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STATUTORY INSTRUMENTS

1994 No. 541

MERCHANT SHIPPING

REGISTRATION

The Merchant Shipping (Registration of Ships) (Amendment) Regulations 1994

Made - - - - 4th March 1994

Laid before Parliament 11th March 1994

Coming into force - - 21st March 1994

The Secretary of State, in exercise of the powers conferred on him by sections 2, 3, and 7(5) of, and Schedule 1 to, the Merchant Shipping (Registration, etc.) Act 1993⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

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

2. The Merchant Shipping (Registration of Ships) Regulations 1994⁽²⁾ shall be amended as follows.

3. In regulation 7(2):

- (a) for “of a British ship” there shall be substituted “of a ship registered on Part I of the Register”; and
- (b) in sub-paragraph (a) for “qualified to be the owners of British ships” there shall be substituted “so qualified under paragraph (1).”.

4. In regulation 8:

- (a) in paragraph (1):
 - (i) for “(3) and (4)” there shall be substituted “(3), (4) and (5)”;
 - (ii) for “to be the owners of British ships” there shall be substituted “under regulation 7(1)”;

(1) 1993 c. 22.
(2) 1993/3138.

- (b) in paragraph (2), for “Where entitlement arises by virtue of the majority interest being made up of” there shall be substituted “Where a majority interest in a ship is owned by”;
- (c) in paragraph (4) for “Where entitlement to be registered arises by virtue of the fact that” there shall be substituted “Where”;
- (d) in paragraph (5):
 - (i) for “Where entitlement to be registered arises by virtue of the fact that” there shall be substituted “Where”;
 - (ii) for “the ship shall be entitled to be” there shall be substituted “the ship shall only be”.
- 5. In regulation 22(1) at the beginning there shall be inserted “Subject to regulation 25”.
- 6. In regulation 24, paragraph (d), for “Act of Ordinance” there shall be substituted “Act or Ordinance of a relevant British possession”.
- 7. In regulation 49(1)(a), for “prescribed by” there shall be substituted “prescribed in”.
- 8. In regulation 57 for “the Registrar” there shall be substituted “the Secretary of State”.
- 9. For regulation 60, and the heading, there shall be substituted:

“Evidence of transmission of mortgage.

On the application for registration of a transmission of a registered mortgage as mentioned in paragraph 12 of Schedule 1 to the Act the evidence to be produced to the Registrar shall be:—

- (a) a declaration of transmission of mortgage in a form approved by the Secretary of State; and
- (b)
 - (i) if the transmission was consequent on death, the grant of representation or an office copy thereof or of an extract therefrom;
 - (ii) if the transmission was consequent on bankruptcy such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy;
 - (iii) if the transmission was consequent on an order of a court, a copy of the order of that court.”
- 10. For regulation 61 the following regulation shall be substituted:

“61. Where a transfer of a registered mortgage or evidence of a transmission is produced to the Registrar, he shall:—

 - (a) enter the name of the transferee, or the name of the person to whom the mortgage has been transmitted, in the Register as mortgagee of the ship or share in question;
 - (b) in respect of a transfer, endorse on the instrument of transfer the date and time the entry was made.”
- 11. In regulation 65, for “22(2)” there shall be substituted “22(1)”.
- 12. In regulations 81 and 85 there shall be added at the end “as if any reference in them to the owner was a reference to the charterer”.
- 13. In regulation 108(4)(b) for “the appropriate person shall issue” there shall be substituted “authorise the appropriate person to issue”.
- 14. In regulation 115 for the definition of “five year period” there shall be substituted “‘five year period’ means the period beginning with 21st March 1994 and ending with 20th March 1999;”.
- 15. In regulation 120:

- (a) in paragraphs (1) and (2)(a) for “but not completed” there shall be substituted “but in respect of which registration was not effected”;
- (b) in sub-paragraph (b) of paragraph (2) for “the operation of paragraph (1)” there shall be substituted “the provisions of these Regulations”.

16. In Schedule 1, paragraph 1, for “European numerals” there shall be substituted “Arabic numerals”.

17. In Schedule 5, paragraph 3(d) for “transition” there shall be substituted “translation”.

Signed by authority of the Secretary of State for Transport

Department of Transport
4th March 1994

Mackay of Ardbrecknish
Parliamentary Under Secretary of State,

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Registration of Ships) Regulations 1993. They make minor and drafting changes.