

## STATUTORY INSTRUMENTS

# 1993 No. 3138

## The Merchant Shipping (Registration of Ships) Regulations 1993

### PART IV

#### QUALIFICATION AND ENTITLEMENT OF BRITISH FISHING VESSELS TO BE REGISTERED ON PART II OF THE REGISTER

##### Eligibility

**12.** The following persons are qualified to be the owners of fishing vessels which are to be registered on Part II of the Register:—

- [<sup>F1</sup>(a) (i) British citizens; or
- (ii) non-United Kingdom nationals exercising their right of freedom of movement of workers or right of establishment;]
- [<sup>F2</sup>(b) bodies corporate—
- (i) incorporated in the United Kingdom, or
- (ii) incorporated in an EEA State with a place of business in the United Kingdom;]
- [<sup>F3</sup>(c) UK Economic Interest Groupings;]
- (d) a local authority in the United Kingdom.

**F1** Reg. 12(a) substituted (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **5(a)**

**F2** Reg. 12(b) substituted (31.12.2020) by [The Merchant Shipping \(Miscellaneous Provisions\) \(Amendments etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1221\)](#), reg. 2(b), **Sch. para. 1(4)**; 2020 c. 1, Sch. 5 para. 1(1)

**F3** Reg. 12(c) substituted (31.12.2020) by [The European Economic Interest Grouping \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1299\)](#), regs. 1, **63(b)**; 2020 c. 1, Sch. 5 para. 1(1)

##### Commencement Information

**11** [Reg. 12](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

**13.**—(1) Subject to [<sup>F4</sup>the relevant provisions of the sanctions regulations,] regulations 14 (British connection and representative persons for fishing vessels), 15 (Dispensations), and 36(2), (3) and (4) (Registration and refusal of registration of a ship), a ship shall be entitled to be registered only if the legal and beneficial title of the vessel are vested wholly in one or more of those persons qualified to be owners of a British fishing vessel by virtue of regulation 12.

(2) Where any share in a vessel is beneficially owned jointly by persons not all of whom are qualified to be the owners of a British fishing vessel by virtue of regulation 12, then for the purposes

of this Part, the whole of the share shall be treated as beneficially owned by persons who are not qualified by virtue of that regulation.

**F4** Words in [reg. 13\(1\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(3), **8**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I2** [Reg. 13](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

**British connection and representative persons for fishing vessels**

**14.**—(1) Notwithstanding that the requirements specified in regulation 13 are satisfied a vessel shall not be registered unless:—

- (a) it is managed, and its operations controlled and directed, from within the United Kingdom, and
- (b) any charterer, manager or operator of the vessel is a person qualified to be the owner of a British fishing vessel by virtue of regulation 12.

(2) Where:—

- (a) the requirements specified in regulation 13 are satisfied with respect to a fishing vessel, but
- (b) the legal title to the vessel is vested wholly in one or more qualified persons who is, or as the case may be each of whom is, an individual not resident in the United Kingdom,

the vessel shall only be eligible to be registered as a fishing vessel if a representative person is appointed in relation to the vessel under Part V.

**Commencement Information**

**I3** [Reg. 14](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

**Dispensations**

**15.**—(1) Where in the case of any fishing vessel, the Secretary of State is satisfied that:—

- (a) a fishing vessel would be eligible to be registered but for the fact that any particular individual, or (as the case may be) each of a number of particular individuals, is not a British citizen or a national of a member State <sup>F5</sup>... (and is accordingly not a qualified person), and
- (b) it would be appropriate to dispense with the requirement of British citizenship or nationality of such a member State in the case of that individual or those individuals, in view of the length of time he has or they have resided in the United Kingdom and have been involved in the fishing industry of the United Kingdom,

the Secretary of State may determine that that requirement should be so dispensed with; and if he does so, the vessel shall, so long as sub-paragraph (a) above applies to it and any such determination remains in force, be treated for the purposes of registration on Part II of the Register as being eligible to be registered as a British fishing vessel.

**F5** Words in [reg. 15\(1\)\(a\)](#) omitted (31.12.2020) by virtue of [The Merchant Shipping \(Miscellaneous Provisions\) \(Amendments etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1221\)](#), reg. 2(b), **Sch. para. 1(5)**; 2020 c. 1, Sch. 5 para. 1(1)

.....

**Commencement Information**

**I4** [Reg. 15](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

**Appointment of inspectors**

**16.** For the purpose of determining whether a fishing vessel is eligible to be registered on Part II of the Register, the Secretary of State may appoint a person:—

- (a) to investigate the eligibility of the vessel to be so registered, and
- (b) to make a report of his conclusions to the Secretary of State;

and any person so appointed shall, for the purpose of conducting the investigation, have the powers conferred on an inspector by the provisions of section 27 of the Merchant Shipping Act 1979(1) (other than paragraphs (d) to (h) of subsection (1) of that section).

.....

**Commencement Information**

**I5** [Reg. 16](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

**Exemptions from section 5(1) of the Act**

**17.** Section 5(1) of the Act does not apply to:—

- (a) salmon cobbles;
- (b) vessels which are 10 metres overall length and under and which are not propelled by use of an engine; and
- (c) vessels which are 10 metres overall length and under which are used to fish for only common eels (*Anguilla anguilla*).

.....

**Commencement Information**

**I6** [Reg. 17](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Registration of Ships) Regulations 1993, PART IV.