to a fine not exceeding \$10,000, and to such additional fine, not exceeding an amount calculated in accordance with subregulation (5), as the court thinks fit, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention;
  - (b) on conviction on indictment to a fine not exceeding \$25,000.
- (5) Any additional fine imposed under subregulation (4)(a) shall not exceed \$2,000 for each complete centimetre by which the appropriate load line on each side of the ship was or would have been submerged.
- (6) In any proceedings for a contravention of regulation 14 it is a defence for the person charged to prove the contravention was due solely to deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (7) Any contravention of regulation 28(a) or (b) is an offence by each of the owner and the master and each is liable on summary conviction to a fine not exceeding \$10,000.
- (8) It is a defence for a person charged with an offence under subregulation (7) to show that the person had reasonable excuse for the contravention.
- (9) It is an offence to—
  - (a) intentionally alter a certificate referred to in these Regulations,
  - (b) falsely make a certificate referred to in these Regulations,

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- (c) in connection with any survey required by these Regulations knowingly or recklessly furnish false information,
  - (d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations, or
  - (e) fail to surrender as directed a certificate required to be surrendered under regulation 26(5).
- (10) A person who commits an offence under subregulation (9) is liable—
- (a) on summary conviction to a fine not exceeding \$25,000;
  - (b) on conviction on indictment to a fine not exceeding \$250,000 or to imprisonment for a term of six months, or both.

**38. Negative resolution**

These Regulations are subject to negative resolution.

Made by the Governor acting on the advice of Cabinet this 3rd day of September, 2026.

(Sgd.) Alasdair Bain  
**Cabinet Secretary**

Published by exhibition by the Cabinet Secretary at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 26<sup>th</sup> day of October, 2026.

(Sgd.) Alasdair Bain  
**Cabinet Secretary**