
STATUTORY INSTRUMENTS

1993 No. 3138

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

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Registration of Ships) Regulations 1993 and shall come into force on 21st March 1994.

(2) In these Regulations unless the context otherwise requires:—

“the Act” means the Merchant Shipping (Registration, etc.) Act 1993;

“application for registration” includes, except where otherwise stated, application for registration of a ship or share in a ship; application for registration of a small ship; application for re-registration of the same; and application for the registration of a transfer or transmission of a ship or a share in a ship; but not application for the renewal of registration;

“appropriate person” means in relation to a port in a country outside the British Islands:—

- (a) any British consular officer within whose consular district the port lies; or
- (b) where Her Majesty’s Government in the United Kingdom is represented in that country by a High Commissioner, any member of the High Commissioner’s official staff nominated by him for the purposes of these Regulations; or
- (c) where that country is a colony, the Governor of the colony or any person appointed by him for those purposes;

and in this definition “High Commissioner” includes an acting High Commissioner and “Governor” includes an acting Governor;

“appropriate attestation” means attestation in a form approved by the Secretary of State;

“authorised measurer” means the Secretary of State or any person authorised under the Merchant Shipping (Tonnage) Regulations 1982(1) the Merchant Shipping (Fishing Vessels-Tonnage) Regulations 1988(2) to carry out the measurement of ships for the purposes of those Regulations;

“bareboat charter ship” means a ship registered under section 7 of that Act;

“beneficial ownership” shall be determined by reference to every beneficial interest in that vessel, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“builders certificate” means a certificate signed by the builder of the ship and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and

(1) S.I.1982/841.
(2) S.I. 1988/1909.

of the date and place where it was built, and of the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered;

“certificate of registry” means a certificate of registration which is issued to a ship which is registered under the Act and includes a certificate of bareboat charter unless the context otherwise requires;

“certificate of bareboat charter” means a certificate of registration issued to a ship which is registered under section 7 of the Act;

“classification society” means a person authorised to act as a ‘Certifying Authority’ for the purposes of the Merchant Shipping (Tonnage) Regulations 1982;

“closure transcript” means a certified extract from the register showing that the entry in the register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure;

“declaration of eligibility” means a declaration which complies with the provisions of regulation 22(1);

[^{F1}“EEA Agreement” has the meaning given by Schedule 1 to the Interpretation Act 1978;]

[^{F2}“EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978.]

“fishing vessel” means a vessel within the meaning of paragraph 2(1)(c) of Schedule 4 to the Act;

[^{F3}“fishing vessel certificate” means a certificate of that name specified in section 123 of the Merchant Shipping Act 1995;]

“freeze” means to prevent any entry (which includes a deletion of an entry) being made in the Register;

[^{F4}“identifying number” means:

- (a) where the Registrar has allocated a bareboat charter ship a number under regulation 79(2) (b) or (3), that number, or
- (b) in any other case, the unique number allocated to a bareboat charter ship for identification purposes by its primary register;]

“inspector of marks” means an authorised measurer or any person authorised by the Secretary of State to verify the carving and marking of a ship under these Regulations;

[^{F5}“length” in regulations 29, 42 and 56 (except in regulation 56(4)(b)) has the same meaning as in the Tonnage Regulations;]

“local office” means an office of the Ministry of Agriculture, Fisheries and Food, The Scottish Office Agriculture and Fisheries Department or the Department of Agriculture for Northern Ireland, listed in the list published by the Department of Transport and entitled ‘List of Local Offices for Fishing Vessel Registration’;

[^{F3}“maximum continuous engine power” has the same meaning as “engine power” in Article 5.1 of Council Regulation (EEC) No. 2930/86 (defining characteristics for fishing vessels);]

[^{F3}“modification explanation” means the clear explanation, referred to in Article 3.3 of Commission Regulation (EEC) No. 1381/87 (establishing detailed rules concerning the marking and documentation of fishing vessels), of the method by which any modification of engine power has been carried out;]

[^{F6}“non-United Kingdom nationals exercising their right of freedom of movement of workers or right of establishment” means persons who are either–

- (a) nationals of a member State ^{F7}... exercising in the United Kingdom their rights under [^{F8}Article 45 or 49 of the Treaty on the Functioning of the European Union][^{F9}as

recognised and available in domestic law by virtue of the European Union (Withdrawal) Act 2018], as the case may be, or

- (b) nationals of a State, other than a member State, which a Contracting Party to the EEA Agreement exercising in the United Kingdom their rights under Article 28 or 31 of the EEA Agreement [^{F10}as recognised and available in domestic law by virtue of the European Union (Withdrawal) Act 2018].]

[^{F11}“overall length” has the same meaning as “length overall” in the Tonnage Regulations;]

“owner” means, in relation to a ship or share in a ship, the person owning the ship, or as the case may be, a share in the ship, whether or not registered as owner;

[^{F3}“permanently de-rated engine power” means a modification of the maximum continuous engine power referred to in Article 3.3 of Commission Regulation (EEC) No. 1381/87;]

[^{F12}“pleasure vessel” means a pleasure vessel as defined in regulation 2 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998;]

[^{F13}“port letters” means the letters for the port of choice;]

[^{F3}“port number” means the number allocated for a fishing vessel within its port of choice under regulation 31(2)(b), 53(2) or 79(2)(a);]

“port of choice” means a port listed in Schedule 2 which an [^{F14}applicant] chooses as a port to be marked on his ship;

“primary register” means the register on which the ship is registered at the time the application is made to register the ship as a bareboat charter ship;

“the Register” means the Register of British ships established under section 1 of the Act;

“the Registrar” means the person described as “the registrar” in section 9(2) of the Act;

[^{F15}“relevant provisions of the sanctions regulations” means—

- (a) regulation 77(1) and (2) of the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019; ^{F16}...
- (b) [^{F17}regulation 57E(1)] (registration of ships in the United Kingdom) of the Russia (Sanctions) (EU Exit) Regulations 2019; [^{F18}or]
- (c) [^{F19}regulation 29J(1) (registration of ships in the United Kingdom) of the Belarus (Sanctions) (EU Exit) Regulations 2019;]

“representation” means probate, administration, confirmation, or other instrument constituting a person the executor, administrator or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel;

“salmon coble” means a vessel under 10 metres in overall length used for fishing for profit only in connection with the private rights of fishing for salmon or migratory trout;

[^{F20}“settled” has the same meaning as in section 33(1) of the Immigration Act 1971;]

“ship” includes a fishing vessel but does not include a small ship or a bareboat charter ship except for the purposes of [^{F21}the definition of “termination direction”, paragraph (3),] Part XII (Miscellaneous) and Part XIII (Offences);

“small ship” means a ship which is less than 24 metres in overall length and is, or is applying to be, registered under Part XI;

“submersible vessel” means any vessel used or designed to be used under the surface of any waters;

“surveyor of ships” means a marine surveyor nominated by the Secretary of State to undertake the surveys required by these Regulations and includes any marine surveyor of the Department of Transport;

[^{F22}“termination direction” means a direction to terminate the registration of a ship given to the Registrar under—

- (a) regulation 77(3) of the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019; ^{F23} ...
- (b) regulation 57E(2) (registration of ships in the United Kingdom) of the Russia (Sanctions) (EU Exit) Regulations 2019;][^{F24}or]
- (c) [^{F25}regulation 29J(2) (registration of ships in the United Kingdom) of the Belarus (Sanctions) (EU Exit) Regulations 2019;]

[^{F26}“Tonnage Regulations” means the Merchant Shipping (Tonnage) Regulations 1997],

“transfer of a ship” includes, except where the context otherwise requires, transfer of a share in a ship.

[^{F27}(3) For the purposes of these Regulations, a ship is a “sanctioned ship” if—

- (a) were an application for registration in the Register to be made in respect of it, the Registrar would be required to refuse registration because of the relevant provisions of the sanctions regulations; or
- (b) a termination direction has been issued in relation to the ship.]

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| F1 | Words in reg. 1(2) 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(2)(a) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F2 | Words in reg. 1(2) substituted (20.12.2018) by The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 (S.I. 2018/1221), regs. 2(a), 3(4)(a) |
| F3 | Words in reg. 1(2) inserted (10.1.2000) by The Merchant Shipping (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 (S.I. 1999/3206), regs. 1, 3(a) |
| F4 | Words in reg. 1(2) substituted (10.1.2000) by The Merchant Shipping (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 (S.I. 1999/3206), regs. 1, 3(b) |
| F5 | Words in reg. 1(2) inserted (4.9.1998) by The Merchant Shipping (Registration of Ships) (Tonnage Amendment) Regulations 1998 (S.I. 1998/1915), regs. 1, 3(a)(i) |
| F6 | Words in reg. 1(3) inserted (1.1.1999) by The Merchant Shipping (Registration of Ships) (Amendment) Regulations 1998 (S.I. 1998/2976), regs. 1, 3 |
| F7 | Words in reg. 1(2) 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(2)(b)(i)(aa) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F8 | Words in reg. 1(2) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), Sch. Pt. 2 (with art. 2(2)) |
| F9 | Words in reg. 1(2) inserted (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(2)(b)(i)(bb) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F10 | Words in reg. 1(2) inserted (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(2)(b)(ii) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F11 | Words in reg. 1(2) substituted (4.9.1998) by The Merchant Shipping (Registration of Ships) (Tonnage Amendment) Regulations 1998 (S.I. 1998/1915), regs. 1, 3(b) |
| F12 | Words in reg. 1(2) substituted (10.1.2000) by The Merchant Shipping (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 (S.I. 1999/3206), regs. 1, 3(c) |

- F13** Words in reg. 1(2) substituted (10.1.2000) by The Merchant Shipping (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 (S.I. 1999/3206), regs. 1, **3(d)**
- F14** Word in reg. 1(2) substituted (10.1.2000) by The Merchant Shipping (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 (S.I. 1999/3206), regs. 1, **3(e)**
- F15** Words in reg. 1(2) substituted (1.3.2022 at 3.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022 (S.I. 2022/203), regs. 1(2), **8(2)**
- F16** Word in reg. 1(2) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **46(2)(a)(i)**
- F17** Words in reg. 1(2) substituted (8.3.2022 at 5.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 6) Regulations 2022 (S.I. 2022/241), regs. 1(2), **16(2)**
- F18** Word in reg. 1(2) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **46(2)(a)(ii)**
- F19** Words in reg. 1(2) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **46(2)(a)(iii)**
- F20** Words in reg. 1(2) inserted (29.3.2019) by The Merchant Shipping (Registration of Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/509), regs. 1(2), **3(a)(ii)**
- F21** Words in reg. 1(2) inserted (31.12.2020) by The Merchant Shipping (Registration of Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/509), regs. 1(3), **3(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in reg. 1(2) substituted (1.3.2022 at 3.00 p.m.) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022 (S.I. 2022/203), regs. 1(2), **8(3)**
- F23** Word in reg. 1(2) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **46(2)(b)(i)**
- F24** Word in reg. 1(2) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **46(2)(b)(ii)**
- F25** Words in reg. 1(2) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **46(2)(b)(iii)**
- F26** Words in reg. 1(2) inserted (4.9.1998) by The Merchant Shipping (Registration of Ships) (Tonnage Amendment) Regulations 1998 (S.I. 1998/1915), regs. 1, **3(a)(ii)**
- F27** Reg. 1(3) inserted (31.12.2020) by The Merchant Shipping (Registration of Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/509), regs. 1(3), **3(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Reg. 1(2) applied in part (with modifications) (31.3.2023) by The Merchant Shipping (Watercraft) Order 2023 (S.I. 2023/35), art. 1(1), **Sch. 1 para. 2**

Commencement Information

- I1** Reg. 1 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, Section 1.