

TONNAGE MEASUREMENT REGULATIONS
(19 F.S.M.C. § 402)

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TONNAGE MEASUREMENT REGULATIONS

(Section 402 of the National Maritime Act, 1997)

PART 1 GENERAL PROVISIONS

1.1 Authority - These Regulations are promulgated by the Secretary of Transportation, Communications and Infrastructure pursuant to Section 402, Chapter 4 of Title 19 of the Code of the Federated States of Micronesia and provide for the ascertainment of the tonnage of vessels, the issuance of tonnage certificates and the implementation of the Tonnage Measurement Convention as required by Chapter 4.

1.2 Short Title - These Regulations shall be cited as the Tonnage Measurement Regulations.

PART 2 IMPLEMENTATION OF TONNAGE MEASUREMENT CONVENTION

2.1 Application of Part - In this Part, 'vessel' means a Tonnage Measurement Convention ship.

2.2 Tonnage Measurement Convention Ships - The gross tonnage and net tonnage of a Tonnage Measurement Convention ship shall be ascertained by a surveyor or a classification society appointed by the Secretary under Section 312(1), Title 19 of the Code of the Federated States of Micronesia in accordance with the Regulations set down in Annex I of the Tonnage Measurement Convention.

2.3 Issue of International Tonnage Certificate - Before registration, a surveyor shall inspect a vessel and ascertain its gross tonnage and net tonnage in accordance with section 2.2 hereof. Based on the surveyor's report, the Principal Surveyor shall issue to the vessel an International Tonnage Certificate in the form prescribed in Schedule 1.

2.4 Duly Authorized Officer - For the purposes of Article 12 of the Tonnage Measurement Convention, 'officer duly authorized' means an officer who:

(a) is a surveyor; and

(b) has been appointed by the Secretary in accordance with Section 312(1), Title 19 of the Code of the Federated States of Micronesia to exercise the powers specified in that Article.

**PART 3 MEASUREMENT OF VESSELS OTHER THAN TONNAGE
MEASUREMENT CONVENTION SHIPS**

3.1 Application of Part - In this Part, 'vessel' does not include a Tonnage Measurement Convention ship.

3.2 Measurement of Vessels Other Than Tonnage Measurement Convention Ships - A surveyor or a classification society acting on behalf of the Administration shall ascertain the gross tonnage and net tonnage of a vessel in accordance with an approved method currently applicable to the vessel in respect of its measurement as may be determined by the Principal Surveyor.

3.3 Issue of Federated States of Micronesia Tonnage Certificate - A surveyor shall inspect a vessel and ascertain its tonnage in accordance with section 3.2 hereof. Based on the surveyor's report, the Principal Surveyor shall issue to the vessel a Federated States of Micronesia Tonnage Certificate in the form prescribed in Schedule 2.

**PART 4 FOREIGN VESSELS WITHIN THE FSM OR THE TERRITORIAL
WATERS THEREOF**

4.1 Acceptance of Foreign Tonnage Certificate

- (a) An International Tonnage Certificate (1969) issued under the authority of another Contracting Government to a foreign vessel in accordance with the Convention shall be accepted and regarded for all purposes covered by the Convention as having the same validity as one issued under Part 2 of these Regulations. While such a vessel is within the Federated States of Micronesia or the territorial waters thereof it may be subject to inspection by a person duly authorized for the purpose in order to verify that:
 - (i) the vessel is provided with a valid International Tonnage Certificate (1969), and
 - (ii) the main characteristics of the vessel correspond to the data given in the certificate.
- (b) Any such inspection shall not cause any delay to the vessel.
- (c) If the inspection reveals that the main characteristics of the vessel differ from those entered in the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the

Administration of the State whose flag the vessel is flying shall be informed without delay.

4.2 Ascertainment of Tonnage and Certification

- (a) The Principal surveyor may at the request of the Administration of a Contracting Government, ascertain the gross and net tonnages of a foreign vessel in accordance with Part 2 of these Regulations 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 vessel 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.
- (b) The Principal Surveyor may, at the request of an owner of a foreign vessel flying the flag of a State the Government of which is not a Contracting Party, ascertain the gross and net tonnages of the vessel either in accordance with section 2.2 or 3.2, and issue to the owner of that vessel a Certificate of FSM Tonnage Measurement. In such cases the certificate will bear the endorsement: "For use only while within the Federated States of Micronesia or the territorial waters thereof".

PART 5 SITUATIONS AFFECTING ISSUANCE OF TONNAGE CERTIFICATES

5.1 Alterations or Modifications of Existing Vessels

- (a) Where alterations or modifications are made to an existing registered vessel which has substantially changed its existing tonnage, the owner or master of the vessel shall report such alterations or modifications to the Principal Surveyor, request for remeasurement of the vessel's tonnage and surrender for cancellation all the certificates of the vessel which have been affected by the alterations or modifications.
- (b) Where the provisions of paragraph (a) have been satisfied, the Principal Surveyor shall cause the altered or modified vessel to be remeasured in accordance with section 2.2 of these Regulations if the vessel is a Tonnage Measurement Convention ship, or in accordance with section 3.2 of these Regulations if the vessel is a non-Convention ship.
- (c) For the purposes of this section and paragraph 2(b) of Article 3 of the Tonnage Measurement Convention, alterations or modifications to a vessel which cause a variation of ten percent (10%) or more in the existing gross tonnage of the vessel shall be deemed to be a substantial variation in that tonnage.

5.2 Issuance of Tonnage Certificate - An existing vessel which has been remeasured in consequence of alterations or modifications provided in section 5.1 shall be issued a tonnage certificate in accordance with either section 2.3 or 3.3, whichever is applicable, based on the surveyor's report.

PART 6 FEES AND PENALTIES

6.1 Fees - The fee for the measurement and remeasurement of tonnage of vessels shall be those specified in Schedule 7 of the Vessel Registration Regulations.

6.2 Penalties

- (a) Any owner or master who fails without reasonable cause to deliver a certificate for cancellation as required by these Regulations shall be guilty of an offense and liable upon conviction to a fine not exceeding \$50,000.00.
- (b) If goods or stores are carried in a permanently closed in space on board a vessel, the master and the owner of the vessel shall each be liable to a fine not exceeding \$50,000.00.

**Schedule 1
International Tonnage Certificate**

Certificate No.

International Tonnage Certificate (1969)

Issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, under the authority of the Government of the Federated States of Micronesia

For which the Convention came into force on

<i>Name of Ship</i>	<i>Distinctive Number of Letters</i>	<i>Port of Registry</i>	<i>*Date</i>

** Date on which the keel was laid or the ship was at a similar stage of construction (Article 2(b), or date on which the ship underwent alteration or modification of a major character (Article 3(2)(b)).*

MAIN DIMENSIONS

Length (Article 2(8))	Breadth (Regulation 2(3))	Moulded Depth Amidships To Upper Deck (Regulation 2(3))

TONNAGE OF THE SHIP ARE:

GROSS TONNAGE

NET TONNAGE

This is to certify that the tonnage of this ship have been determined in accordance with the provisions of the International Convention of Tonnage Measurement of Ships, 1969.

Issued at on

The undersigned declares that the Division of Marine Transportation of the Department of Transportation, Communications and Infrastructure of the Federated States of Micronesia National Government is duly authorized by the said Government to issue this certificate.

.
Surveyor
Division of Marine Transportation

Certificate No.

SPACES INCLUDED IN TONNAGE					
GROSS TONNAGE			NET TONNAGE		
Name of Space	Location Frames	Length Meters	Name of Space	Location Frames	Length Meters
EXCLUDED SPACE (Regulation 2(5))			NUMBER OF PASSENGERS (Regulation 4(1))		
An asterick (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.			Number of passengers in cabins with not more than 8 berths		
			Number of other passengers		
			MOULDED DRAUGHT (Regulation 4 (2))		
Date and place of original measurement					
Date and place of last previous re-measurement					
Remarks					

Schedule 2 Federated States of Micronesia Tonnage Certificate

INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969

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 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 meters (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 63° West;
 - (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, Convention 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 of 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 of 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 in 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 the 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 *Amendment*

(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 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 endeavor 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 any 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.

* Signatures omitted

ANNEX I

REGULATIONS FOR DETERMINING GROSS AND NET TONNAGES OF SHIPS

Regulation 1

General

- (1) The tonnage of a ship shall consist of gross tonnage and net tonnage.
- (2) The gross tonnage and the net tonnage shall be determined in accordance with the provisions of these Regulations.
- (3) The gross tonnage and the net tonnage of novel types of craft whose constructional features are such as to render the application of the provisions of these Regulations unreasonable or impracticable shall be as determined by the Administration. Where the tonnage is so determined, the Administration shall communicate to the Organization details of the method used for that purpose, for circulation to the Contracting Governments for their information.

Regulation 2

Definitions of Terms used in the Annexes

(1) *Upper Deck*

The upper deck is the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of 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. 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 is taken as the upper deck.

(2) *Moulded Depth*

(a) The moulded depth is the vertical distance measured from the top of the keel to the underside of the upper deck at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(b) In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design.

(c) Where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(3) *Breadth*

The breadth is 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.

4 *Enclosed Spaces*

Enclosed spaces are all those spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed space.

(5) *Excluded Spaces*

Notwithstanding the provisions of paragraph (4) of this Regulation, the spaces referred to in subparagraphs (a) to (e) inclusive of this paragraph shall be called excluded spaces and shall not be included in the volume of enclosed spaces, except that any such space which fulfils at least one of the following three conditions shall be treated as an enclosed space:

- the space is fitted with shelves or other means for securing cargo or stores;
- the openings are fitted with any means of closure;
- the construction provides any possibility of such openings being closed:

(a) (i) A space within an erection opposite an end opening extending from deck to deck except for a curtain plate of a depth not exceeding by more than 25 millimetres (one inch) the depth of the adjoining deck beams, such opening having a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening of the space. This provisions shall be applied so as to exclude from the enclosed spaces only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one half of the width of the deck at the line of the opening (Figure 1 in Appendix 1).

(a) (ii) Should the width of the space because of any arrangement except by convergence of the outside plating, become less than 90 per cent of the breadth of the deck, only the space between the line of the opening and a parallel line drawn through the point where the athwartships width of the space becomes equal to, or less than, 90 per cent of the breadth of the deck shall be excluded from the volume of enclosed spaces (Figures 2, 3 and 4 in Appendix 1).

(a) (iii) Where an interval which is completely open except for bulwarks or open rails separates any two spaces, the exclusion of one or both of which is permitted under sub-paragraphs (a) (i) and/or (a) (ii), such exclusion shall not apply if the separation between the two spaces is less than the least half breadth of the deck in way of the separation (Figures 5 and 6 in Appendix 1).

(b) A space under an overhead deck covering open to the sea and weather, having no other connexion on the exposed sides with the body of the ship than the stanchions necessary for its support. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 meters (2.5 feet) or one-third of the height of the space, whichever is the greater (Figure 7 in Appendix 1).

(c) A space in a side-to-side erection directly in way of opposite side openings not less in height than 0.75 metres (2.5 feet) or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening (Figure 8 in Appendix 1).

(d) A space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening (Figure 9 in Appendix 1)

(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, provided 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 (Figure 10 in Appendix 1).

(6) *Passenger*

A passenger is every person other than:

(a) 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

(b) a child under one year of age.

(7) *Cargo Spaces*

Cargo spaces to be included in the computation of net tonnage are enclosed spaces appropriated for the transport of cargo which is to be discharged from the ship, provided that such spaces have been included in the computation of gross tonnage. Such cargo spaces shall be certified by permanent marking with the letters CC (cargo compartment) to be so positioned that they are readily visible and not be less than 100 millimetres (4 inches) in height.

Regulation 3
Gross Tonnage

The gross tonnage (GT) of a ship shall be determined by the following formula:

$$GT = K_1 V$$

where: V = Total volume of all enclosed spaces of the ship in cubic metres,
 K = $0.2 + 0.02 \log_{10} V$ (or as Tabulated in Appendix 2).

Regulation 4
Net Tonnage

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

$$NT = K_2 V_c (4d/3D)^2 + K_3 (N_1 + N_2/10),$$

in which formula:

- (a) the factor $(4d/3D)^2$ shall not be taken as greater than unity;
- (b) the term $K_2 V_c (4d/3D)^2$ shall not be taken as less than 0.25 GT; and
- (c) NT shall not be taken as less than 0.30 GT,
and in which:

V_c = total volume of cargo spaces in cubic meters,

$K_2 = 0.2 + 0.02 \log_{10} V_c$ (or as tabulated in Appendix 2);

$K_3 = 1.25 [(GT + 10,000)/10,000]$,

D = moulded depth amidships in metres as defined in Regulation 2(2),

d = moulded draught amidships in metres as defined in paragraph (2) of this Regulation,

N_1 = number of passengers in cabins with not more than 8 berths,

N_2 = number of other passengers,

$N_1 + N_2$ = total number of passengers the ship is permitted to carry as indicated in the ship's passengers certificate; when $N_1 + N_2$ is less than 13, N_1 and N_2 shall be taken as zero,

GT = gross tonnage of the ship as determined in accordance with the provisions of Regulation 3.

(2.) The moulded draught (d) referred to in paragraph (1) of this Regulation shall be one of the following draughts:

(a) for ships to which the International Convention on Load Lines in force applies, the draught corresponding to the Summer Load Line (other than timber load lines) assigned in accordance with that Convention;

(b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with the International Convention for the Safety of Life at Sea in force or other international agreement where applicable;

(c) for ships to which the International Convention on Load Lines does not apply but which have been assigned a load line in compliance with national requirements, the draught corresponding to the summer load line so assigned;

(d) for ships to which no load line has been assigned but the draught of which is restricted in compliance with national requirements, the maximum permitted draught;

(e) for other ships, 75 per cent of the moulded depth amidships as defined in Regulation 2(2).

Regulation 5

Change of Net Tonnage

(1) When the characteristics of a ship, such as V , V_c , d , N_1 or N_2 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 without delay.

(2) A ship to which load lines referred to in sub-paragraphs (2) (a) and (2) (b) 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.

(3) When the characteristics of a ship such as V , V_c , d , N_1 or N_2 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) incorporating the net tonnage so determined shall not be issued until twelve months have elapsed from the date on which the current Certificate was issued; provided that this requirement shall not apply:

(a) if the ship is transferred to the flag on another State, or

(b) if the ship undergoes alterations or modifications which are deemed by the Administration to be of a major character, such as the removal of a superstructure which requires an alteration of the assigned load line, or

(c) 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.

Regulation 6

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 surfaces in ships constructed of metal, and to the outer surface of the shell or to the inner side of 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 may be excluded from the total volume.

Regulation 7

Measurement and Calculation

(1) All measurement used in the calculation of volumes shall be taken to the nearest centimetre or one-twentieth of a foot.

(2) The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Administration.

(3) The calculation shall be sufficiently detailed to permit easy checking.

ANNEX II

CERTIFICATE

INTERNATIONAL TONNAGE CERTIFICATE (1969)

(Official Seal)

Issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, under the authority of the Government of

.....

.....
(full official designation of country)

for which the Convention came into force

on.....19.....

by.....

(full official designation of the competent person or organization recognized under the provisions of the international Convention on Tonnage Measurement of Ships, 1969)

Name of Ship	Distinctive Number of Letters	Port of Registry	*Date

* Date on which the keel was laid or the ship was at a similar stage of construction (Article 2(6)), or date on which the ship underwent alterations or modifications of a major character (Article 3(2)(b)), as appropriate.

MAIN DIMENSIONS

Length (Article 2(8))	Breadth (Regulation 2(3))	Moulded Depth amidships to Upper Deck (Regulation 2(2))

THE TONNAGES OF THE SHIP ARE:

GROSS TONNAGE.....

NET TONNAGE.....

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention of Tonnage Measurement of Ships, 1969.

Issued at19.....
(place of issue of certificate) (date of issue)

.....

(signature of official issuing the certificate)

and/or

(seal of issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

.....

(Signature)

Certificate No.

SPACES INCLUDED IN TONNAGE					
GROSS TONNAGE			NET TONNAGE		
Name of Space	Location Frames	Length Meters	Name of Space	Location Frames	Length Meters
EXCLUDED SPACE (Regulation 2(5))			NUMBER OF PASSENGERS (Regulation 4(1))		
An asterick (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.			Number of passengers in cabins with not more than 8 berths		
			Number of other passengers		
			MOULDED DRAUGHT (Regulation 4 (2))		
Date and place of original measurement					
Date and place of last previous re-measurement					
Remarks					

APPENDIX 1

Figures referred to in Regulations 2(5)

APPENDIX 2

COEFFICIENTS K1 AND K2 REFERRED TO IN REGULATIONS 3 AND 4(1)

RECOMMENDATIONS

The following are recommendations adopted by the Conference:

Recommendation 1

Acceptance of the International Convention on Tonnage Measurement of Ships, 1969

The Conference recommends that Governments should accept the International Convention on Tonnage Measurement of Ships, 1969, at as early a date as possible.

Recommendation 2

Uses of Gross and Net Tonnages

The Conference recommends that the gross tonnage and the net tonnage as determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969, should be accepted as the parameters referred to where those terms are used in conventions, laws and regulations, and also as the basis for statistical data relating to the overall size or useful capacity of merchant ships. In addition, recognizing that the transition from existing tonnage measurement systems to the new system provided in the Convention should cause the least possible impact on the economics of merchant shipping and port operations, the Conference recommends that Contracting Governments, port authorities, and all other agencies which use tonnage as a basis for charges should carefully consider which parameter is most appropriate for their use in the light of their present practice.

Recommendation 3

Uniform Interpretation of Definition of Terms

The Conference, recognizing that the definitions of certain terms used in the International Convention on Tonnage Measurement of Ships, 1969, such as "length", "breadth", "passenger" and "weathertight", are identical to those contained in other conventions of which the Inter-Governmental Maritime Consultative Organization is depositary, recommends that Contracting Governments should take steps to ensure that identical definitions of terms used in such conventions are interpreted in a uniform and consistent manner.

APPROVALS

Pursuant to the authority vested in me as Secretary of Transportation, Communications and Infrastructure by sections 103 and 402 of title 19 of the Code of the Federated States of Micronesia, I hereby issue and promulgate these Tonnage Measurement Regulations. These regulations shall become effective upon approval by the President and compliance with title 17 of the Code of the Federated States of Micronesia.

Date: _____

Robert Hadley, Acting Secretary
Department of Transportation,
Communications & Infrastructure

These Tonnage Measurement Regulations have been reviewed by the Department of Justice and found to be in proper legal form.

Date: _____

Paul E. McIlrath, Secretary
Department of Justice

I approve the adoption of these Regulations.

Date: _____

Leo A. Falcam, President
Federated States of Micronesia

EFFECTIVE DATE

The President having approved these regulations, and the requirements of title 17, section 102 of the Code of the Federated States of Micronesia now having been satisfied, I hereby declare that the foregoing Tonnage Measurement Regulations are effective on _____, 2002.

Robert Hadley, Acting Secretary
Department of Transportation, Communications & Infrastructure