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STATUTORY INSTRUMENTS

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**2019 No. 509**

**The Merchant Shipping (Registration of Ships)  
(Amendment) (EU Exit) Regulations 2019**

**Amendment of the Merchant Shipping (Registration of Ships) Regulations 1993**

**23.** After regulation 87 (closure of bareboat charter ship's registration by the Registrar), insert the following—

**“PART 10A**

**BAREBOAT CHARTER-OUT**

**Suspension from the Register**

**87A.**—(1) This Part provides for the suspension of the registration of a ship.

(2) Where the registration of a ship has been suspended in accordance with this Part, the ship is not registered under Part II of the Act.

(3) Where the registration of a ship is suspended, the Registrar shall mark the entry in the Register relating to that ship as suspended.

(4) The registration of a ship which is suspended may be restored under regulation 87L.

(5) Notwithstanding the suspension of the registration of the ship, the entry relating to a ship in the Register may be removed from the Register under regulation 87M.

**Suspension under a Certificate of Permission**

**87B.** The registration of a ship is suspended if the Registrar has issued a certificate of permission under regulation 87D and has not, after the issue of that certificate of permission, either restored the registration of the ship under regulation 87L or removed the entry relating to the ship from the Register under regulation 87M.

**Application for Certificate of Permission**

**87C.**—(1) An owner of a ship who intends to agree, or has agreed, a charter-party that requires the ship to be registered outside the United Kingdom during the period of the charter-party may apply for a certificate of permission.

(2) An application for a certificate of permission must be in a form approved by the Secretary of State, and must include, or be accompanied by—

- (a) the ship's name and official number;
- (b) the written consent of all owners;
- (c) the written consent of all mortgagees of mortgages registered in respect of the ship under Part VII;

- (d) a copy of the charter-party;
- (e) the names of the bareboat charterers;
- (f) the name of the registry that the ship will be chartered to; and
- (g) subject to regulation 111, the certificate of registry.

### **Conditions for Certificate of Permission**

**87D.**—(1) The Registrar must issue a certificate of permission where the Registrar is satisfied that the conditions in paragraph (2) and the marking requirement in paragraph (3) are met.

(2) The conditions are—

- (a) that the ship is currently registered on Part I of the Register;
- (b) that all owners consent;
- (c) that all mortgagees of mortgages registered in respect of the ship under Part VII consent;
- (d) that a charter-party has been agreed in respect of the ship, and
- (e) that the charter-party requires that the ship be registered on an approved register.

(3) The marking requirement is that the marking of the ship has been removed and written confirmation of that removal has been sent to the Registrar pursuant to regulation 113.

(4) For the purposes of paragraph (2), an ‘approved register’ is a register of—

- (a) an EEA state;
- (b) a Commonwealth state; or
- (c) a country listed in Schedule 6.

### **Removal of Marking**

**87E.**—(1) Where the Registrar is satisfied in respect of an application that the conditions in regulation 87D(2) are met, the Registrar must issue a marks removal note.

(2) The effect of a valid marks removal note in respect of a ship is that the ship is not required to be marked under these Regulations.

(3) A marks removal note is valid for a period of six weeks from the date it is issued, unless extended under paragraph (4)(a).

(4) If the Registrar is not satisfied that the marking requirement in regulation 87D(3) is met before the end of the period of validity of the marks removal note, the Registrar must either—

- (a) extend, or further extend, the period of validity of the marks removal note; or
- (b) treat the application for a certificate of permission as withdrawn at the end of the period of validity of the marks removal note.

(5) The Registrar may extend the period of validity of a marks removal notice pursuant to paragraph 4(a) notwithstanding that the Registrar has previously extended the period in respect of that marks removal note.

### **Format and Duration of Certificate**

**87F.**—(1) A certificate of permission must be in a form approved by the Secretary of State, and must state—

- (a) the name of the ship;
- (b) the names of the owners;
- (c) the names of the bareboat charterers;
- (d) the date and duration of the charter-party;
- (e) the name of the register in which the ship is to be registered;
- (f) the date of expiry of the certificate of permission; and
- (g) that, for the period of the certificate of permission, the ship is not a United Kingdom ship and has no right to fly the flag of the United Kingdom.

(2) Unless renewed under regulation 87H, cancelled under regulation 87J or revoked under regulation 87K, a certificate of permission is valid for a period of 5 years, beginning with the date of issue of that certificate.

#### **Cancellation of Certificate of Registry**

**87G.** Upon issuing a certificate of permission, the Registrar must record in the Register the period of validity remaining in respect of the certificate of registry, and then cancel the certificate of registry.

#### **Renewal of Certificate of Permission**

**87H.—(1)** An application for renewal of a certificate of permission must be in a form approved by the Secretary of State, and must include or be accompanied by the information and documents specified in regulation 87C, and, subject to regulation 111, the current certificate of permission.

(2) The Registrar must renew a certificate of permission where the Registrar is satisfied that the conditions in sub-paragraphs (b) to (e) of regulation 87D(2) are satisfied.

(3) Where the Registrar renews a certificate of permission, the Registrar must issue a new certificate of permission, and cancel the previous certificate of permission.

#### **Amendment of Certificate of Permission**

**87I.—(1)** An application for amendment of a certificate of permission must—

- (a) be made in writing,
- (b) specify the details on the certificate of permission that are to be amended, and
- (c) subject to regulation 111, be accompanied by the current certificate of permission.

(2) The Registrar must accept an application for amendment if the Registrar is satisfied that the particulars furnished to the Registrar are correct and any relevant conditions in paragraph (3) are met.

(3) The conditions are—

- (a) in respect of an application to amend the ship's name, that the ship's name would comply with Schedule 1 if an application were made to approve the name by a ship registered under Part II of the Act;
- (b) in respect of an application to amend the names of the owners of the ship—
  - (i) that the Registrar is satisfied that the ship retains a British connection; and
  - (ii) that the transfer of ownership—

(aa) was effected by a bill of sale in a form approved by the Secretary of State with appropriate attestation, containing a description of

the ship sufficient to identify it, and that the bill of sale, or a copy thereof, has been provided to the Registrar;

(ab) was consequent on death, and the grant of representation or a copy thereof or of an extract therefrom has been provided to the Registrar;

(ac) was consequent on bankruptcy, and evidence of proof of title of persons claiming under bankruptcy has been provided to the Registrar; or

(ad) was consequent on an order of a court, and a copy of the order or judgment of that court has been provided to the Registrar;

(c) in respect of an application to amend the register where the ship may be registered, that that register is an approved register.

(4) Where the Registrar accepts an application to amend a certificate of permission, the Registrar must issue an amended certificate of permission with the amended details, and cancel the previous certificate of permission.

(5) Notwithstanding the suspension of the entry, where an amended certificate of permission issued under paragraph (4) contains details which are different from those recorded in the entry in the Register in respect of the ship, the Registrar must amend the Register accordingly.

(6) Where the Registrar refuses an application to amend a certificate of permission, the Registrar must consider whether to revoke the certificate of permission.

### **Cancellation**

**87J.**—(1) An application to cancel a certificate of permission must—

- (a) be in a form approved by the Secretary of State,
- (b) include the written consent of all owners, and
- (c) subject to regulation 111, must be accompanied by the certificate of permission.

(2) Upon receipt of a valid application under paragraph (1), the Registrar must cancel the certificate of permission.

### **Revocation**

**87K.**—(1) Subject to regulation 101, the Registrar may revoke a certificate of permission where the Registrar is satisfied that—

- (a) if the registration of the ship were not suspended, the Registrar would terminate the ship's registration under regulation 56(1)(a), (b), (c), (d) or (g);
- (b) the details recorded on the certificate of permission are not correct, and an application to amend the certificate of permission has not been made in a reasonable period;
- (c) the ship has been flying the British flag, or
- (d) the ship has been displaying a UK port of choice.

(2) For the purposes of paragraph (1)(a), when considering if the Registrar would terminate the ship's registration under regulation 56(1)(d), the Registrar must take into account the requirements of the Merchant Shipping Acts (including any instrument made under them) as they would apply to the ship if the registration of the ship were not suspended.

(3) Where the Registrar revokes a certificate of permission, the Registrar must notify the owner.

### **Restoration of Registration**

**87L.**—(1) Where a certificate of permission—

- (a) has expired without being renewed,
- (b) has been cancelled under regulation 87J, or
- (c) has been revoked under regulation 87K, and the Registrar has not removed the ship from the Register under regulation 87M,

the Registrar must issue a carving and marking note.

(2) On receipt of a carving and marking note, the owner must cause the ship to be carved and marked in accordance with Schedule 3, and, if required under regulation 33, cause the ship's carving and marking to be inspected by an inspector of marks.

(3) If a carving and marking note issued under paragraph (1) is not duly completed and returned to the Registrar within 3 months of its issue, the Registrar may cancel it and proceed to remove the entry relating to the ship from the Register under regulation 87M(1).

(4) Where the Registrar is satisfied that the ship has been duly carved and marked, the Registrar must restore the registration of the ship by removing the marking of suspension in respect of the ship in the Register.

(5) Upon restoring the registration of the ship under paragraph (4), the Registrar must issue and send to the owner a certificate of registry.

(6) The registration of a ship restored under paragraph (4) shall be valid for the period of validity recorded in the Register pursuant to regulation 87G, beginning with the date of restoration specified in the certificate of registry, and shall expire at the end of that period unless it is renewed in accordance with regulation 42.

### **Removal of an Entry Relating to a Suspended Ship from the Register**

**87M.**—(1) The Registrar may remove an entry from the Register where—

- (a) the Registrar has revoked a certificate of permission under regulation 87K(1)(a);
- (b) the Registrar has revoked a certificate of permission under regulation 87K(1)(b), (c) or (d); or
- (c) the Registrar has cancelled a carving and marking note under regulation 87L(3).

(2) Where the Registrar removes the entry relating to the ship from the Register, the Registrar must issue a closure transcript and notify any mortgagees of the removal of the entry from the Register.”