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Treaty Series No. 4 (1928)

AGREEMENT BETWEEN
HIS MAJESTY'S GOVERNMENT
IN GREAT BRITAIN AND
THE PORTUGUESE GOVERNMENT
for the
Mutual Recognition
of Load-Line Certificates
TOGETHER WITH NOTES EXCHANGED

London, January 27, 1928

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

LONDON:

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Agreement between His Majesty's Government in Great Britain and the Portuguese Government for the Mutual Recognition of Load-Line Certificates, together with Notes exchanged.

London, January 27, 1928.

His Britannic Majesty's Government in Great Britain and the Portuguese Government, being desirous of concluding an Agreement for the mutual recognition of load-line certificates, have agreed as follows:—

The Portuguese Government, being satisfied that the existing laws and regulations of Great Britain and Northern Ireland relating to the assignment of load-lines to ships agree, in substance, with those of Portugal, agree that no British ship possessing a load-line certificate issued in accordance with the laws and regulations in force in Great Britain and Northern Ireland and observing those regulations within ports in Portugal and in the adjacent archipelagos (Madeira and Azores) shall be liable to detention or penalty under the Portuguese laws and regulations.

His Britannic Majesty's Government in Great Britain similarly agree that no Portuguese ship possessing a load-line certificate issued in accordance with the laws and regulations in force in Portugal, and observing those regulations within ports of

O GOVERNO da Republica Portuguesa e o Governo de Sua Majestade Britanica na Gran-Bretanha, desejando estabelecer um Acordo para o reconhecimento reciproco dos certificados das marcas de bordo livre, acordaram no seguinte :

O Governo da Republica Portuguesa considerando que as actuaes leis e regulamentos da Gran-Bretanha e da Irlanda do Norte relativos á marcação das linhas de carga maxima não diferem, na sua essencia, das respectivas disposições legais estabelecidas em Portugal, acorda que nenhum navio inglez, possuindo um certificado das marcas de bordo livre passado de acordo com as leis e regulamentos em vigor na Gran-Bretanha e na Irlanda do Norte e observando esses mesmos regulamentos dentro de portos em Portugal e nos archipelagos adjacentes (Madeira e Açores), poderá ser detido ou autuado conforme as leis e regulamentos portuguezes.

O Governo de Sua Majestade Britanica na Gran-Bretanha do mesmo modo acorda que nenhum navio portuguez possuindo um certificado das marcas de bordo livre passado em conformidade com as leis e regulamentos em vigor em Portugal, e observando

Great Britain and Northern Ireland, shall be liable to detention or penalty under the law and regulations of Great Britain and Northern Ireland.

esses mesmos regulamentos dentro de portos da Gran-Bretanha e da Irlanda do Norte, poderá ser detido ou autuado conforme as leis e regulamentos da Gran-Bretanha e da Irlanda do Norte.

The present Agreement shall come into effect on the date of signature, and shall remain in force for an indefinite period, subject to the right of either of the Contracting Parties to terminate it on giving six months' notice to that effect.

O presente Acordo entra em vigor imediatamente depois de ser assinado e assim permanecerá por tempo indeterminado, subsistindo, porem, o direito de qualquer das Partes Contratantes o poder denunciar com o aviso previo de seis mezes.

In witness whereof the undersigned, duly authorised to this effect, have signed the present Agreement and have affixed thereto their seals.

Em fé do que os abaixo assinados, devidamente autorizados, assinaram o presente Acordo, apondo-lhe os respectivos selos.

Done in duplicate at London, the 27th day of January, 1928.

Feito em duplicado em Londres aos 27 dias de Janeiro de 1928.

(L.S.) AUSTEN CHAMBERLAIN.

(L.S.) THOMAZ ANTONIO GARCIA ROSADO.

(1.)

*Sir Austen Chamberlain to General T. A. Garcia Rosado.**Foreign Office, London,
January 27, 1928.*

Your Excellency,

WITH reference to the agreement signed this day between His Majesty's Government in Great Britain and the Government of the Portuguese Republic for the mutual recognition of load-line certificates, I have the honour to state that this agreement shall be considered as applying also to ports in the British Colonies, on the understanding that the Portuguese Government recognise as equally valid for the purposes of the agreement certificates issued to British ships in certain British Colonies which, by virtue of an Order-in-Council under section 444 of the Merchant Shipping Act, 1894, have been declared to have the same effect as if they had been issued under part V of that Act.

2. On their side, His Majesty's Government in Great Britain, taking into consideration the fact that legislation in the Portuguese Colonies is identical to that which is in force on the continent of the Portuguese Republic, recognise as equally valid for the purpose of the agreement load-line certificates issued in the Portuguese Colonies in accordance with the laws and regulations in force in Portugal and her Colonies.

3. The present note and your Excellency's reply will accordingly be regarded as placing this understanding on record.

I have, &c.

AUSTEN CHAMBERLAIN.

(2.)

*General T. A. Garcia Rosado to Sir Austen Chamberlain.**Embaixada de Portugal, Londres,
27 de Janeiro de 1928.*

Excelencia,

EM resposta á nota que Vossa Excelencia hoje me dirigiu acerca da applicação do accordo para o reconhecimento reciproco dos certificados de marcas de bordo livre—que foi hoje assignado entre o Governo da Republica Portuguesa e o Governo de Sua Majestade na Gran-Bretanha—aos portos nas colonias portuguezas e aos portos nas colonias britannicas, tenho a hora de declarar que o Governo da Republica Portuguesa reconhece como egualmente validos para os fins do accordo os certificados passados a navios britannicos em certas colonias britannicas, os quaes, em virtude de una "Order-in-Council" feita em conformidade com a "Section 444" do "Merchant Shipping Act, 1894," foram reconhecidos como produzindo os mesmos efeitos que produziriam se tivessem sido concedidos de harmonia com a parte V d'aquelle "Act," e quo o Governo da Republica Portuguesa considera o accordo como tendo tambem applicação aos portos nas colonias portuguezas visto o Governna de Sua Majestade na Gran-Bretanha considerar egualmente validos, para os fins do accordo, os

certificados das linhas de carga maxima passados, nas colonias portuguezas, em conformidade com as Leis e Regulamentos em vigôr em Portugal e nas suas colonias.

2. Consequentemente, por esta nota e pela de Vossa Excelencia a que tenho a honra de responder, considerar-se-ha como estabelecido este entendimento.

Aproveito, &c.

TH. A. GARCIA ROSADO.

(Translation.)

*Portuguese Embassy, London,
January 27, 1928.*

Your Excellency,

IN reply to the note which your Excellency addressed to me to-day with regard to the application to ports in the Portuguese Colonies and to ports in British Colonies of the agreement signed this day between the Government of the Portuguese Republic and His Majesty's Government in Great Britain for the mutual recognition of load-line certificates, I have the honour to state that the Government of the Portuguese Republic recognise as equally valid, for the purpose of the agreement, certificates issued to British ships in certain British colonies, which, by virtue of an Order-in-Council made under Section 444 of the Merchant Shipping Act, 1894, have been declared to have the same effect as if they had been issued under Part V of that Act, and that the Government of the Portuguese Republic consider the agreement as likewise applying to ports in Portuguese Colonies, having regard to the fact that His Majesty's Government in Great Britain recognise as equally valid, for the purposes of the agreement, load-line certificates issued in the Portuguese Colonies in accordance with the laws and regulations in force in Portugal and her Colonies.

2. The present note and your Excellency's note, to which I have the honour to reply, will accordingly be regarded as placing this understanding on record.

I have, &c.

TH. A. GARCIA ROSADO.
