
STATUTORY INSTRUMENTS

1992 No. 1736

MERCHANT SHIPPING

**The Merchant Shipping (Categorisation of
Registries of Overseas Territories) Order 1992**

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| <i>Made</i> | - - - - | <i>15th July 1992</i> |
| <i>Laid before Parliament</i> | | <i>23rd July 1992</i> |
| <i>Coming into force</i> | - - | <i>13th August 1992</i> |

At the Court at Buckingham Palace, the 15th day of July 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 11 of the Merchant Shipping Act 1988⁽¹⁾ 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:

1.—(1) This Order may be cited as the Merchant Shipping (Categorisation of Registries of Overseas Territories) Order 1992 and shall come into force on 13th August 1992.

(2) The Merchant Shipping (Categorisation of Registries of Overseas Territories) Order 1991⁽²⁾ and the Merchant Shipping (Categorisation of Registries) of Overseas Territories (Amendment) Order 1991⁽³⁾ are hereby revoked.

2.—(1) For the purposes of section 11 of the Merchant Shipping Act 1988 (regulation of registration of ships in overseas territories by reference to categories of registers) there are hereby established the categories of registry specified in Column 2 of the Schedule to this Order which shall be known by the designation specified thereto in Column 1 of the said Schedule.

(2) The relevant overseas territories specified in column 4 of the Schedule are hereby assigned to the categories in Column 2.

⁽¹⁾ 1988 c. 12.

⁽²⁾ S.I.1991/770, amended by S.I. 1991/1469.

⁽³⁾ S.I. 1991/1469.

3.—(1) No ship affected by a restriction on registration specified in Column 3 of the Schedule in relation to any category of registry shall be registered under Part I of the Merchant Shipping Act 1894(4) in a relevant overseas territory assigned to that category.

(2) Paragraph (1) above shall be without prejudice to the operation of any provision for the time being in force under the law of any such territory as is mentioned in that paragraph by virtue of which the registration of ships under Part I of the 1894 Act in that territory is, or may be, further restricted.

(3) Paragraph (1) above shall not affect until 1st January 1994 the continued registration of any ship in a relevant overseas territory specified in Column 4 in relation to category 2: Limited tonnage and type if it was registered in that territory on 15th July 1992.

(4) Ships falling within category 2: Limited tonnage and type in the Schedule are excepted from the restriction on registration in the following circumstances—

(a) that the ship is—

(i) a fishing vessel, or

(ii) a passenger ship intended for, and used only on, non-international voyages; or

(iii) a ship of such importance in the special local circumstances that the Secretary of State, with the advice of the Governor or Lieutenant Governor, as the case may be, is satisfied that it would not be appropriate for that ship to be registered elsewhere than in the relevant overseas territory;

and

(b) there are in force arrangements between the Secretary of State and the Governor or the Lieutenant Governor, as the case may be, that any ship to which sub-paragraph (a) above applies will be surveyed and inspected to the standards of regulations, relating to the safety of ships and persons on them and to the protection of health of persons on them and to the prevention of pollution, that would apply to the ship if it were registered in the UK, to the extent set out in the arrangements.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Articles 2 and 3

CATEGORIES OF REGISTRY AND TERRITORIES ASSIGNED THERETO

| (1) Destination of Category | (2) Category | (3) Restrictions | (4) Relevant Overseas Territories |
|--------------------------------------|---|---|--|
| 1: Unlimited tonnage and type | Registry to which no restriction such as is mentioned in section 11(2)(a) of the Merchant Shipping Act 1988 applies | | Bermuda Cayman Islands Isle of Man |
| 2: Limited tonnage and type | Registry to which the restriction specified in column 2 to size and type of ship may be registered | Ships (i) of more than 150 tons; or (ii) which are passenger ships; may not be registered | Anguilla British Virgin Islands Falkland Islands Guernsey Jersey Montserrat St. Helena Turks and Caicos Islands |

In this Schedule—

“passenger ships” means ships which are used for carrying more than twelve passengers, or are intended for such use, whether or not they are used for any other purpose;
“tons” means gross tons, and the gross tonnage of a ship having alternative tonnages shall be taken to be the larger of those tonnages.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Merchant Shipping (Categories of Registries of Overseas Territories) Order 1991 which was made under section 11 of the Merchant Shipping Act 1988. The section enables Orders in Council to establish categorisation of registry by reference to which registration of ships in the relevant overseas territories — i.e. Crown Dependencies and dependent territories — may be regulated.

This Order extends the category of overseas territories in which there is a restriction of registration of ships, creating the category 2: Limited tonnage and type. No ship of more than 150 tons, and no

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passenger ship, may be registered in such territories. There is a saving, until 1st January 1994, for ships already registered. There is an exception for fishing vessels, passenger ships and ships of local significance, where suitable arrangements for safety surveys are in place.

The territories assigned to the new category are Anguilla, British Virgin Islands, Falkland Islands, Montserrat, St. Helena and Turks and Caicos Islands, as well as Guernsey and Jersey, in which there were already certain restrictions in force.