



TM/CONF/C.2/WP.41
16 June 1969

Original: ENGLISH

IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT, 1969

Technical Committee

STATEMENT BY THE TECHNICAL COMMITTEE

Change of net tonnage

1. The Technical Committee tentatively agreed on the following revised draft of Regulation 5:

"Regulation 5

Change of Net Tonnage

- (1) When the characteristics of a ship, such as \sqrt{V} , V_c , d , N_1 , N_2 or N_3 as defined in Regulations 3 and 4, are altered and where such an alteration results in an increase in its net tonnage as determined in accordance with the provisions of Regulation 4, the net tonnage of the ship corresponding to the new characteristics shall be determined and shall be applied forthwith.
- (2) A ship to which load lines referred to in sub-paragraphs 2(i) and (ii) of Regulation 4, are concurrently assigned shall be given only one net tonnage as determined in accordance with the provisions of Regulation 4 and that tonnage shall be the tonnage applicable to the appropriate assigned load line for the trade in which the ship is engaged.

TM/CONF/C.2/WP.41

- (3) When the characteristics of a ship, such as \sqrt{V} , V_c , d , N_1 , N_2 or N_3 as defined in Regulations 3 and 4, are altered or when the appropriate assigned load line referred to in paragraph (2) of this Regulation is altered due to the change of the trade in which the ship is engaged, and where such an alteration results in a decrease in its net tonnage as determined in accordance with the provisions of Regulation 4, a new International Tonnage Certificate (1969) shall be issued, but the value of the net tonnage shown in that Certificate shall be the same as that shown in the current Certificate until twelve months have elapsed from the date on which the current Certificate was issued; provided that this requirement shall not apply:
- (i) if the ship is transferred to the flag of another State, or
 - (ii) if a real change in the ownership of the ship takes place, or 7
 - (iii) if the ship undergoes alterations or modifications which are deemed by the Administration to be of a major character, such as removal of a superstructure which requires an alteration of the assigned load line, or
 - (iv) to passenger ships which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade."
2. The General Committee is invited:
- (a) to examine the above Regulation, in particular in relation to Article 7 - Issue of Certificate; and
 - (b) to advise the Technical Committee whether and, if so, which part of this Regulation should be transferred to the Articles.

Penalties

3. The Technical Committee considered it necessary to make provisions for penalties in respect of abuse of spaces not included in the computation of tonnages and, in this connexion, examined the following draft of Regulation 8:

"Regulation 8

[Penalties]

- (1) In the event that any spaces excluded from the volume of enclosed spaces of the ship in compliance with Regulation 2(3) and therefore not included in the calculation of its gross tonnage in accordance with Regulation 3 has been put to a condition which does not permit such exclusion in compliance with that paragraph, such space shall be included in the volume of enclosed spaces and shall not thereafter be excluded therefrom until the ship is transferred to the flag of another State or a [real] change in the ownership of the ship takes place or if the ship undergoes major structural alterations.
- (2) If cargo is carried in any space not treated as a cargo space in accordance with the provisions of Regulation 2(5) such space shall be included in the volume of cargo spaces and shall not thereafter be excluded therefrom until the ship is transferred to the flag of another State or a [real] change in the ownership of the ship takes place or if the ship undergoes major structural alterations."

TM/CONF/C.2/WP.41

4. The Technical Committee considered it inappropriate to include provisions of this kind in the Regulations and accordingly decided to delete this Regulation. The Committee was of the opinion that this matter should be dealt with in the Articles and that such Article might provide for the Administration or a Contracting Government exercising control under Article 12 or both to take such steps as may be necessary to avoid recurrence of such abuse.

5. In this connexion, a suggestion has been made for consideration by the General Committee that Article 10(1) be amended by inserting the words "use of spaces, number of passengers," between "capacity," and "assigned load line".

6. Views were also expressed that consideration should be given to the need for a recommendation of the Conference relative to the type of penalty which might have to be imposed by the Administration concerned in the event of abuse of spaces.

7. The General Committee is invited:

- (a) to consider the matters mentioned in paragraphs 4, 5 and 6 above; and
- (b) to take the necessary action.

Figures of tonnages shown in the Certificate

8. The Committee considered whether, for ships to which the Convention applies under Article 3, the International Tonnage Certificate (1969) should show only new tonnages or both new and existing tonnages for a certain transitional period. By a vote of 30 in favour and 3 against the Committee decided that the Certificate should show only tonnages computed in accordance with the present Convention. It agreed to bring this decision to the notice of the General Committee for information.
