

I CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1948

Note: The Philippines was an original signatory to this Convention. It was concurred in by the Senate, SJR. No. 94, May 22, 1952. The Philippine instrument of acceptance was signed by the President, August 27, 1952 and was deposited with the Government of the U.K., October 2, 1952. It entered into force, November 19, 1952. It was proclaimed by the President, Proc. No. 366, s. 1953.

Reference: This Convention is also published In 164 UNTS, p. 113. The Presidential proclamation of the Convention is published in 49 O.G., p. 428 (Feb. 1953).

ARTICLE I

(a) The Contracting Governments undertake to give effect to the provisions of the present Convention and of the Regulations annexed thereto, which shall be deemed to constitute an integral part of the present Convention. Every reference to the present Convention implies at the same time a reference to these Regulations.

(b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

ARTICLE II

The ships to which the present Convention applies are ships registered in countries the Governments of which are Contracting Governments, and ships registered in territories to which the present Convention is extended under Article XIII.

ARTICLE III

LAWS, REGULATIONS, REPORTS

The Contracting Governments undertake to communicate to the Intergovernmental Maritime Consultative Organization (hereinafter called the Organization—

(a) the text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;

(b) all available official reports or official summaries of reports in so far as they show the results of the provisions of the present Convention, provided always that such reports or summaries are not of a confidential nature; and

(c) a sufficient number of specimens of their Certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

ARTICLE IV

CASES OF FORCE MAJEURE

(a) No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.

(b) Persons who are on board a ship by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

ARTICLE V

CARRIAGE OF PERSONS IN EMERGENCY

(a) For the purpose of moving persons from any territory in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.

(b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

(c) Notice of any such permission, together with a statement of the circumstances, shall be sent to the Organization, by the Contracting Government granting such permission.

ARTICLE VI

SUSPENSION IN CASE OF WAR

(a) In case of war. Contracting Governments which consider that they are affected, whether as belligerents or as neutrals, may suspend the whole or any part of the Regulations annexed hereto. The suspending Government shall immediately give notice of such suspension to the Organization.

(b) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Government when such ships are within their ports.

(c) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organization.

(d) The Organization shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

ARTICLE VII

PRIOR TREATIES AND CONVENTIONS

(a) As between the Contracting Governments the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on the 31st May, 1929.

(b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, 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:—

(i) ships to which the present Convention does not apply;

(ii) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(c) 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.

(d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

ARTICLE VIII

SPECIAL RULES DRAWN UP BY AGREEMENT

When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Organization for circulation to all Contracting Governments.

ARTICLE IX

AMENDMENTS

(a) (i) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(ii) Upon the request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(b) (i) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization (hereinafter called the Assembly), upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization (hereinafter called the Maritime Safety Committee), shall be communicated by the Organization to all Contracting Governments for their acceptance.

(ii) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(c) (i) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Governments shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(ii) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(d) Any amendment communicated to Contracting Governments for their acceptance under paragraph (b) or (c) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments including two-thirds of the Governments represented on the Maritime Safety Committee.

(e) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (c) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (d) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(f) Any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships the keels of which are laid after the date on which the amendment comes into force.

(g) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(h) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization, which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

ARTICLE X

SIGNATURE AND ACCEPTANCE

(a) The present Convention shall remain open for acceptance and Governments of States may become parties to the Convention by:—

(i) signature without reservation as to acceptance;

(ii) signature subject to acceptance followed by acceptance; or

(iii) acceptance.

(b) Acceptance shall be effected by the deposit of an instrument with the Organization, which shall inform all Governments that have already accepted the Convention of each acceptance received and of the date of its receipt.

ARTICLE XI

COMING INTO FORCE

(a) The present Convention shall come into force on the 1st January, 1951, provided that, at least 12 months before that date, not less than 15 acceptances, including 7 by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Articles X and XV.

(b) Should 15 acceptances in accordance with paragraph (a) of this Article not have been deposited 12 months before the 1st January, 1951, the present Convention shall come into force 12 months after the date on which the last of such acceptances is deposited. The Organization shall inform all Governments which have signed or accepted the present Convention of the date on which it comes into force.

(c) Acceptances deposited after the date on which the present Convention comes into force shall take effect three months after the date of their deposit.

ARTICLE XII

DENUNCIATION

(a) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention comes into force for that Government.

(b) Denunciation shall be effected by a notification in writing addressed to the Organization which shall notify all the other Contracting Governments of any denunciation received and of the date of its receipt.

(c) A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Organization.

ARTICLE XIII

TERRITORIES

(a) (i) The United Nations in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, may at any time by notification in writing given to the Organization declare that the present Convention shall extend to such territory.

(ii) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(b) (i) The United Nations or any Contracting Government which has made a declaration under paragraph (a) of this Article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by a notification in writing given to the Organization declare that the present Convention shall cease to extend to any such territory named in the notification.

(ii) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Organization.

(c) The Organization shall inform all the Contracting Governments of the extension of the present Convention to any territories under paragraph (a) of this Article, and of the termination of any such extension under the provisions of paragraph (b), stating in each case the date from which the present Convention has been or will cease to be so extended.

ARTICLE XIV

REGISTRATION

As soon as the present Convention comes into force it shall be registered by the Organization with the Secretary-General of the United Nations.

ARTICLE XV

INTERIM ARRANGEMENTS

(a) Unless and until the Organization, in accordance with the Convention on the Inter-Governmental Maritime Consultative Organization signed at Geneva on the 6th March, 1948, takes over the duties assigned to it under the present Convention, the following provisions shall apply:—

(i) All duties which are assigned to the Organization, other than those set forth in Article IX, shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the Government of the United Kingdom).

(ii) Amendments to the present Convention may be proposed at any time by any Contracting Government to the Government of the United Kingdom and such proposals shall be communicated by the latter to the other Contracting Governments for their consideration and acceptance. If any such amendment is unanimously accepted by the Contracting Governments, the present Convention shall be amended accordingly.

(iii) A Conference for the purpose of revising the present Convention shall be convened by the Government of the United Kingdom whenever, after the present Convention has been in force for five years, one-third of the Contracting

Governments express a desire to that effect.

(iv) The present Convention shall be deposited in the Archives of the Government of the United Kingdom, which shall transmit certified true copies thereof to all Signatory Governments.

(b) When the Organization takes over the duties assigned to it under the present Convention, the Government of the United Kingdom will transmit to the Organization any documents which Have been deposited with or received by the Governments of the United Kingdom under the present Convention.

In witness whereof the undersigned Plenipotentiaries have signed the present Convention.

Done in London this tenth day of June, 1948, in a single copy, in English and French each equally authoritative.

CHAPTER I.—GENERAL PROVISIONS

PART A.—APPLICATION, DEFINITIONS, &C.

REGULATION I

APPLICATION

(a) Unless expressly provided otherwise, the present Regulations apply only to ships engaged on international voyages.

(b) The classes of ships to which each Chapter applies are more precisely defined, and the extent of the application is shown, in each Chapter.

REGULATION 2

DEFINITIONS

For the purpose of the present Regulations, unless expressly provided otherwise:—

(a) "Regulations" means the Regulations referred to in Article I (a) of the present Convention.

(b) "Administration" means the Government of the country in which the ship is registered.

(c) "Approved" means approved by an Administration.

(d) "International voyage" means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and 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.

(e) A passenger is every person other than:—

(i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(ii) a child under one year of age.

(f) A passenger ship is a ship which carries more than 12 passengers.

(g) A cargo ship is any ship which is not a passenger ship.

(h) A tanker is a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

(i) "New ship" means a ship the keel of which is laid on or after the date of coming into force of the present Convention.

(j) "Existing ship" means a ship which is not a new ship.

(k) A mile is 6,080 feet or 1,852 meters.

REGULATION 3

EXCEPTIONS

(a) The present Regulations, unless expressly provided otherwise, do not apply:—

(i) Ships of war and troopships.

(ii) Cargo ships of less than 500 tons gross tonnage,

(iii) Ships not propelled by mechanical means,

(iv) Wooden ships of primitive build, such as dhows, junks, &c.

(v) Pleasure yachts not engaged in trade,

(vi) Fishing vessels.

(b) Notwithstanding any provisions of the present Regulations, nothing herein shall apply to ships solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

REGULATION 4

EXEMPTIONS

(a) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present Regulations provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.

(b) Each Administration shall submit to the Organization as soon as possible after the 1st of January each year a report showing the number of voyages of this nature for which exemptions have been granted in the previous calendar year.

REGULATION 5

EQUIVALENTS

(a) Where in the present Regulation it is provided that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, an Administration may accept in substitution therefore any other fitting, appliance or apparatus, or type thereof, or any other arrangement, provided that the Administration shall have been satisfied by suitable trials that the fitting, appliance or apparatus, or type thereof, or the arrangement substituted is at least as effective as that specified in the present Regulations.

(b) Any Administration which so accepts, in substitution, a fitting, appliance or apparatus, or type thereof, or other arrangement, shall inform the Organization, and, upon request, shall communicate to the Organization particulars thereof together with a report on the trials made.

PART B.—SURVEYS AND CERTIFICATES

REGULATION 6

INSPECTION AND SURVEY

The inspection and survey of ships, so far as regards the enforcement of the provisions of the present Regulations and the granting of exemptions there from, shall be carried out by officers of the country in which the ship is registered, provided that the Government of each country may entrust the inspection and survey either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

REGULATION 7

INITIAL AND SUBSEQUENT SURVEYS OF PASSENGER SHIPS

(a) A passenger ship shall be subjected to the surveys specified below:—

- (i) A survey before the ship is put in service,
- (ii) A periodical survey once every 12 months.
- (iii) Additional surveys, as occasion arises.

(b) The surveys referred to above shall be carried out as follows:

(i) The survey before the ship is put in service shall include a complete inspection of its structure, machinery and equipments, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, material, and scantlings of the structure, boilers and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, life saving appliances, fire detecting and extinguishing appliances, and other equipments, fully comply with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipments is in all respects satisfactory.

(ii) The periodical survey shall include an inspection of the structure, boilers, machinery and equipments, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the structure, boilers and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, life saving appliances, fire detecting and extinguishing appliances, and other equipments, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

(iii) A survey either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life saving appliances or other equipments, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the present Convention and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

(c) (i) The laws, decrees, orders and regulations referred to in paragraph (b) shall be in all respects such as to ensure that, from the point of view of safety of life, the ship is fit for the service for which it is intended.

(ii) They shall among other things prescribe the requirements to be observed as to the initial and subsequent hydraulic tests to which the main and auxiliary boilers, connections, steam pipes, high pressure receivers, and fuel tanks for internal combustion engines are to be submitted, including the test pressure to be applied and the intervals between two consecutive tests.

(d) The main and auxiliary boilers, connections, tanks and receivers, also steam-piping of more than 3 inches (or 76 millimeters) internal diameter shall be satisfactorily tested by hydraulic pressure when new. Steam pipes of more than 3 inches (or 76 millimeters) internal diameter shall be tested by hydraulic pressure periodically.