

STATUTORY INSTRUMENTS

1993 No. 3138

The Merchant Shipping (Registration of Ships) Regulations 1993

PART XII

MISCELLANEOUS

Service of notices

101.—(1) Where it appears to the Registrar that [^{F1}regulation 56(1)(aa), [^{F2}(ab),] (b)], (d), (e), (f), (g) [^{F3}(h), (i), (j), (k), (l), (m) or (n)] (Removal from the Register) or [^{F4}87(1)(b), [^{F5}(ba),]^{F6}(d), (e), (f), (g), (h), (i) or (j)]] (Closure of bareboat charter ship's registration by the Registrar) [^{F7}or 87K(1)] apply he may serve notice on the owner or managing owner, or on any charterer, manager or operator of the ship requiring him to produce, within 30 days, evidence, which may include a declaration of British connection, sufficient to satisfy him that the ship is eligible to remain on the Register [^{F8}or should not have the certificate of permission in respect of it revoked].

(2) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may:—

- (a) extend the notice and ask for further information or evidence, or
- (b) serve a final notice which closes the ship's registration [^{F9}or revokes its certificate of permission], such closure [^{F10}or revocation] to take effect 7 days after the service of that notice.

(3) Where a ship's registration is terminated under paragraph (2) the Registrar shall issue a closure transcript and the owner of the ship shall forthwith surrender its certificate of registry.

- F1** Words in [reg. 101\(1\)](#) substituted (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **20(a)**
- F2** Word in [reg. 101\(1\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(3), **29(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 101\(1\)](#) substituted (10.1.2000) by virtue of [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **17(a)**
- F4** Words in [reg. 101\(1\)](#) substituted (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **20(b)**
- F5** Word in [reg. 101\(1\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(3), **29(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 101\(1\)](#) substituted (10.1.2000) by [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **17(b)**
- F7** Words in [reg. 101\(1\)](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), **29(a)(iii)**
- F8** Words in [reg. 101\(1\)](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), **29(a)(iv)**

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Registration of Ships) Regulations 1993, PART XII. (See end of Document for details)

- F9** Words in [reg. 101\(2\)](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), **29(b)(i)**
- F10** Words in [reg. 101\(2\)](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), **29(b)(ii)**

Commencement Information

- I1** [Reg. 101](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Copy of notice to be sent to mortgagee

102. Where the Registrar serves a notice under regulation 101 on the owner of a vessel in respect of which a mortgage is registered, the Registrar shall send a copy of that notice to the mortgagee at the address recorded for him in the Register.

Commencement Information

- I2** [Reg. 102](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Documents not in the English language to be accompanied by a translation

103. Any document which is not in the English language and is produced in support of any application under these Regulations shall be accompanied by a notarised translation of the document in the English language.

Modifications etc. (not altering text)

- C1** [Reg. 103](#) applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 para. 1](#)

Commencement Information

- I3** [Reg. 103](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Witnessing of documents

104. Where the signature on any document made under these Regulations is required to be witnessed any witness to the signature shall be a person of full age and shall not be the spouse of the signatory.

Modifications etc. (not altering text)

- C2** [Reg. 104](#) applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 para. 1](#)

Commencement Information

- I4** [Reg. 104](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Dispensing with declarations

105. When under these Regulations:—

- (a) any person is required to make a declaration on behalf of himself or any body corporate, but is unable to do so and can satisfy the Registrar that it is due to reasonable cause, the Registrar may on such terms as he thinks fit, dispense with the declaration, or
- (b) any evidence is required to be produced to the Registrar, but such evidence is unable to be produced and the Registrar is satisfied that it is due to reasonable cause, the Registrar may on production of such other evidence as he considers appropriate, dispense with the evidence.

Modifications etc. (not altering text)

C3 Reg. 105 applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 para. 1](#)

Commencement Information

I5 Reg. 105 in force at 21.3.1994, see [reg. 1\(1\)](#)

[F11] Copies of documents

105A.—(1) Where any document listed in paragraph (2) is to be provided by or to the Registrar, the Registrar may provide or receive a copy of that document, including a copy provided or received by means of an electronic communication.

(2) The documents referred to in paragraph (1) are—

- (a) a transcript of the entries in the Register referred to in regulation 2(3);
- (b) an appointment of a representative person referred to in regulation 18(4)(a);
- (c) a certified extract in respect of the ship referred to in regulation 22(2);
- (d) proof of incorporation in accordance with the laws of a foreign country referred to in regulation 24(b);
- (e) a certificate from the one of the Registrars of Companies referred to in regulation 24(c);
- (f) a builder's certificate referred to in regulation 28(1)(a) or 59(4)(e);
- (g) a bill of sale referred to in regulation 28(1)(b) and regulation 43(1);
- (h) a certificate of survey or measurement specifying a ship's tonnage and build referred to in regulation 29(3), regulation 51(3), regulation 82(1)(b) and regulation 113A(1);
- (i) a carving and marking note referred to in regulation 31(2), regulation 33, regulation 35 and regulation 80;
- (j) a certificate of permanent defacement referred to in regulation 31(4);
- (k) a renewal notice referred to in regulation 41 or regulation 83(2);
- (l) a grant of representation or an extract from that grant in regulation 46(2)(a) or regulation 60(b)(i);
- (m) such evidence of proof of title referred to in regulation 46(2)(b) or regulation 60(b)(ii);
- (n) a signed notification referred to in regulation 49, regulation 84 or regulation 98;
- (o) a marking note referred to in regulation 52(2), regulation 53(3), regulation 54 and regulation 72;
- (p) a copy of certificate of registry, and any other document evidencing registration referred to in regulation 59(4)(d);
- (q) an instrument of transfer of a registered mortgage in regulation 61;

- (r) a mortgage deed referred to in regulation 62(1);
 - (s) a certificate of registry or other document referred to in regulation 77(3)(c);
 - (t) a notarised translation in the English language of any other document, as referred to in regulation 103.
- (3) For the purposes of paragraph (1)—
- “electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
- (i) by means of an electronic communications network; or
 - (ii) by other means but while in electronic form; and
- “electronic communications network” has the meaning set out in section 32(1) of the Communications Act 2003.]

F11 Reg. 105A inserted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, 7

Modifications etc. (not altering text)

C4 Reg. 105A applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 para. 1](#)

Requirement for supplementary information

[^{F12}**106.** Where the Registrar is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration or that any of the particulars or other information supplied is correct or sufficient, he may require such supplementary information or evidence as he considers appropriate.]

F12 Reg. 106 substituted (10.1.2000) by [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **18**

Modifications etc. (not altering text)

C5 Reg. 106 applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 paras. 1, 2](#)

Commencement Information

I6 Reg. 106 in force at 21.3.1994, see [reg. 1\(1\)](#)

Fees

107. Where a fee is prescribed in respect of any service or other transaction to be carried out pursuant to these Regulations, the Registrar shall not be required to carry out the service or other transaction unless the appropriate fee has been paid.

Modifications etc. (not altering text)

C6 Reg. 107 applied (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 para. 1](#)

Commencement Information

I7 [Reg. 107](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Duplicate certificates

108.—(1) If it is shown to the satisfaction of the Registrar that the certificate of registry [^{F13}or permission] has been lost, stolen or destroyed or has become defaced or illegible (“the event”), he may issue to the owner a duplicate of that certificate, which shall be marked as such, and shall be of the same effect as the original.

(2) Where a duplicate certificate of registry [^{F13}or permission] is issued the original if then available or if subsequently found or recovered shall be forthwith surrendered to the Registrar.

(3) If

- (a) the port where the ship is at the time of the event, or as the case may be, where it first arrives after the event, is not in the United Kingdom, and
- (b) the master of the ship or some other person having knowledge of the facts of the case makes a declaration before the appropriate person as to the loss, theft, destruction, defacement or illegibility of the certificate,

the appropriate person shall notify the Registrar.

(4) On being notified of the event and being satisfied that the ship is entitled to be issued with a duplicate certificate the Registrar shall [^{F14}authorise the appropriate person to issue a provisional certificate, endorsed with a statement of the circumstances under which it is granted.]^{F15}...

(5) The ^{F16}... provisional certificate shall within 10 days of the ship arriving in a port in the United Kingdom be surrendered to the Registrar, and a duplicate certificate shall be issued.

F13 Words in [reg. 108](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), **30**

F14 Words in [reg. 108\(4\)](#) inserted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **8(a)**

F15 Words in [reg. 108\(4\)](#) omitted (1.10.2017) by virtue of [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **8(b)**

F16 Words in [reg. 108\(5\)](#) omitted (1.10.2017) by virtue of [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **8(c)**

Modifications etc. (not altering text)

C7 [Reg. 108](#) applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 paras. 1, 2](#)

Commencement Information

I8 [Reg. 108](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Custody of certificate

109.—(1) A certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest whatever had or claimed by any owner, mortgagee or other person to, on, or in the ship.

(2) If any person refuses to surrender the certificate of registry when in his possession or under this control to the person entitled to its custody for the purposes of the lawful navigation of the ship,

or to the Registrar, or an officer of customs or any other person entitled by law to demand such delivery, he shall be guilty of an offence.

Modifications etc. (not altering text)

C8 Reg. 109 applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 paras. 1, 2](#)

Commencement Information

I9 Reg. 109 in force at 21.3.1994, see [reg. 1\(1\)](#)

Surrender of certificate on termination or expiry of registration

110. On the termination, whether by expiration of the registration period or otherwise, of a ship's registration the certificate of registry must be returned by the owner or charterer to the Registrar for cancellation.

Modifications etc. (not altering text)

C9 Reg. 110 applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 paras. 1, 2](#)

Commencement Information

I10 Reg. 110 in force at 21.3.1994, see [reg. 1\(1\)](#)

Dispensing with production of certificate

111. Where a certificate of registry [^{F17}or permission] is required by these Regulations to accompany any application and it is shown to the satisfaction of the Registrar that for any reasonable cause (which includes, but is not limited to, the ship being in a port outside the United Kingdom, or the certificate being needed for an imminent voyage, at the time the application was made) the certificate cannot be produced, the Registrar may, subject to such conditions as he thinks fit, dispense with its production.

F17 Words in [reg. 111](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), [30](#)

Modifications etc. (not altering text)

C10 Reg. 111 applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 paras. 1, 2](#)

Commencement Information

I11 Reg. 111 in force at 21.3.1994, see [reg. 1\(1\)](#)

Status of a Part II certificate under Sea Fisheries legislation

112. A certificate of registry or a certificate of bareboat registry of a fishing vessel (including a valid temporary registration certificate) [^{F18}shall each be] a 'document relating to a boat' for the

purposes of section 8(3)(b) of the Sea Fisheries Act 1968(1) and as such must at all times be carried on board the vessel.

F18 Words in [reg. 112](#) substituted (10.1.2000) by [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **19**

Commencement Information

I12 [Reg. 112](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Removal of marks on cessation of registration

113. If a ship's registration is terminated, whether by expiration of the registration period or otherwise [^{F19}, or if a marks removal note has been issued in respect of the ship under regulation 87E,] the marking prescribed under these Regulations must be removed from the ship and written confirmation of that removal must be sent to the Registrar.

F19 Words in [reg. 113](#) inserted (29.3.2019) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/509\)](#), regs. 1(2), **31**

Modifications etc. (not altering text)

C11 [Reg. 113](#) applied (with modifications) (31.3.2023) by [The Merchant Shipping \(Watercraft\) Order 2023 \(S.I. 2023/35\)](#), art. 1(1), [Sch. 1 paras. 1, 2](#)

Commencement Information

I13 [Reg. 113](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

[^{F20}Transfers etc. where tonnage not in accordance with ITC 69

113A.—(1) Subject to paragraph (2) below, no transfer of ownership of a ship or shares in a ship, no renewal of registration, nor change of details of the ship or its owners shall be registered in respect of any ship which:

- (a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969, and
- (b) for which no such measurement has been undertaken and registered,

until such re-measurement takes place and where necessary the certificate of survey has been [^{F21}provided to] the Registrar for amendment of the Register.

(2) Paragraph (1) above does not apply where the transfer, or change of details, arises by reason of the death of an owner of a ship, or a share in a ship.]

F20 [Reg. 113A](#) added (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **21**

F21 Words in [reg. 113A\(1\)](#) substituted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **9**

[^{F22}Review

113B.—(1) The Secretary of State must from time to time—

(1) 1968 c. 77.

- (a) carry out a review of the regulatory provision contained in these regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 1st October 2022.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).]

F22 [Reg. 113B](#) inserted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **10**

Changes to legislation:

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