



IMCO

INTERNATIONAL CONFERENCE ON  
TONNAGE MEASUREMENT, 1969

General Committee  
Agenda item 3

CONSIDERATION AND PREPARATION OF THE  
DRAFT TEXT OF ARTICLES OF A CONVENTION  
ON TONNAGE MEASUREMENT

Proposal by the United Kingdom

The United Kingdom delegation proposes to include in an International Convention on Tonnage Measurement the following new Article 4-A:

"Article 4-A

Force Majeure

- (1) A ship which is not subject to the provisions of the present Convention at the time of its departure on any voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.
  - (2) In applying the provisions of the present Convention, the Contracting Governments shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other cause of force majeure".
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### PROPOSED AMENDMENT TO ARTICLE 16(1)

Submitted by the Soviet delegation

Article 16(1) should read as follows:

"Article 16(1)  
Signature, Acceptance and Accession

- (1) The present Convention shall remain open for signature for three months from....., and shall thereafter remain open for accession. Governments of States may become Parties to the Convention by:
    - (a) signature without reservation as to acceptance;
    - (b) signature subject to acceptance followed by acceptance, or
    - (c) accession."
  - (2) Paragraph (2) remains unchanged.
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### INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT, 1969

#### General Committee

#### PROGRESS REPORT No.1

30 May 1969

#### General

1. The first Vice-President of the Conference, Mr. W. Milewski (Poland), opened the first meeting of the Committee.
2. The Committee unanimously elected Mr. R. Vancraeynest (Belgium) as Chairman and Dr. P. Nikolić (Yugoslavia) as Vice-Chairman of the Committee.
3. The Provisional Agenda, as contained in TM/CONF/C.1/1, was unanimously adopted.

#### Consideration and preparation of the draft text of Articles of a Convention on Tonnage Measurement

4. The Committee agreed to use the text of proposed Articles of a Convention, as presented in Proposal "C" (TM/CONF/6), as a basis for its deliberations.
5. The Committee agreed upon the text of the following Articles, except where indicated otherwise:

TM/CONF/C.1/WP.3

"Article 1

General Obligation under the Convention

The Contracting Governments undertake to give effect to the provisions of the present Convention and the Annexes hereto, which shall constitute an integral part of the present Convention. Every reference to the present Convention constitutes at the same time a reference to the Annexes.

Article 2

Definitions

For the purpose of the present Convention, unless expressly provided otherwise:

- (1) "Regulations" means the Regulations annexed to the present Convention.
- (2) "Administration" means the Government of the State whose flag the ship is flying.
- (3) "International voyage" means a sea voyage from a country to which the present Convention applies to a port outside such country, or conversely. For this purpose, every territory for the international relations of which a Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country."

Note: The Committee postponed consideration of paragraphs (4) and (5) of this Article.

"Article 3

Application

- (1) The present Convention shall apply to:
  - (a) ships registered in countries the Governments of which are Contracting Governments;
  - (b) ships registered in territories to which the present Convention is extended under Article 207; and
  - (c) unregistered ships flying the flag of a State, the Government of which is a Contracting Government.
- (2) The present Convention shall apply to ships engaged on international voyages."

Note: The Committee postponed consideration of paragraphs (3) and (4) of this Article.

"Article 4

Exceptions

1(1) - see note below<sup>7</sup>

- (2) Nothing herein shall apply to ships solely navigating:
  - (a) 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°W;
  - (b) the Caspian Sea; or

TM/CONF/C.1/WP.3

- (c) 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."

Note: The Committee requested the Technical Committee to advise upon the minimum overall length which should be specified in paragraph (1)(b) of this Article and on the need for a definition of the term "overall length".

Article 4-A

Force Majeure

- (1) A ship which is not subject to the provisions of the present Convention at the time of its departure on any voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.
- (2) In applying the provisions of the present Convention, the Contracting Governments shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other cause of force majeure.

Article 5

Ascertainment of Tonnages

The ascertainment of [.....] shall be carried out by officers of the Administration. The Administration may, however, entrust the ascertainment of [.....] either to persons or organizations recognized by it. In every case the Administration concerned accepts full responsibility for the ascertainment of [.....].

Article 6

Issue of Certificate

- (1) An International Tonnage Certificate (1969) shall be issued to every ship, [.....] of which have been determined in accordance with the present Convention.
- (2) Such certificate shall be issued by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

Article 7

Issue of Certificate by another Government

- (1) A Contracting Government may, at the request of another Contracting Government, determine [.....] of a ship and issue or authorize the issue of an International Tonnage Certificate (1969) to the ship in accordance with the present Convention.
- (2) A copy of the certificate and a copy of the calculations of [the tonnages] shall be transmitted as early as possible to the requesting Government.
- (3) A certificate so issued shall contain a statement 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 it shall have the same force and receive the same recognition as a certificate issued under Article [6].

TM/CONF/C.1/WP.3

- (4) No International Tonnage Certificate (1969) shall be issued to a ship which is flying the flag of a State the Government of which is not a Contracting Government.

Article 8

Form of Certificate

- (1) The certificate shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.
- (2) The form of the certificate shall be that of the model given in Annex [II]. The arrangements of the printed part of [each] model certificate shall be exactly reproduced in any certificate issued, and in any certified copies thereof."





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Proposed amendment to Article 9

Submitted by the Delegations of Denmark,  
Federal Republic of Germany, Israel and  
the Netherlands

1. Paragraph (1) remains unchanged.
  2. Paragraph (2) should read as follows:  
"(2) A certificate issued to a ship by an Administration shall cease to be valid upon transfer of such a ship to the flag of another State not being a member of the Convention".
  3. A new paragraph (3) should be added, as follows:  
"(3) Upon transfer of a ship to the flag of another Member State the International Tonnage Certificate (1969) will remain in force for a period of three months and may be approved by the new Administration by endorsement on the certificate. Upon request the Government of the State whose flag the ship was flying hitherto will transmit a copy of the certificate and a copy of the calculations to the new Administratives".
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INTERNATIONAL CONFERENCE ON  
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General Committee

PROGRESS REPORT NO.2

2 June 1969

The Committee, except where indicated otherwise, agreed upon the text of the following Articles, in addition to those given in TM/CONF/C.1/WP.3.

Article 4

Exceptions

The following definition should be added:

"Organization" means the Inter-Governmental Maritime Consultative Organization.

Article 9

Cancellation of Certificate

- (1) An International Tonnage Certificate (1969) shall be cancelled by the Administration if alterations have taken place in the arrangements, construction or capacity of the ship such as would necessitate a change of [.....].
- (2) A certificate issued to a ship by an Administration shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (3) of this Article.

TM/CONF/C.1/WP.5

- (3) Upon transfer of a ship to the flag of another Contracting Government, the International Tonnage Certificate (1969) will remain in force for a period not exceeding three months. The Contracting Government of the State whose flag the ship was flying hitherto shall forthwith transmit a copy of the certificate and a copy of the calculations to the new Administration to enable that Administration to issue its own certificate without re-measuring the ship.

#### Article 10

##### Acceptance of Certificate

The certificate issued under the authority of a Contracting Government in accordance with the present Convention shall be accepted by the other Contracting Governments and regarded for all purposes covered by the present Convention as having the same force as certificates issued by them.

#### Article 11

##### Control

- (1) A ship flying the flag of a Contracting Government is subject, when in the ports of other Contracting Governments, to inspection by officers duly authorized by such Governments. Such inspection shall be limited to the purpose of securing:
  - (a) that the ship is provided with a valid International Tonnage Certificate (1969), and
  - (b) that the main features of the ship correspond to the data given in the Certificate.
- (2) In no case shall the exercise of such inspection cause any delay to the ship.

- (3) Should the inspection reveal that the actual conditions on the ship differ from those entered on the Tonnage Certificate, the Government of the State whose flag the ship is flying shall be informed without delay.

Article 12

Privileges

The privileges of the present Convention may not be claimed in favour of any ship unless it holds a valid certificate under the Convention.

Article 13

Prior Treaties and Conventions

- (1) All other treaties, Conventions and arrangements relating to tonnage matters at present in force between Governments Parties to the present Convention shall continue to have full and complete effect during the terms thereof as regards:
- (a) ships to which the present Convention does not apply; and
  - (b) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.
- (2) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

Note:

Article 14 was deleted.

TM/CONF/C.1/WP.5

Article 15

Communication of Information

The Contracting Governments undertake to communicate to and deposit with the Organization

- (a) a sufficient number of specimens of their certificates issued under the provisions of the present Convention for circulation to the Contracting Governments;
- (b) the text of the laws, decrees, orders, regulations and other instruments which shall have been promulgated on the various matters within the scope of the present Convention; and
- (c) a list of non-governmental agencies which are authorized to act in their behalf in matters relating to tonnages for circulation to the Contracting Governments.

Article 16

Signature, Acceptance and Accession

- (1) The present Convention shall remain open for signature for six months from ....., and shall thereafter remain open for accession. Governments of States Members of the United Nations, or of any of the Specialized Agencies, or of the International Atomic Energy Agency, or parties to the Statute of the International Court of Justice may become Parties to the Convention by:
  - (a) signature without reservation as to acceptance;
  - (b) signature subject to acceptance followed by acceptance, or
  - (c) accession.

- (2) Acceptance or accession shall be effected by the deposit of an instrument of acceptance or accession with the Organization. The Organization shall inform all Governments which have signed the present Convention or acceded to it of each new acceptance or accession and of the date of its deposit. The Organization shall also inform all Governments which have already signed the Convention of any signature effected during the six months from the date of .....

Note:

Consideration of Article 17 was postponed.

Article 18

Amendments

- (1) The present Convention may be amended upon the proposal of a Contracting Government by any of the procedures specified in this Article.
  - (2) Amendment by unanimous acceptance:
    - (a) Upon the request of a Contracting Government, any amendment proposed by it to the present Convention shall be communicated by the Organization to all Contracting Governments for consideration with a view to unanimous acceptance.
    - (b) Any such amendment shall enter into force twelve months after the date of its acceptance by all Contracting Governments unless an earlier date is agreed upon. A Contracting Government which does not communicate its acceptance or rejection of the amendment to the Organization within twenty-four months of its first communication by the latter shall be deemed to have accepted the amendment.
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