

1976 No. 940

MERCHANT SHIPPING
SAFETY

The Merchant Shipping (Registration of Submersible Craft)
Regulations 1976

<i>Made</i> - - - -	16th June 1976
<i>Laid before Parliament</i>	23rd June 1976
<i>Coming into Operation</i>	17th July 1976

The Secretary of State, in exercise of his powers under sections 16 and 17 of, and Schedule 5 to, the Merchant Shipping Act 1974(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Registration of Submersible Craft) Regulations 1976 and shall come into operation on 17th July 1976.

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

“owner” means the owner for the time being of any submersible craft;

“submersible craft” means any description of manned mobile submersible apparatus which is designed to maintain some or all of its occupants at or near atmospheric pressure and includes free self-propelled, tethered, towed and bottom contact propelled apparatus.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Application

2.—(1) These Regulations apply to any submersible craft which is:

(a) operated within waters which are in the United Kingdom or which are adjacent thereto and within the seaward limits of territorial waters, or

(b) launched or operated from a ship registered in the United Kingdom or a British ship not registered in the United Kingdom.

(a) 1974 c. 43.

(b) 1889 c. 63.

(2) Any submersible craft to which these Regulations apply shall be registered in the United Kingdom in accordance with these Regulations.

Procedure for registration

3.—(1) A register of submersible craft shall be maintained at the offices of the Department of Trade.

(2) Any person who, at the date on which these Regulations come into operation, is the owner of any submersible craft to which these Regulations apply, shall, within 90 days of that date, make an application in writing to the Secretary of State, for registration of the submersible craft, including two copies of such particulars and details relating to the craft as are set out in the Schedule hereto.

(3) Any person who, after the date on which these Regulations come into operation, becomes the owner of such a submersible craft shall, within 30 days of the date upon which he becomes the owner, or within 90 days of the date when these Regulations come into operation, whichever is the later, make an application in writing for registration of the submersible craft to the Secretary of State, including such particulars and details as are mentioned in paragraph (2) above, or if such application for registration of that submersible craft has already been made, notify the Secretary of State within such period that he has become the owner.

(4) There shall be payable in respect of an application to register a submersible craft under these Regulations a fee of £10.

(5) Upon receiving an application for the registration of a submersible craft, the Secretary of State, being satisfied that the craft may properly be so registered, shall cause the following particulars to be included in the register:

- (a) the number of the certificate of registration; and
- (b) the registration number assigned to the submersible craft; and
- (c) the names of the owner and operator of the submersible craft.

(6) The Secretary of State shall cause to be issued to the owner making application for registration of the submersible craft, a certificate of registration which shall include the foregoing particulars and the date on which the certificate was issued.

(7) Any person who is registered as the owner of a submersible craft to which these Regulations apply shall forthwith inform the Secretary of State in writing of:

- (a) any change in the particulars contained in the certificate of registration of the submersible craft; or
- (b) the destruction of the submersible craft or his intention to withdraw the craft from use.

(8) The Secretary of State may, whenever it appears to him necessary or appropriate to do so for giving effect to these Regulations or for bringing up to date or otherwise correcting the particulars entered on the register, cause the register to be amended or, if he thinks fit, may cause the registration of the submersible craft to be cancelled and shall cause that registration to be can-

called if he is satisfied that there has been a change in the ownership of the submersible craft which has not been notified to him in accordance with paragraph (7) above.

Registration marks

4. The owner shall not operate nor cause nor permit to be operated any submersible craft to which these Regulations apply unless the registration number assigned under Regulation 3(5) above is at all times:

- (a) displayed on a metal plate permanently affixed to the internal structure of the main pressure hull of such craft, and
- (b) conspicuously marked on the external structure thereof.

Offences

5.—(1) The owner of a submersible craft to which these Regulations apply who fails to comply with the requirements of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(2) It shall be a defence in any proceedings for an offence under this Regulation for the person charged to prove:

- (a) that he exercised all due diligence to prevent the commission of the offence; and
- (b) that the relevant contravention was committed without his consent, connivance or wilful default.

6.—(1) These Regulations shall apply to persons, whether or not British subjects, and to companies, whether or not incorporated under the law of any part of the United Kingdom.

(2) In any proceedings for an offence under these Regulations an averment in any process of the fact that anything was done or situated within waters to which these Regulations apply shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(3) Proceedings for any offence under these Regulations may be taken, and the offence be treated for all incidental purposes as having been committed, in any place in the United Kingdom.

16th June 1976.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

Regulation 3(2)

SCHEDULE

PARTICULARS AND DETAILS REQUIRED FOR REGISTRATION OF SUBMERSIBLE CRAFT

(a) General description of submersible craft (standard configuration)

Name (if applicable)

Particulars of registration as a ship (if applicable)

Builder

Designer

Owner

Operator

Date of build or launch

Overall dimensions

Collapse depth estimation

Drawing showing layout, principal parts and construction materials of the craft with general description

(b) Classification

Name of Classification Society under whose surveillance the craft was built, class awarded and date. Name of Classification Society with whom currently classed (if different from above).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the registration of manned mobile submersible apparatus to which the Merchant Shipping Act 1974 applies.

A register of such craft will be maintained at the Department of Trade and registration will be obligatory. A fee will be payable on application for registration. The Regulations require that the Secretary of State be notified of changes in the registered particulars and require the registration number to be displayed on the internal structure and to be conspicuously marked on the external structure of the craft.

Registration of a craft may be cancelled if there is a change of ownership which has not been notified in accordance with the Regulations and the register may be amended if the craft is destroyed or withdrawn from use.

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