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STATUTORY INSTRUMENTS

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**1992 No.1293**

**MERCHANT SHIPPING  
SHIPS AND SHIOWNERS**

**The Merchant Shipping (Ministry of Defence  
Commercially Managed Ships) Order 1992**

<i>Made</i>	- - - -	<i>4th June 1992</i>
<i>Laid before Parliament</i>		<i>12th June 1992</i>
<i>Coming into force</i>	- -	<i>13th June 1992</i>

At the Court at Buckingham Palace, the 4th day of June 1992

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 80 of the Merchant Shipping Act 1906(1), section 738 of the Merchant Shipping Act 1894(2) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

1. This Order may be cited as the Merchant Shipping (Ministry of Defence Commercially Managed Ships) Order 1992 and shall come into force on 13th June 1992.

**Interpretation**

2.—(1) In this Order—

“Ministry of Defence commercially managed ship” means a Government ship in the service of the Ministry of Defence, the management of which is entrusted by the Secretary of State to some other person pursuant to a contract;

“the 1894 Act” means the Merchant Shipping Act 1894;

“the Acts” means the Merchant Shipping Acts 1894 to 1988;

“Secretary of State” means the Secretary of State for Defence.

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(1) 1906 c. 48.

(2) 1894 c. 60; section 738 was amended by the Statute Law (Repeals) Act 1986 (c. 12), section 1 and Schedule 1, Part XII.

(2) In this Order, any reference to a numbered article is a reference to the article so numbered in this Order.

### **Amendment of the Merchant Shipping (Ministry of Defence Ships) Order 1989**

**3.**—(1) Article 3 (interpretation) of the Merchant Shipping (Ministry of Defence Ships) Order 1989(3) shall be amended as follows.

(2) In the definition of “Ministry of Defence ship” after the words “other than a Ministry of Defence yacht” there shall be inserted the words “or a Ministry of Defence commercially managed ship”.

(3) After the definition of “Ministry of Defence yacht” there shall be inserted the following definition—

““Ministry of Defence commercially managed ship” means a Government ship in the service of the Ministry of Defence, the management of which is entrusted by the Secretary of State to some other person pursuant to a contract;”.

### **Regulations for registry**

**4.** An application for registry of a Ministry of Defence commercially managed ship shall be made in writing under the hand of an officer of the Ministry of Defence to a registrar of British ships and shall contain the following particulars—

- (a) a statement of the name and description of the ship;
- (b) a statement of the time when and the place where the ship was built; or, if the ship was foreign built and the time and place of building are unknown, a statement to that effect and of her foreign name;
- (c) a statement of the nature of the title to the ship, whether by original construction by or for the Ministry of Defence, or by purchase, capture, condemnation or otherwise, and, if she was not originally constructed by or for the Ministry of Defence, a list of the documents of title, if any;
- (d) a statement of the name and address of the person to whom the management of the ship has been or is to be entrusted by the Secretary of State.

**5.** The registrar, on receiving an application made under article 4, shall enter in the register the following particulars—

- (a) a record of the ship as belonging to the Secretary of State;
- (b) the name of the port of registry;
- (c) the particulars stated in the application for registry;
- (d) the details comprised in the certificate granted by a surveyor pursuant to section 6 of the 1894 Act(4).

**6.** Upon the registry of a Ministry of Defence commercially managed ship the registrar shall retain in his possession the application for registry and any documents of title produced with the application.

**7.**—(1) The Secretary of State shall not be regarded as or deemed to be the managing owner of a Ministry of Defence commercially managed ship.

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(3) S.I.1989/1991, amended by S.I. 1992/.

(4) 1894 c. 60; section 6 was amended by the Merchant Shipping Act 1988 (c. 12), section 10 and Schedule 1.

(2) There shall be registered by the registrar of the port of registry of a Ministry of Defence commercially managed ship the name of the person to whom the management of that ship is entrusted by the Secretary of State.

(3) An officer of the Ministry of Defence shall, in the event of any change in the identity or in the address of the manager of a Ministry of Defence commercially managed ship, notify the registrar of the ship's port of registry of the name and address of the new manager or (as the case may be) of the new address, as soon as practicable after the change occurs.

(4) Without prejudice to the provisions of article 10(2), any person whose name is registered under this article shall, for the purposes of the Acts, be under the same obligations and subject to the same liabilities under the Acts as if he were the managing owner.

### **Exceptions and modifications to the Merchant Shipping Acts**

**8.** The powers conferred by sections 530 to 534 of the 1894 Act (removal of wrecks) shall not be exercised in the case of a Ministry of Defence commercially managed ship without the prior written consent of the Secretary of State except in regard to lighting and buoying necessary for the immediate protection of traffic.

**9.** Nothing in this Order shall be construed as excluding a Ministry of Defence commercially managed ship from the category of Her Majesty's ships for the purposes of sections 557 to 564 of the 1894 Act (salvage by Her Majesty's ships).

**10.**—(1) No contravention by the Secretary of State of any provision of the Acts which by virtue of section 80 of the Merchant Shipping Act 1906(5) and this Order, is applicable in relation to Ministry of Defence commercially managed ships shall make the Secretary of State guilty of any offence or subject to any penalty.

(2) The provisions of section 58 of the 1894 Act shall apply to the person whose name is registered pursuant to the provisions of article 7.

**11.** Nothing contained in the Acts providing for the forfeiture, detention, distress or pouncing and sale of a ship or of anything on or belonging to a ship shall have any application to a Ministry of Defence commercially managed ship or anything on or belonging to such a ship.

**12.** In relation to a Ministry of Defence commercially managed ship registered in pursuance of this Order the provisions of the Acts specified in the Schedule to this Order shall be included among the provisions of those Acts which do not apply to that ship.

*G. I. de Deney*  
Clerk of the Privy Council

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 12

The provisions of the Acts which do not apply to a Ministry of Defence commercially managed ship—

**1. The 1894 Act<sup>(6)</sup>:**

Sections 8 to 12, 59, 459 to 461, 552, 553, 567 and 568.

**2. The Merchant Shipping Act 1897<sup>(7)</sup>:**

The whole Act.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the registration as British ships, for the purposes of the Merchant Shipping Acts 1894 to 1988 (the Acts), of a special class of Government ships, namely those in the service of the Ministry of Defence the commercial management of which the Secretary of State for Defence has entrusted to some other person pursuant to a contract.

Article 3 amends the Merchant Shipping (Ministry of Defence Ships) Order 1989 (the 1989 Order), which provides for the registration of and application of the Acts generally to Government ships, in order to exclude such ships from the application of the 1989 Order.

Articles 4 to 7 make regulations as to registry.

Articles 8 to 12 make certain exceptions and modifications to the Acts as respects Ministry of Defence commercially managed ships.

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<sup>(6)</sup> 1894 c. 60; relevant amendments were made by the Merchant Shipping Act 1988 (c. 12) section 10 and Schedule 1, section 48 and Schedule 5.

<sup>(7)</sup> 1897 c. 59