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INTERNATIONAL CONFERENCE ON
SAFETY OF LIFE AT SEA, 1974
Agenda item 7

IMCO

CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974

Proposed amendments to the Articles of the 1960
Safety Convention

Article I

A new heading of Article I should be inserted as follows:

"General Obligation under the Convention".

Article II

A new heading of the Article should be inserted as follows:

"Application".

Article VII

Paragraph (a) of the Article should be replaced by the following:

"(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 17 June 1960."

Article IX

The text should be replaced by the following:

Article IX

Amendments

1. The present Convention may be amended by any of the procedures specified in the following paragraphs.

2. Amendments after consideration by the Organization:

- (a) any amendment proposed by a Contracting Government shall be submitted to the Organization and circulated by it to all Members of the Organization and all Contracting Governments at least six months prior to its consideration;
- (b) any amendment proposed and circulated as above shall be submitted to the Maritime Safety Committee of the Organization for consideration and approval where appropriate;^{1/}
- (c) Contracting Governments, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee;
- (d) amendments shall be adopted by a two-thirds majority of those present and voting in a Committee of Contracting Governments;
- (e) if adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Organization to all Contracting Governments for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Contracting Governments;

Alternative I

- (ii) an amendment to the Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f)(iii) unless the Committee of Contracting Governments at the time of its adoption, determines by a two-thirds majority of those present and voting that the amendment shall be deemed to have been accepted in accordance with the procedures specified in sub-paragraph (f)(i).

^{1/} The last words "and approval where appropriate" were inserted by the Maritime Safety Committee for clarification.

[Nevertheless, at any time before the entry into force of an amendment to the Annex to the Convention, a Contracting Government may notify the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of the Contracting Governments];

Alternative II^{2/}

- (ii) An amendment to the Annex shall be deemed to have been accepted at the end of a period of not less than one year, or at the end of a longer period if determined by a two-thirds majority of those present and voting in the Committee of Contracting Governments at the time of its adoption, unless within that period not less than one-third of the Contracting Governments, or Contracting Governments the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, whichever condition is first fulfilled, notify the Organization that they object to the amendment.
- (ii-bis) Any Contracting Government may, before the date set for acceptance, give notice to the Organization that it exempts itself from giving effect to the amendment for a period not exceeding two years from the date of entry into force of that amendment; provided that the effect of any such notification shall not be to extend the period for which a Government may delay giving effect to an amendment beyond three years from the date on which the amendment is notified to Contracting Governments for acceptance, unless decided otherwise by a two-thirds majority of those present and voting in the Committee of Contracting Governments at the time of its adoption.
- (iii) An amendment to an Appendix shall be deemed to have been accepted at the end of a period of ten months or at the end of a longer period if determined by a two-thirds majority of those present and voting in the Committee of Contracting Governments at the time of its adoption, unless within that period an objection is communicated

^{2/} The text of sub-paragraphs (ii) and (ii-bis) was inserted by the Maritime Safety Committee.

to the Organization by not less than one-third of the Contracting Governments or by the Contracting Governments the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, whichever condition is fulfilled;

(g) the amendment shall enter into force under the following conditions:

(i) in the case of an amendment to an Article of the Convention, or to the Annex to the Convention not under the procedure specified in sub-paragraph (f)(iii), the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Contracting Governments which have declared that they have accepted it.

(ii) in the case of an amendment to an Appendix, or to the Annex to the Convention under the procedure specified in sub-paragraph (f)(iii), the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Contracting Governments with the exception of those which, before the date of its acceptance, have made a declaration that they do not accept it [or have notified under sub-paragraph (f)(ii) that their express approval is necessary].

3. Amendment by a Conference: ^a

- (a) Upon the request of a Contracting Government concurred in by at least one-third of the Contracting Governments, the Organization shall convene a Conference of Contracting Governments to consider amendments to the present Convention.
- (b) Every amendment adopted by such a Conference by a two-thirds majority of the Contracting Governments present and voting shall be communicated by the Organization to all Contracting Governments for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph 2(f) and (g) above.

4. A Contracting Government which has accepted an amendment to the Annex which has entered into force shall not be obliged to extend the benefit of the Convention in respect of the certificates to which the amendment relates to ships of the flag of a Contracting Government which has not accepted the amendment.

5. Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships the keel of which is laid or which is at a similar stage of construction, on or after the date on which the amendment comes into force.

6. The Organization shall inform all Contracting Governments of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.

7. Any declaration of acceptance, of express approval or of objection to an amendment under this Article shall be notified in writing to the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Contracting Governments.

[(8) The Committee of Contracting Governments, by a two-thirds majority of those present and voting, may determine at the time of its adoption that an amendment to the Annex is of such an important nature that if any Contracting Government makes a declaration before the date of its entry into force that it does not accept the amendment and does not accept the amendment within a period of [X] months after it enters into force, [the other Contracting Governments shall not be under an obligation to extend to that Government the benefits of the present Convention] [that Contracting Government, upon the expiry of this period, shall cease to be party to the present Convention]. Such determination shall be subject to the condition that objection to it is not communicated to the Organization by at least one-third of the Contracting Governments prior to the entry into force of the amendment.]
