

1969 INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS

Signed in London, United Kingdom on 23 June 1969

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THE CONTRACTING GOVERNMENTS,

DESIRING to establish uniform principles and rules with respect to the determination of tonnage of ships engaged on international voyages;

CONSIDERING that this end may best be achieved by the conclusion of a Convention;

HAVE AGREED as follows:

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;
- (4) "gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the present Convention;
- (5) "net tonnage" means the measure of the useful capacity of a ship determined in accordance with the provisions of the present Convention;
- (6) "new ship" means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the present Convention;
- (7) "existing ship" means a ship which is not a new ship;
- (8) "length" means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

(9) "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE 3 APPLICATION

(1) The present Convention shall apply to the following ships engaged on international voyages;

- (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 20; 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:

- (a) new ships;
- (b) existing ships which undergo alterations or modifications which the Administration deems to be a substantial variation in their existing gross tonnage;
- (c) existing ships if the owner so requests; and
- (d) all existing ships, twelve years after the date on which the Convention comes into force, except that such ships, apart from those mentioned in (b) and (c) of this paragraph, shall retain their then existing tonnages for the purpose of the application to them of relevant requirements under other existing International Conventions.

(3) Existing ships to which the present Convention has been applied in accordance with sub-paragraph (2)(c) of this Article shall not subsequently have their tonnages determined in accordance with the requirements which the Administration applied to ships on international voyages prior to the coming into force of the present Convention.

ARTICLE 4 EXCEPTIONS

(1) The present Convention shall not apply to:

- (a) ships of war; and
- (b) ships of less than 24 metres (79 feet) in length.

(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 63W;
- (b) the Caspian Sea; or
- (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.

ARTICLE 5
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 6
DETERMINATION OF TONNAGES

The determination of gross and net tonnages shall be carried out by the Administration which may, however, entrust such determination either to persons or organizations recognized by it. In every case the Administration concerned shall accept full responsibility for the determination of gross and net tonnages.

ARTICLE 7
ISSUE OF CERTIFICATE

- (1) An International Tonnage Certificate (1969) shall be issued to every ship, the gross and net tonnages 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 shall assume full responsibility for the certificate.

ARTICLE 8
ISSUE OF CERTIFICATE BY ANOTHER GOVERNMENT

- (1) A Contracting Government may, at the request of another Contracting Government, determine the gross and net tonnages 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 validity and receive the same recognition as a certificate issued under Article 7.
- (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 9
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 correspond to that of the model given in Annex II.

ARTICLE 10 CANCELLATION OF CERTIFICATE

- (1) Subject to any exceptions provided in the Regulations, an International Tonnage Certificate (1969) shall cease to be valid and shall be cancelled by the Administration if alterations have taken place in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate, assigned load line or permitted draught of the ship, such as would necessitate an increase in gross tonnage or net tonnage.
- (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.
- (3) Upon transfer of a ship to the flag of another State the Government of which is a Contracting Government, the International Tonnage Certificate (1969) shall remain in force for a period not exceeding three months, or until the Administration issues another International Tonnage Certificate (1969) to replace it, whichever is the earlier. The Contracting Government of the State whose flag the ship was flying hitherto shall transmit to the Administration as soon as possible after the transfer takes place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

ARTICLE 11 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 validity as certificates issued by them.

ARTICLE 12 INSPECTION

- (1) A ship flying the flag of a State the Government of which is a Contracting Government shall be 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 verifying:
 - (a) that the ship is provided with a valid International Tonnage Certificate (1969); and
 - (b) that the main characteristics 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 main characteristics of the ship differ from those entered on the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the Government of the State whose flag the ship is flying shall be informed without delay.

ARTICLE 13 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 14
PRIOR TREATIES, CONVENTIONS AND ARRANGEMENTS

- (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.

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, orders, decrees, 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 23 June 1969, 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 23 June 1969.

ARTICLE 17 COMING INTO FORCE

- (1) The present Convention shall come into force twenty-four months after the date on which not less than twenty-five Governments of States the combined merchant fleets of which constitute not less than sixty-five per cent of the gross tonnage of the world's merchant shipping have signed without reservation as to acceptance or deposited instruments of acceptance or accession in accordance with Article 16. The Organization shall inform all Governments which have signed or acceded to the present Convention of the date on which it comes into force
- (2) For Governments which have deposited an instrument of acceptance of or accession to the present Convention during the twenty-four months mentioned in paragraph (1) of this Article, the acceptance or accession shall take effect on the coming into force of the present Convention or three months after the date of deposit of the instrument of acceptance or accession, whichever is the later date.
- (3) For Governments which have deposited an instrument of acceptance of or accession to the present Convention after the date on which it comes into force, the Convention shall come into force three months after the date of the deposit of such instrument.
- (4) After the date on which all measures required to bring an amendment to the present Convention into force have been completed, or all necessary acceptances are deemed to have been given under sub-paragraph (b) of paragraph (2) of Article 18 in case of amendment by unanimous acceptance, any instrument of acceptance or accession deposited shall be deemed to apply to the Convention as amended.

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.
- (3) Amendment after consideration in the Organization:
 - (a) Upon the request of a Contracting Government, any amendment proposed by it to the present Convention will be considered in the Organization. If adopted by a majority of two-thirds of those present and voting in the Maritime Safety Committee of the Organization, such amendment shall be communicated to all Members of the Organization and all Contracting Governments at least six months prior to its consideration by the Assembly of the Organization.
 - (b) If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Organization to all Contracting Governments for their acceptance.

- (c) Such amendment shall come into force twelve months after the date on which it is accepted by two-thirds of the Contracting Governments. The amendment shall come into force with respect to all Contracting Governments except those which, before it comes into force, make a declaration that they do not accept the amendment.
 - (d) The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the Governments represented on the Maritime Safety Committee and present and voting in the Assembly, may propose a determination at the time of its adoption that an amendment is of such an important nature that any Contracting Government which makes a declaration under sub-paragraph (c) of this paragraph and which does not accept the amendment within a period of twelve months after it comes into force, shall cease to be a party to the present Convention upon the expiry of that period. This determination shall be subject to the prior acceptance of two-thirds of the Contracting Governments.
 - (e) Nothing in this paragraph shall prevent the Contracting Government which first proposed action under this paragraph on an amendment to the present Convention from taking at any time such alternative action as it deems desirable in accordance with paragraphs (2) or (4) of this Article.
- (4) Amendment by a conference:
- (a) Upon the request of a Contracting Government, concurred in by at least one-third of the Contracting Governments, a conference of Governments will be convened by the Organization to consider amendments to the present Convention.
 - (b) Every amendment adopted by such a conference by a two-thirds majority of those present and voting of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.
 - (c) Such amendment shall come into force twelve months after the date on which it is accepted by two-thirds of the Contracting Governments. The amendment shall come into force with respect to all Contracting Governments except those which, before it comes into force, make a declaration that they do not accept the amendment.
 - (d) By a two-thirds majority of those present and voting, a conference convened under sub-paragraph (a) of this paragraph may determine at the time of its adoption that an amendment is of such an important nature that any Contracting Government which makes a declaration under sub-paragraph (c) of this paragraph, and which does not accept the amendment within a period of twelve months after it comes into force, shall cease to be a Party to the present Convention upon the expiry of that period.
- (5) The Organization shall inform all Contracting Governments of any amendments which may come into force under this Article, together with the date on which each such amendment will come into force.
- (6) Any acceptance or declaration under this Article shall be made by the deposit of an instrument with the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

ARTICLE 19 DENUNCIATION

- (1) 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.

- (2) Denunciation shall be effected by the deposit of an instrument with the Organization which shall inform all the other Contracting Governments of any such denunciation received and of the date of its receipt.
- (3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Organization.

ARTICLE 20 TERRITORIES

- (1) (a) 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, shall as soon as possible consult with such territory or take such measures as may be appropriate in an endeavour to extend the present Convention to that territory and may at any time by notification in writing to the Organization declare that the present Convention shall extend to such territory.

(b) The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.
- (2) (a) The United Nations, or any Contracting Government which has made a declaration under subparagraph (a) of paragraph (1) 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 notification in writing to the Organization declare that the present Convention shall cease to extend to any such territory named in the notification.

(b) 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.
- (3) The Organization shall inform all the Contracting Governments of the extension of the present Convention to all territories under paragraph (1) of this Article, and of the termination of any such extension under the provisions of paragraph (2) stating in each case the date from which the present Convention has been or will cease to be so extended.

ARTICLE 21 DEPOSIT AND REGISTRATION

- (1) The present Convention shall be deposited with the Organization and the Secretary-General of the Organization shall transmit certified true copies thereof to all Signatory Governments and to all Governments which accede to the present Convention.
- (2) As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

**ARTICLE 22
LANGUAGES**

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at London this twenty-third day of June 1969.