MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2014

IN EXERCISE of the powers conferred on the Minister by section 36 of the Merchant Shipping Act 2013, these Regulations are made.

PART I - GENERAL

1. Citation

1. These Regulations may be cited as the Merchant Shipping (Tonnage) Regulations, 2014.

2. Interpretation

In these Regulations, unless the context otherwise requires –

" the Act" means the Merchant Shipping Act 2010;

"Administration" has the same meaning given to it by section 3 of the Act

"amidships" means the mid-point of the length as defined below;

"breadth" means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material:

"break" means the space bounded longitudinally by a side to side upward step in the lowest line of the upper deck and another such step or the end of the ship, transversely by the sides of the ship and vertically by the higher part of the deck and the lowest line of the upper deck continued parallel thereto;

"cargo spaces" means enclosed spaces which are included in the computation of gross tonnage and are appropriated for the transport of cargo to be discharged from the ship and which are permanently marked with the letters "CC" which mean cargo compartment, such letters being not less than one hundred millimetres in height and so positioned as to be readily visible;

"Contracting Government" means the Government of a country which has accepted the International Convention on Tonnage Measurement

of Ships, 1969;

"Director-General" has the same meaning given to it by section 3 of the Act:

"enclosed spaces" means all those spaces, other than excluded spaces, which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or moveable awnings and without limiting the generality of the foregoing, no break in a deck, nor any opening in the ship's hull, a deck, a covering of a space, or the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, precludes a space from being included in the enclosed spaces; furthermore, notwithstanding the definition of "excluded spaces" provided below, any such space which fulfils at least one of the following conditions shall be treated as an enclosed space -

- (a) a space fitted with shelves or other means for securing cargo or stores;
- (b) a space fitted with any means of closing the openings therein; and
- (c) a space constructed in such a way so that there exists any possibility of an opening mentioned in paragraph (b) being closed:

"excluded spaces" referred to in the definition of enclosed spaces, means –

- (a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwart ship line at a fore and aft distance from the opening equal to half the breadth of the deck of the line of the opening, such end opening having a breadth equal to or greater than ninety per cent of the breadth of the deck at the line of the opening and extending from deck to deck or to a curtain plate of a depth not exceeding by more than twenty-five millimetres the depth of the adjacent deck beams, as specified in figure 1 of the First Schedule; save that –
 - (i) where at any point the width of the enclosed space because of any arrangement except convergence of the outside plating, as specified in figure 3 of the First

Schedule, becomes less than ninety per cent of the breadth of the deck at the line of the opening, the excluded space extends only to an athwart ship line intersecting that point, as specified in figures 2 and 4 of the First Schedule:

- (ii) where the opposite ends of two enclosed spaces are separated by a gap, which is completely open except for bulwarks or open rails and of fore and aft length less than half the least breadth of the deck at the gap, then no part of the enclosed spaces are excluded, as specified in figures 5 and 6 of the First Schedule;
- (b) a space under an overhead deck covering open to the sea and weather having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support, however, in such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, save that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as specified in figure 7 of the First Schedule;
- (c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one third of the height of the erection, whichever is the greater, save that where the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces is limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening, as specified in figure 8 of the First Schedule;
- (d) a space in an erection immediately below an uncovered opening in the deck overhead, save that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as specified in figure 9 of the First Schedule; and
- (e) a recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, save that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in figure 10 of the First Schedule;

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

"foreign ship" means a ship which is not a Gambian ship within the meaning of section 3 of the Act;

"length" means the greater of the following distances -

plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as specified in figure 7 of the First Schedule:

- (c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one third of the height of the erection, whichever is the greater, save that where the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces is limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening, as specified in figure 8 of the First Schedule;
- (d) a space in an erection immediately below an uncovered opening in the deck overhead, save that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as specified in figure 9 of the First Schedule; and
- (e) a recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, save that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in figure 10 of the First Schedule:

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

fenders;

"foreign ship" means a ship which is not a Gambian ship within the meaning of section 3 of the Act;

"length" means the greater of the following distances -

reference extending from the lower part of the deck along a line parallel to the raised part and for the purpose of this definition of "moulded depth" -

- (i) "upper deck" means the uppermost complete deck exposed to weather and sea, which has a permanent means of weathertight closing 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 and 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, and
- (ii) "weather tight" 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 Regulations, the draught corresponding to the Summer Load Line, other than timber load lines;
- (b) for ships to which no load line has been assigned but the draught of which is restricted by the Administration, the maximum permitted draught;
- (c) for other ships, seventy-five per cent of the moulded depth amidships;

"oil tanker" means a ship constructed or adapted to carry oil in bulk in its cargo spaces and includes combination carriers and for the purposes of this definition "combination carrier" means a ship designed to carry either oil or solid cargoes in bulk;

"passenger" has the meaning given in section 3 of the Act;

"similar stage of construction" means the stage at which -

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material whichever is the less;

PART II - Application, Ascertainment of Tonnage And Certification For Ships of Twenty-four Metres in Length And Over

3. Application of Part II

This Part applies to ships of 24 metres in length or more, registered or to be registered in The Gambia.

4. Method of Measurement

- (1) A ship shall be measured by a surveyor.
- (2) The gross and net tonnages shall be determined in accordance with regulations 6 and 7 provided that in the case of novel types of craft with constructional features which render the application of the provisions of these Regulations unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Administration.
- (3) All measurements used in the calculation of volumes shall be taken and expressed in metres to the nearest one hundredth of a metre.
- (4) Gross and net tonnages shall be expressed as whole numbers, decimals being rounded off downwards.

5. Calculation of Volumes

- (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.
- (2) Volumes of appendages shall be included in the total volume.
- (3) Volumes of spaces open to the sea shall be excluded from the total volume.
- (4) The method and accuracy of the calculations shall be to the satisfaction of the Administration and shall be sufficiently detailed to

[&]quot;surveyor" means a surveyor appointed by the Administration.

facilitate checking.

6. Gross Tonnage

The gross tonnage (GT) of a ship shall be determined by the formula $GT = K_1 V$ where -

V ' Total volume of all enclosed spaces of the ship in cubic metres;

 $K_{1} = 0.2+0.02 \log_{10} V$, as specified in the Second Schedule.

7.Net Tonnage

(1) The net tonnage (NT) of a ship shall be determined by the formula

$$NT = K_2 V_c \left(\frac{4d}{3D} \right)^2 + K_3 \left(N_1 + \frac{N_2}{10} \right)$$

GT ' gross tonnage calculated in accordance with regulation 6;

D' moulded depth amidships in metres;

d ' moulded draught amidships in metres;

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

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

- (2) However -
 - (a) the factor $\left(\frac{4d}{3D}\right)^2$ shall not be taken as greater than unity;
 - (b) the term -

$$K_2 V_c \left(\frac{4d}{3D}\right)^2$$

shall not be taken as less than 0.25 GT;

- (c) N_1 and N_2 shall be taken as zero when $N_1 + N_2$ is les than 13;
- (d) NT shall not be taken as less than 0.30 GT

8. Segregated ballast oil tanker

Where segregated ballast tanks complying with regulation 13 of Annex 1 of

the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks. The tonnage of such segregated ballast tanks shall be calculated according to the formula -

 $K_1 \times V_b$

where -

K₁ ' 0.2+0.02 log₁₀V or as specified in the Second Schedule;

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

V_b ' the total volume of all enclosed spaces of the ship in cubic metres measured in accordance with regulation 5.

9.Issue of Certificates

Where it is in order to do so, the Administration 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 shown thereon and the official number of the ship shall be included as a distinctive number.

10. Cancellation of Certificates

(1) Where alterations are made in the arrangement, construction

capacity, use of spaces, total number of passengers the ship is permitted to carry under the terms of the ship's passenger certificate, assigned load line, or permitted draught of the ship such as would cause an increase in the gross or net tonnage, the existing International Tonnage Certificate (1969) shall cease to be valid and shall be delivered up to and cancelled by the Administration.

- (2) When a ship is transferred from the Gambia Register 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 three months or until the new Administration issues another International Tonnage Certificate (1969) whichever is the earlier.
- (3) The Administration shall transmit to the Administration of a Contracting Government referred to in subsection (2) as soon as possible after the transfer has taken place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

11. Change of net tonnage necessitating issue of certificate

- (1) When alterations in the values of V, V_c , d, N_1 or N_2 as defined in regulations 6 and 7 result in an increase in the net tonnage a new International Tonnage Certificate (1969) incorporating the increase a net tonnage shall be issued.
- (2) In the case of a passenger ship assigned subdivision load lines in accordance with any Shipping (Passenger Ship Construction) Regulations made under the Act and load lines in accordance with any Shipping (Load Lines) Regulations made under the Act, only one net tonnage shall be applied and where the draught corresponding to the Summer load line differs from that corresponding to the deepest subdivision load line the net tonnage shall, subject to subregulation (3) be determined in accordance with regulation 7 by applying the draught corresponding to the appropriate assigned loadline for the trade in which the ship is engaged.
- (3) Subject to subregulation (4) where alterations in the values of V, Vc, d, N_1 or N_2 as defined in regulations 6 and 7, or changes in the position of the load lines result in a decrease in the net tonnage, a new International Tonnage Certificate (1969) incorporating the decreased net tonnage shall not be issued until twelve months have elapsed from the date on which the current certificate was issued.
- (4) A new International Tonnage Certificate (1969) may be issued when
 - (a) a ship which was registered outside Gambia is registered in Gambia; or
 - (b) a ship undergoes alterations or modifications of a major character, such as the removal of a superstructure, which requires an alteration of the assigned load line; or
 - (c) the ship is a passenger ship employed in special trades for carriage of large numbers of special trade passengers, such as the pilgrim trade.

12.Use of gross tonnages ascertained under previous regulations

- (1) The Administration may permit the continuing use of a gross tonnage additionally ascertained in accordance with the provisions of any previous law in The Gambia in respect of:-
 - (a) a ship the keel of which was laid or which was at a similar stage of construction before 18th July 1982;
 - (b) a ship the keel of which is laid or which was at a similar stage of construction not later than 31st December, 1985, not being a ship referred to in paragraph (a); and

- (c) a ship which is a cargo ship of less than 1600 gross tonnage, determined in accordance with the Regulations in force prior to the coming into force of the Convention, the keel of which is laid or is at a similar stage of construction not later than 18th July, 1994, not being a ship referred to in paragraph (a).
- (2) Ships specified in subregulation (1) may use the tonnages so ascertained for the application of the provisions of the Regulations implementing the International Convention for the Safety of Life at Sea 1974 and the Protocol of 1978 relating thereto, the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended in 1995.
- (3) An International Tonnage Certificate (1969) may be annotated, under "Remarks", by the Administration-
 - (a) in the case of a ship to which subregulation (1)(a) refers, with the duly completed and signed entry -
 - (b) in the case of a ship to which subregulation (1)(b) or (c) refers, with the duly completed and signed entry -

"The ship is additionally measured according to resolution A.494(XII), A.540(13), or A.541.(13).

- (4) Where such an entry has been made on an International Tonnage Certificate (1969) and the ship undergoes alterations or modification which affect its tonnage the old tonnage referred to in subregulation (1) shall be deleted.
 - (5) Where a gross tonnage has been ascertained and is to be

used in accordance with sub regulation (1), then any certificate issued for the purposes of the conventions and protocols referred to shall record only that gross tonnage together with the following appropriate footnote -

- (a) "The above gross tonnage has been determined by the Administration in accordance with the national tonnage rules which were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships, 1969"; or
- (b) "See REMARKS column of the valid International Tonnage Certificate (1969)".

PART III - APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR GAMBIAN SHIPS OF LESS THAN 24 METRES IN LENGTH

13. Application

This Part shall apply to ships being ships of less than 24 metres in length, registered, or to be registered in Gambia.

14. Measurement and Certification

- (1) A ship shall be measured by a surveyor or by a measurer appointed by the Administration.
- (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 means 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 and fenders even where they are moulded so as to be integral with the hull;
 - (b) the depth of a ship shall be measured vertically at the midpoint of the length overall.
 - (i) The upper terminal point for depth shall be -
 - (aa) in the case of a decked ship, the underside of the deck on the middle line or, where 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:
- (bb) in the case of an open ship, the top of the upper strake or gunwale.
- (ii) The lower terminal point of depth shall be -
 - (aa) in the case of a wooden ship, the upper side of the plank at the side of the keel or hog;
 - (bb) in the case of a metal ship, the top of the plating at the side of the keel:
 - (cc) in the case of a glass reinforced plastic ship, the inside of the hull and 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, where fitted, or the level at which the inside breadth of the trough is 10 centimetres, whichever gives the greater depth.
- (iii) Where a break exists in way of the point of measurement for depth, the height of the break shall not be included in the measurement of depth.
- (4) The tonnage determined in accordance with subregulation (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 sub regulation (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 where the third decimal place is 5 or more.
- (8) On completion of the measurement the surveyor or measurer, as the case may be, shall forward to the Administration a Certificate of Measurement in a form approved by the Administration.
- (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 remeasured in accordance with subregulation (1).

(10) Notwithstanding subregulation (2) nothing in this Part shall be taken to require any ship the tonnage of which was validly determined under the law in force immediately before the coming into force of these Regulations to have its tonnage re-determined.

PART IV - FOREIGN SHIPS

15. Ascertainment of Tonnage and Certification

- (1) The Administration may, at the request of the Administration of a Contracting Government ascertain the gross and net tonnages of a foreign ship in accordance with Part II and issue to the owner an International Tonnage Certificate (1969). In such cases the certificate shall be endorsed to the effect that it has been issued at the request of the Government of the State whose flag the ship is or will be flying, and a copy of the certificate and the calculations of the tonnages shall be transmitted to the requesting Government as soon as possible.
- (2) The Administration may, at the request of an owner of a foreign ship flying the flag of State whose Government is not a Contracting Government, ascertain the gross and net tonnages of the ship in accordance with Part II and issue a Certificate of Gambian Tonnage Measurement. In such cases the certificate shall bear the endorsement "for use only whilst within Gambian or the waters thereof".
- (3) Where a ship is not measured in accordance with the provisions of these Regulations or in accordance with the Convention, the ship may be measured by the method given in IMO/MSC Circular 264 and the tonnage so determined may be used in the calculation of port and other dues.

PART V - OFFENCES

16. Offences

Any owner or master who fails without reasonable cause to deliver up a certificate for cancellation as required by regulations 10(1) or 14(9) shall be guilty of an offence and liable to a fine not exceeding two million Dalasis.

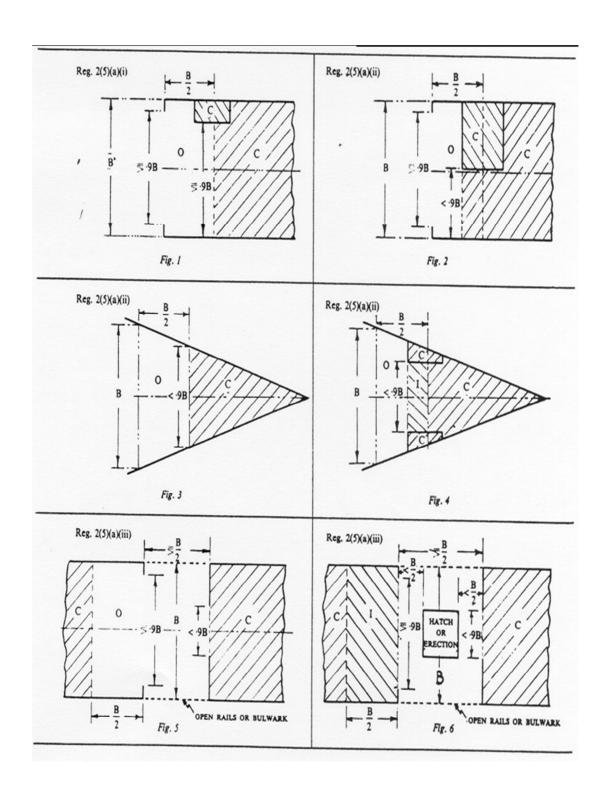
FIRST SCHEDULE

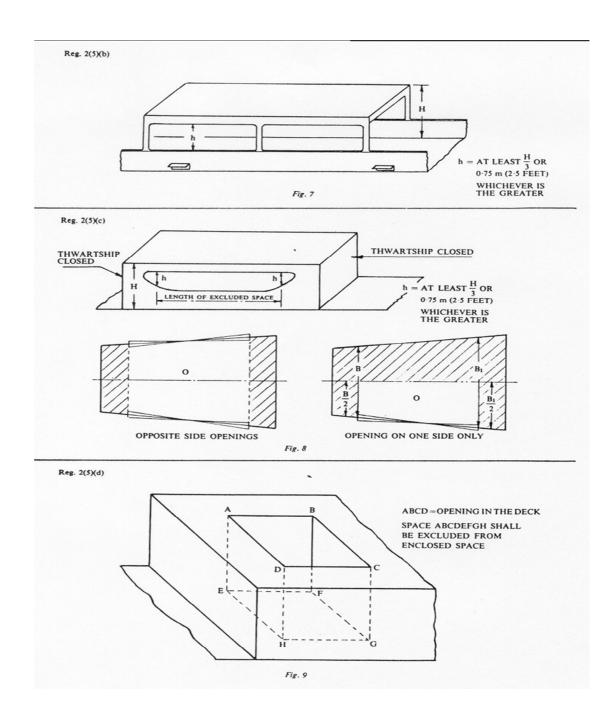
(regulation 2)

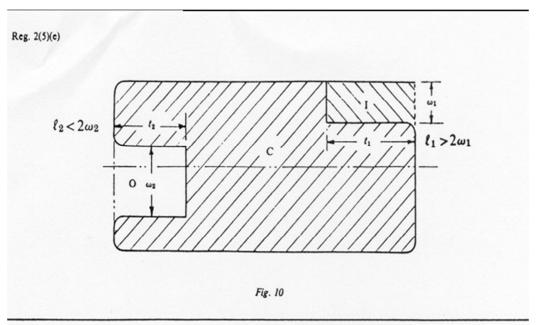
EXCLUDED SPACES IN REGULATION 2

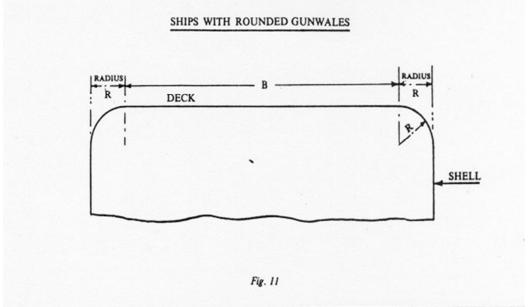
In the following figures:

- O ' excluded space; C ' enclosed space; I ' space to be considered as an enclosed space. (Hatched- in parts to be included as enclosed spaces);
- B ' breadth of the deck in way of the opening. (In ships with rounded gunwales the breadth is measured as indicated in Figure 11).









SECOND SCHEDULE

(regulations 6,7 and 8)

Coefficients K_1 and K_2 Referred to in Regulations 6, 7 and 8

V or V_c ' Volume in cubic metres; Coefficients K_1 or K_2 at intermediate values of V or Vc shall be obtained by linear interpolation.

V or Va	K ₁ or K ₂	V or V _E	K1 or K1	V or Ve	K ₁ or K ₂	V or V _c	K ₁ or K
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	0.317
70	0.2369	75 000	0.2975	390 000	0.3118	730 000	0.317
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	0.317
100	0.2400	90 000	0.2991	420 000	0.3125	760 000	0.317
200	0.2460	95 000	0.2996	430 000	0.3127	770 000	0.317
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	0.318
600	0.2556	130 000	0.3023	470 000	0.3134	810 000	0.318
700	0.2569	140 000	0-3029	480 000	0.3136	820 000	0.318
800	0.2581	150 000	0.3035	490 000	0.3138	830 000	0.318
900	0.2591	160 000	0.3041	500 000	0.3140	840 000	0.318
1000	0.2600	170 000	0.3046	510 000	0.3142	850 000	0.318
2 000	0.2660	180 000	0.3051	520 000	0.3143	860 000	0.318
3 000	0.2695	190 000	0.3056	530 000	0.3145	870 000	0.318
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	0.319
6 000	0.2756	220 000	0.3068	560 000	0.3150	900 000	0.319
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	0.319
10 000	0.2800	260 000	0.3083	600 000	0.3156	940 000	0.319
15 000	0.2835	270 000	0.3086	610 000	0.3157	950 000	0.319
20 000	0.2860	280 000	0.3089	620 000	0.3158	960 000	0.319
25 000	0.2880	290 000	0.3092	630 000	0.3160	970 000	0.319
30 000	0.2895	300 000	0.3095	640 000	0.3161	980 000	0.319
35 000	0.2909	310 000	0.3098	650 000	0.3163	990 000	0.319
10 000	0.2920	320 000	0.3101	660 000	0.3164	1 000 000	0.320