

# **SPECIAL TRADE PASSENGER SHIPS AGREEMENT**

## **LONDON, 6.10.1971**

The Governments parties to the present Agreement ;

Being Contracting Governments to the International Convention for the Safety of Life at Sea, 1960, and thereby having undertaken to give effect to the provisions of the Convention;

Considering that the requirements of Chapters II and III of the said Convention could be modified in the case of passenger ships registered in their countries and engaged in the carriage of large numbers of unberthed passengers in special trades;

Recognizing that Regulation 1(e) of Chapter 11 and Regulation 3(b) of Chapter 1II of the said Convention provide as a condition for exemption from the requirements of those Chapters that steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades;

Desiring, in pursuance of the said Regulations, to formulate such general rules prescribing the minimum safety standards which shall be made applicable to the particular circumstances of these trades;

Have agreed as follows:

### **ARTICLE I**

#### **General Obligations under the Agreement**

The Governments parties to the present Agreement undertake to give effect to the provisions of the present Agreement and of the Rules annexed hereto which shall constitute an integral part of the present Agreement. Every reference to the present Agreement constitutes at the same time a reference to the Annex.

### **ARTICLE II**

#### **Application**

(a) The ships to which the present Agreement applies are passenger ships engaged in the special trades and registered in countries the Governments of which are Contracting Governments to the International Convention for the Safety of Life at Sea, 1960 (hereinafter referred to as "the Convention") and parties to the present Agreement and ships registered in territories to which application of the Convention has been extended under Article XIII thereof and application of the present Agreement has been extended under Article IX hereof.

(b) Such ships shall comply with the requirements of the Convention as applicable to passenger ships, subject to such modifications and additions thereto as are set out in the Rules annexed to the present Agreement.

(c) The application to such ships of any revision or amendment of the Convention shall be considered by the Governments parties to the present Agreement and directly interested in the special trades and those Governments shall proceed, if necessary, with the amendment of the present Agreement in accordance with its Article VII.

### **ARTICLE III**

#### **Communication of Information**

The Governments parties to the present Agreement undertake to communicate and deposit with the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as " the Organization " ) :

- (a) the text of laws, decrees, orders, regulations and other instruments which shall have been promulgated on the various matters within the scope of the present Agreement;
- (b) a sufficient number of specimens of their certificate issued under the provisions of the present Agreement for circulation to the Governments parties to the present Agreement and also to Contracting Governments to the Convention; and
- (c) a list of non-governmental agencies which are authorized to act in their behalf in the administration of measures under the present Agreement for circulation to Governments parties to the present Agreement and also to Contracting Governments to the Convention.

### **ARTICLE IV**

#### **Prior Conventions, Agreements and Arrangements**

(a) The present Agreement constitutes the general rules applicable to the particular circumstances of the special trades envisaged in sub-paragraph (e)(ii) of Regulation 1 of Chapter 11 and in sub-paragraph (b)(iv) of Regulation 3 of Chapter III of the Convention.

(b) As between the Governments parties to it, the present Agreement replaces and abrogates the Simla Rules, 1931.

## **ARTICLE V**

### **Signature, Acceptance and Accession**

(a) The present Agreement shall remain open for signature for three months from this day's date and shall thereafter remain open for accession. Contracting Governments to the Convention may become parties to the Agreement by :

- (i) signature without reservation as to acceptance;
- (ii) signature subject to acceptance followed by acceptance; or
- (iii) accession.

(b) Acceptance or accession shall be effected by the deposit of an instrument of acceptance or accession with the Organization which shall inform all other Governments that have signed the present Agreement or acceded to it and Contracting Governments to the Convention of each acceptance or accession deposited and the date of its deposit.

## **ARTICLE VI**

### **Entry into Force**

(a) The present Agreement shall enter into force six months after the date on which three Contracting Governments to the Convention have signed the present Agreement without reservation as to acceptance or deposited instruments of acceptance or accession with the Organization in accordance with Article V hereof; provided that at least two of such Governments shall be Governments of States in whose territory are registered ships engaged in the special trades or whose nationals are carried in ships engaged in these trades.

(b) The Organization shall inform the Governments which have signed without reservation or accepted or acceded to the present Agreement and also Contracting Governments to the Convention of the date on which it enters into force.

(c) For Governments which have deposited an instrument of acceptance or accession during the six months mentioned in paragraph (a) of this Article or after the date on which the present Agreement enters into force the acceptance or accession shall take effect on the entry into force of the Agreement or three months after the date of deposit whichever is the later date.

## ARTICLE VII

### Amendments

- (a) Amendment by Unanimous Agreement:
  - (i) The present Agreement may be amended by unanimous agreement between the Governments parties to it.
  - (ii) Upon the request of any Government party to the present Agreement, a proposed amendment shall be communicated by the Organization to all the Governments parties to the present Agreement for their consideration and acceptance.
  - (iii) Any such amendment shall enter into force six months after the date of its acceptance by all Governments parties to the present Agreement. A Government party to the present Agreement which does not communicate its acceptance or rejection of the amendment to the Organization within twelve months from the date of its communication by the latter under sub-paragraph (ii) of this paragraph shall be deemed to have accepted the amendment.
  
- (b) Amendment by Conference:
  - (i) Upon the request of a Government party to the present Agreement, concurred in by at least one-third of the Governments parties to the present Agreement, a conference of such Governments shall be convened by the Organization to consider amendments to the present Agreement.
  - (ii) Every amendment adopted by such a conference by a two-thirds majority of the Governments parties to the present Agreement present and voting shall be communicated by the Organization to all Governments parties to the present Agreement for their acceptance.
  - (iii) Any amendment communicated to Governments parties to the present Agreement under sub-paragraph (ii) of this paragraph shall come into force for all Governments parties to the present Agreement, 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 Governments parties to the present Agreement.

## **ARTICLE VIII**

### **Denunciation**

- (a) The present Agreement may be denounced by any Government party to it at any time after the expiry of five years from the date on which the Agreement enters into force for that Government.
- (b) Denunciation shall be effected by deposit of an instrument with the Organization which shall inform all other Governments parties to the present Agreement 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 instrument, after its receipt by the Organization.

## **ARTICLE IX**

### **Territories**

- (a) (i) The United Nations in cases where they are the administering authority for a territory, or any Contracting Government to the Convention responsible for the international relations of a territory, shall as soon as possible consult with such territory in an endeavour to extend the present Agreement to that territory and may at any time, by notification in writing given to the Organization, declare that the present Agreement shall extend to such territory.
- (ii) The present Agreement 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 in the notification.
- (b) (i) The United Nations, or any Contracting Government to the Convention 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 present Agreement has been extended to any territory, may, by notification in writing given to the Organization, declare that the present Agreement shall cease to extend to any such territory named in the notification.
- (ii) The present Agreement shall cease to extend to any territory named in such notification one year, or such longer period as may be specified in the notification, after the date of receipt of the notification by the Organization.
- (c) The Organization shall inform all Governments parties to the present Agreement and Contracting Governments to the Convention of the extension of the present Agreement to any territories under paragraph (a) of this Article and of the termination of such extension under the provisions of paragraph (b), stating in each case the date from which the present Agreement has been or will cease to be so extended.

**ARTICLE X****Deposit and Registration**

- (a) The present Agreement shall be deposited in the archives of the Organization and the Secretary-General of the Organization shall transmit certified true copies thereof to all Signatory Governments and to all other Governments which accede to the present Agreement.
- (b) As soon as the present Agreement enters into force it shall be registered by the Organization in accordance with Article 102 of the Charter of the United Nations.

**ARTICLE XI****Languages**

The present Agreement 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 Agreement.

Done at London this sixth day of October, 1971.