
STATUTORY INSTRUMENTS

1993 No. 3138

**The Merchant Shipping (Registration
of Ships) Regulations 1993**

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Registration of Ships) Regulations 1993 and shall come into force on 21st March 1994.

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

“the Act” means the Merchant Shipping (Registration, etc.) Act 1993;

“application for registration” includes, except where otherwise stated, application for registration of a ship or share in a ship; application for registration of a small ship; application for re-registration of the same; and application for the registration of a transfer or transmission of a ship or a share in a ship; but not application for the renewal of registration;

“appropriate person” means in relation to a port in a country outside the British Islands:—

- (a) any British consular officer within whose consular district the port lies; or
- (b) where Her Majesty’s Government in the United Kingdom is represented in that country by a High Commissioner, any member of the High Commissioner’s official staff nominated by him for the purposes of these Regulations; or
- (c) where that country is a colony, the Governor of the colony or any person appointed by him for those purposes;

and in this definition “High Commissioner” includes an acting High Commissioner and “Governor” includes an acting Governor;

“appropriate attestation” means attestation in a form approved by the Secretary of State;

“authorised measurer” means the Secretary of State or any person authorised under the Merchant Shipping (Tonnage) Regulations 1982⁽¹⁾ the Merchant Shipping (Fishing Vessels-Tonnage) Regulations 1988⁽²⁾ to carry out the measurement of ships for the purposes of those Regulations;

“bareboat charter ship” means a ship registered under section 7 of that Act;

“beneficial ownership” shall be determined by reference to every beneficial interest in that vessel, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“builders certificate” means a certificate signed by the builder of the ship and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and

(1) S.I.1982/841.
(2) S.I. 1988/1909.

of the date and place where it was built, and of the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered;

“certificate of registry” means a certificate of registration which is issued to a ship which is registered under the Act and includes a certificate of bareboat charter unless the context otherwise requires;

“certificate of bareboat charter” means a certificate of registration issued to a ship which is registered under section 7 of the Act;

“classification society” means a person authorised to act as a ‘Certifying Authority’ for the purposes of the Merchant Shipping (Tonnage) Regulations 1982;

“closure transcript” means a certified extract from the register showing that the entry in the register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure;

“declaration of eligibility” means a declaration which complies with the provisions of regulation 22(1);

“fishing vessel” means a vessel within the meaning of paragraph 2(1)(c) of Schedule 4 to the Act;

“freeze” means to prevent any entry (which includes a deletion of an entry) being made in the Register;

“identifying number” means the unique identifying number allocated to a bareboat charter ship on its registration on the primary register or, in the absence of such a number, the number allocated under regulation 79(3);

“inspector of marks” means an authorised measurer or any person authorised by the Secretary of State to verify the carving and marking of a ship under these Regulations;

“local office” means an office of the Ministry of Agriculture, Fisheries and Food, The Scottish Office Agriculture and Fisheries Department or the Department of Agriculture for Northern Ireland, listed in the list published by the Department of Transport and entitled ‘List of Local Offices for Fishing Vessel Registration’;

“overall length” for ships to be registered on Part III of the Register means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

“owner” means, in relation to a ship or share in a ship, the person owning the ship, or as the case may be, a share in the ship, whether or not registered as owner;

“pleasure vessel” means a pleasure vessel as defined in regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993(3);

“port letters and numbers” means in relation to a fishing vessel the letters for the port of choice and the number within that port allocated to the vessel under regulation 31;

“port of choice” means a port listed in Schedule 2 which an owner chooses as a port to be marked on his ship;

“primary register” means the register on which the ship is registered at the time the application is made to register the ship as a bareboat charter ship;

“the Register” means the Register of British ships established under section 1 of the Act;

“the Registrar” means the person described as “the registrar” in section 9(2) of the Act;

“representation” means probate, administration, confirmation, or other instrument constituting a person the executor, administrator or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel;

“salmon coble” means a vessel under 10 metres in overall length used for fishing for profit only in connection with the private rights of fishing for salmon or migratory trout;

“ship” includes a fishing vessel but does not include a small ship or a bareboat charter ship except for the purposes of Part XII (Miscellaneous) and Part XIII (Offences);

“small ship” means a ship which is less than 24 metres in overall length and is, or is applying to be, registered under Part XI;

“submersible vessel” means any vessel used or designed to be used under the surface of any waters;

“surveyor of ships” means a marine surveyor nominated by the Secretary of State to undertake the surveys required by these Regulations and includes any marine surveyor of the Department of Transport,

“transfer of a ship” includes, except where the context otherwise requires, transfer of a share in a ship.

PART II

THE REGISTER OF BRITISH SHIPS IN THE UNITED KINGDOM

The Register

2.—(1) The Register maintained by the Registrar in accordance with section 1(1) and (2) of the Act shall be divided into the following parts:—

- (a) Part I for ships, owned by persons qualified in accordance with these regulations, which are not:
 - (i) fishing vessels, or
 - (ii) registered on that Part which is restricted to small ships,
- (b) Part II for fishing vessels,
- (c) Part III for small ships, and
- (d) Part IV for ships which are registered under section 7 of the Act (‘bareboat charter ships’).

(2) The Register may consist of both paper and computerised records and such other records as the Secretary of State may consider to be expedient.

(3) Any person shall be entitled on application to the Registrar to obtain a transcript, certified by an authorised officer, of the entries in the Register.

(4) During the official opening hours of the General Registry of Shipping and Seamen any person shall be entitled on request to inspect the entries in the Register.

(5) Entries in the Register shall be made in accordance with the following provisions:—

- (a) the property in a ship shall be divided into sixty-four shares;
- (b) subject to the provisions of the Act and these Regulations with respect to joint owners or owners by transmission, not more than sixty-four persons shall be entitled to be registered at the same time as owners of any one ship. This rule shall not affect the beneficial title of any persons represented by or claiming under or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a part of a share; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares in a ship;

- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share in a ship in respect of which they are registered.
- (6) The Registrar shall be entitled to amend the Register where:—
 - (a) a clerical error has occurred, or
 - (b) sufficient evidence is produced to satisfy him that the entry is incorrect,and on making the amendment he shall issue a new certificate of registry if necessary.

Registration of fishing vessels to be of two kinds

- 3. Registration on Part II of the Register shall be of two kinds:—
 - (a) registration of vessels to which the provisions of Schedule 1 to the Act relating to transfers by bill of sale and the registration of mortgages do not apply (hereinafter called “simple registration”), and
 - (b) registration of vessels to which those provisions do apply (hereinafter called “full registration”).

Fishing vessels changing from full registration to simple registration subject to conditions

- 4. A fishing vessel which has once been registered with full registration shall not thereafter be registered with simple registration unless:—
 - (a) it is not subject to a registered mortgage, and
 - (b) the vessel has in the meantime been registered outside the United Kingdom, and
 - (c) the Registrar consents.

Registration on only one Part of the Register

- 5. No ship, including a small ship, may be registered on more than one part of the Register at any one time.

Trusts not to be entered

- 6.—(1) Subject to paragraph (2) no trust, express, implied or constructive may be registered by the Registrar.
- (2) Where, on the bankruptcy (or in Scotland, sequestration) of a registered owner or mortgagee his title is transmitted to his trustee in bankruptcy (or in Scotland his permanent trustee), that person, if a qualified person, may be registered as the owner or mortgagee of a British ship or share in a ship.

PART III

QUALIFICATION AND ENTITLEMENT FOR REGISTRATION ON PART I OF THE REGISTER

Persons qualified to be owners of ships to be registered on Part I of the Register

- 7.—(1) The following persons are qualified to be the owners of ships which are to be registered on Part I of the Register:—

- (a) British citizens or persons who are nationals of a member State other than the United Kingdom and are established (within the meaning of Article 52 of the EEC Treaty) in the United Kingdom;
 - (b) British Dependent Territories citizens;
 - (c) British Overseas citizens;
 - (d) persons who under the British Nationality Act 1981⁽⁴⁾ are British subjects;
 - (e) persons who under the Hong kong (British Nationality) Order 1986⁽⁵⁾ are British Nationals (Overseas);
 - (f) bodies corporate incorporated in a member State;
 - (g) bodies corporate incorporated in any relevant British possession and having their principal place of business in the United Kingdom or in any such possession; and
 - (h) European Economic Interest Groupings being groupings formed in pursuance of Article 1 of Council Regulation (EEC) No.2137/85⁽⁶⁾ and registered in the United Kingdom.
- (2) A person who is not qualified under paragraph (1) to be the owner of a British ship may nevertheless be one of the owners of such a ship if:
- (a) a majority interest in the ship (within the meaning of regulation 8) is owned by persons who are qualified to be the owners of British ships, and
 - (b) the ship is registered on Part I of the Register.

British connection and majority interest

8.—(1) Subject to regulation 36(4) (Refusal of registration) and paragraphs (2), (3) and (4) below a ship shall be entitled to be registered if a majority interest in the ship is owned by one or more persons qualified to be owners of British ships.

(2) Where entitlement to register arises by virtue of the majority interest being made up of a person or persons qualified by reason of regulation 7(1)(a), (b), (e), (f), or (h), the ship shall, subject to paragraphs (3) and (4) below, be registered only if that person or (as the case may be) any of those persons is resident in the United Kingdom.

(3) Where the condition in paragraph (2) is not satisfied the ship shall be registered only if a representative person is appointed in relation to the ship under Part V.

(4) Where entitlement to be registered arises by virtue of the fact that the majority interest is owned by persons one or more of whom are persons who are qualified by reason of:—

- (a) regulation 7(1)(c) or (d), the ship shall be registered only if:—
 - (i) that person, or (as the case may be) any of those persons, is resident in the United Kingdom, or
 - (ii) where that condition is not satisfied, the Secretary of State furnishes a declaration that he consents to the ship being registered, and, in addition, a representative person is appointed in relation to the ship;
- (b) regulation 7(1)(g), the ship shall be registered only if:—
 - (i) the body corporate has a place of business in the United Kingdom, or
 - (ii) where that condition is not satisfied, if a representative person is appointed in relation to the ship.

⁽⁴⁾ 1981 c. 61.

⁽⁵⁾ S.I. 1986/948.

⁽⁶⁾ Set out in Schedule 1 to S.I. 1989/638.

(5) Where entitlement to be registered arises by virtue of the fact that the majority interest is owned by the following persons:—

- (a) one or more persons who are qualified by reason of regulation 7(1)(a), (b), (e), (f), or (h), and
- (b) one or more persons qualified by reason of regulation 7(1)(c) or (d), or
- (c) one or more persons qualified by reason of regulation 7(1)(g),

the ship shall be entitled to be registered—

- (i) if any of those persons is resident in the United Kingdom, or
- (ii) (where that condition is not satisfied) if a representative person is appointed in relation to the ship.

9. For the purposes of regulation 8:—

- (a) one or more persons shall be treated as owning a majority interest in a ship if there is vested in that person or in those persons, taken together, the legal title to 33 or more shares in the ship (there being left out of account for this purpose any share in which any beneficial interest is owned by a person who is not entitled to be an owner of a British ship); and
- (b) a body corporate shall be treated as resident in the United Kingdom if, being a body incorporated in a member State, it has a place of business in the United Kingdom.

Government ships

10. Nothing in this Part applies to a ship to which section 80 of the Merchant Shipping Act 1906(7) applies (Government ships).

Fishing vessels excluded from Part I

11. A fishing vessel may not be registered on Part I of the Register.

PART IV

QUALIFICATION AND ENTITLEMENT OF BRITISH FISHING VESSELS TO BE REGISTERED ON PART II OF THE REGISTER

Eligibility

12. The following persons are qualified to be the owners of fishing vessels which are to be registered on Part II of the Register:—

- (a) British citizens or persons who are nationals of a member State other than the United Kingdom and are established (within the meaning of Article 52 of the EEC Treaty) in the United Kingdom;
- (b) bodies corporate incorporated in a member State with a place of business in the United Kingdom;
- (c) European Economic Interest Groupings being groupings formed in pursuance of Article 1 of Council Regulation (EEC) No.2137/85 and registered in the United Kingdom; and
- (d) a local authority in the United Kingdom.

(7) 1906 c. 48.

13.—(1) Subject to regulations 14 (British connection and representative persons for fishing vessels), 15 (Dispensations), and 36(2), (3) and (4) (Registration and refusal of registration of a ship), a ship shall be entitled to be registered only if the legal and beneficial title of the vessel are vested wholly in one or more of those persons qualified to be owners of a British fishing vessel by virtue of regulation 12.

(2) Where any share in a vessel is beneficially owned jointly by persons not all of whom are qualified to be the owners of a British fishing vessel by virtue of regulation 12, then for the purposes of this Part, the whole of the share shall be treated as beneficially owned by persons who are not qualified by virtue of that regulation.

British connection and representative persons for fishing vessels

14.—(1) Notwithstanding that the requirements specified in regulation 13 are satisfied a vessel shall not be registered unless:—

- (a) it is managed, and its operations controlled and directed, from within the United Kingdom, and
- (b) any charterer, manager or operator of the vessel is a person qualified to be the owner of a British fishing vessel by virtue of regulation 12.

(2) Where:—

- (a) the requirements specified in regulation 13 are satisfied with respect to a fishing vessel, but
- (b) the legal title to the vessel is vested wholly in one or more qualified persons who is, or as the case may be each of whom is, an individual not resident in the United Kingdom,

the vessel shall only be eligible to be registered as a fishing vessel if a representative person is appointed in relation to the vessel under Part V.

Dispensations

15.—(1) Where in the case of any fishing vessel, the Secretary of State is satisfied that:—

- (a) a fishing vessel would be eligible to be registered but for the fact that any particular individual, or (as the case may be) each of a number of particular individuals, is not a British citizen or a national of a member State other than the United Kingdom (and is accordingly not a qualified person), and
- (b) it would be appropriate to dispense with the requirement of British citizenship or nationality of such a member State in the case of that individual or those individuals, in view of the length of time he has or they have resided in the United Kingdom and have been involved in the fishing industry of the United Kingdom,

the Secretary of State may determine that that requirement should be so dispensed with; and if he does so, the vessel shall, so long as sub-paragraph (a) above applies to it and any such determination remains in force, be treated for the purposes of registration on Part II of the Register as being eligible to be registered as a British fishing vessel.

Appointment of inspectors

16. For the purpose of determining whether a fishing vessel is eligible to be registered on Part II of the Register, the Secretary of State may appoint a person:—

- (a) to investigate the eligibility of the vessel to be so registered, and
- (b) to make a report of his conclusions to the Secretary of State;

and any person so appointed shall, for the purpose of conducting the investigation, have the powers conferred on an inspector by the provisions of section 27 of the Merchant Shipping Act 1979(8) (other than paragraphs (d) to (h) of subsection (1) of that section).

Exemptions from section 5(1) of the Act

17. Section 5(1) of the Act does not apply to:—

- (a) salmon cobbles;
- (b) vessels which are 10 metres overall length and under and which are not propelled by use of an engine; and
- (c) vessels which are 10 metres overall length and under which are used to fish for only common eels (*Anguilla anguilla*).

PART V

APPOINTMENT OF REPRESENTATIVE PERSONS

Appointment of representative persons

18.—(1) Where the entitlement of any ship to be registered is conditional upon the appointment of a representative person, the owner of the ship shall:—

- (a) before applying for the ship to be registered, appoint an individual or body corporate satisfying the requirements in paragraph (2) below to be the representative person, and
- (b) ensure that, so long as the ship remains registered, an individual or body corporate satisfying those requirements shall be so appointed.

(2) A representative person is either:—

- (a) an individual resident in the United Kingdom, or
- (b) a body corporate incorporated in a member State and having a place of business in the United Kingdom.

(3) The appointment of the representative person shall be made in a form approved by the Secretary of State and shall contain the name and the address of the representative person.

(4) The owner of any ship in relation to which any representative person is for the time being appointed under this regulation shall:—

- (a) on applying for the ship to be registered, send to the Registrar the appointment required by paragraph (3),
- (b) in the event of any change in the identity, or in the address of the representative person, notify the Registrar of the relevant change within 7 days of the change occurring,

and the Registrar shall record the new particulars in the Register.

Service on representative persons

19. Any document required or authorised to be served by or under the Merchant Shipping Acts or required or authorised, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under the Merchant Shipping Acts, or under any instrument in force under those Acts, on the owner of a ship shall be treated as duly served on him if:—

(8) 1979 c. 39.

- (a) delivered to any representative person for the time being appointed, or
- (b) sent to any such person by post at the address notified (or, as the case may be, last notified) to the Registrar under regulation 18(4) above in relation to that person, or
- (c) left for any such person at that address.

PART VI

REGISTRATION

Form of application

20.—(1) Every application made under these Regulations shall be made to the Registrar at the General Registry of Shipping and Seamen in person or by post. Applications in respect of fishing vessels may also be made through a local office.

(2) The application shall be made in a form approved by the Secretary of State and shall contain the name and address of the applicant and sufficient information to enable the ship to be identified.

The applicant

21.—(1) Every application made under these Regulations shall be made:—

- (a) in the case of individuals, by some one or more of the individuals registered or requiring to be registered as owners or by his or their agent, or
- (b) in the case of a body corporate, by a duly authorised officer of that body corporate, or by its agent, or
- (c) in the case of an European Economic Interest Group, by a duly authorised officer of that Group, or by its agent.

Applications for registration

22.—(1) Every application for registration must be supported by a declaration of eligibility which shall be in a form approved by the Secretary of State and shall include:—

- (a) a declaration of British connection;
- (b) a declaration of ownership by every owner setting out his qualification to own a British ship;
- (c) a statement of the number of shares in the ship the legal title of which is vested in each owner whether alone or jointly with any other person or persons; and
- (d) in respect of an application to register a fishing vessel, a statement of the beneficial ownership of any share which is not beneficially owned by its legal owner.

(2) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register shall be accompanied by a certified extract from that register in respect of that ship.

(3) Every application for registration of a fishing vessel on Part II of the Register shall state whether the application is for full or simple registration.

Appointment of managing owner

23.—(1) Where application is made in respect of a ship which has more than one owner, or whose shares are owned by more than one owner, and no representative person has been appointed

under Part V, one of those owners who is resident in the United Kingdom shall be nominated as the managing owner, and the Register shall be marked accordingly and all correspondence shall be sent to that person at the address recorded in the Register in respect of that owner.

(2) Where the owners determine that a different managing owner should be appointed, the Registrar shall be notified in writing and the Register noted accordingly.

(3) Any document required or authorised to be served, by or under the Merchant Shipping Acts or required or authorised, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under the Merchant Shipping Acts, or under any instrument in force under those Acts, on the owner of a ship shall be treated as duly served on him if:—

- (a) delivered to the managing owner, or
- (b) sent to the managing owner by post at the address notified (or, as the case may be, last notified) to the Registrar under paragraph (1) or (2) above in relation to that person, or
- (c) left for the managing owner at that address.

Applications by bodies corporate

24. Where application is made on behalf of a body corporate, the application must be accompanied by:—

- (a) if it is a company registered in the United Kingdom, a copy of its certificate of incorporation, and, in the case of a company which has changed its name since incorporation, its certificates of change of name, or
- (b) if it is:—
 - (i) a company incorporated in a member State other than the United Kingdom, or
 - (ii) a company incorporated in any relevant British possession, proof in accordance with the laws of the country of its incorporation that the company is an incorporated company,
- (c) if it is a company, other than a company incorporated in the United Kingdom, with a place of business in the United Kingdom, a certificate from the Registrar of Companies in England and Wales, the Registrar of Scottish Companies or the Registrar of Northern Ireland Companies that the company is registered with him as an oversea company, and
- (d) if it is a body corporate incorporated by virtue of an Act of Parliament, a Charter granted by Her Majesty, or an Act of Ordinance, proof, sufficient to satisfy the Registrar, of its incorporation.

Declaration of intent

25. Where, at the time when the application for registration is made, the ownership of a ship has not yet passed (or fully passed) to the persons who are to be its owners when it is registered, the application shall be accompanied by a declaration of intent instead of a declaration of eligibility.

Form of declaration of intent

26. The declaration of intent shall consist of:—

- (a) a draft declaration of eligibility setting out particulars of ownership of the ship as they are intended to be when the ship is registered; and
- (b) a declaration that the ownership of the ship will, at the time when registration occurs, be as stated in the draft declaration of eligibility.

Declaration of eligibility to be submitted before registration

27. Where an application for registration is accompanied by a declaration of intent and not by a declaration of eligibility, a duly completed declaration of eligibility shall be submitted to the Registrar prior to registration.

Evidence of title on first registration

28. An application to register a ship for the first time, other than an application in respect of a fishing vessel requiring simple registration, must be supported by the following evidence of title:—

- (a) in the case of a new ship, the builder's certificate;
- (b) in the case of a ship which is not new, either
 - (i) in respect of a ship other than a fishing vessel,
 - (a) a previous bill or bills of sale showing the ownership of the ship for at least 5 years before the application is made, or
 - (b) if the ship has been registered with a full registration at any time within the last 5 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered, or
 - (ii) in respect of a fishing vessel,
 - (a) a previous bill or bills of sale showing the ownership of the vessel for at least 3 years before the application is made, or
 - (b) if the ship has been registered with full registration at any time within the last 3 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered, or
 - (c) evidence that the vessel has been for at least 3 years continuously registered as a British fishing vessel with simple registration in the names of the owners applying to be registered and remains so registered;
- (c) where the evidence required by (a) or (b) above is not available, other evidence of title satisfactory to the Registrar.

Survey and measurement of ship

29.—(1) Every ship, other than a fishing vessel less than 24 metres in length, shall before registration be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations made under the Merchant Shipping Act 1965(9).

(2) A fishing vessel of less than 24 metres shall before registration be measured by an authorised measurer and her tonnage calculated in accordance with the tonnage regulations made under the Merchant Shipping Act 1965.

(3) After survey or measurement, the surveyor or measurer shall issue a certificate specifying the ship's tonnage and build and such other particulars describing the identity of the ship as may be required by the Secretary of State. The certificate shall be delivered to the Registrar before the ship may be registered.

Names

30.—(1) On making an application for registration of a ship the applicant shall propose a name by which the ship is to be called.

(2) Schedule 1 (which provides for the approval of names) shall have effect.

(9) 1965 c. 47.

(3) A ship shall not be described by any name other than its registered name.

(4) A change shall not be made in a registered ship's name without the prior written permission of the Registrar.

Allocation of official number and port of choice

31.—(1) On making an application for registration of a ship the applicant shall specify one of the ports listed in part 1 or 2 of Schedule 2, as is appropriate, which it is intended shall be the ship's port of choice.

(2) On receipt of an application for registration of a ship for the first time the Registrar, if he is satisfied that that ship is eligible to be registered, shall:—

- (a) allocate to the ship a register number ("official number"),
- (b) allocate to a fishing vessel a number within the vessel's port of choice,

and shall issue a carving and marking note.

(3) The Registrar may, on request by a classification society, allocate an official number to a ship notwithstanding that he is not yet satisfied as to its eligibility.

(4) Where a ship has had a number allocated under paragraph (3) and that number has been carved into the ship's beam but the ship is not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided by the classification society to the Registrar.

Marking

32. On receipt of a carving and marking note on first registration the owner shall:—

- (a) if the ship has not already been surveyed or measured as required by regulation 29 (Survey and measurement), cause it to be so surveyed or measured;
- (b) cause the ship to be carved and marked in accordance with Schedule 3;
- (c) where required under regulation 33 (Inspection of marks) cause the ship's carving and marking to be inspected by an inspector of marks.

Inspection of marks

33.—(1) In respect of a ship, other than a pleasure vessel which is under 24 metres in length, an inspector of marks shall satisfy himself that the ship has been carved and marked in accordance with Schedule 3 and, when so satisfied, shall complete the carving and marking note and return it to the Registrar. In respect of a fishing vessel, the carving and marking note may also be returned to the local office.

(2) In respect of pleasure vessel which is under 24 metres in length the owner shall certify that the ship has been carved and marked in accordance with Schedule 3 and return the certified carving and marking note to the Registrar.

Verification of measurement and carving and marking

34.—(1) If the Registrar is not satisfied:—

- (a) that the particulars of the measurement and tonnage of the ship furnished to him are correct,
or
- (b) that the ship is carved and marked in the manner required by Schedule 3,

he may direct the owner to have the measurement, and/or carving or marking of the vessel verified by an authorised measurer or inspector of marks as appropriate.

- (2) If the owner fails to comply with the direction of the Registrar, the Registrar may:—
- (a) if the ship is not registered, refuse it registration until his direction has been complied with, or
 - (b) if the ship is registered, he may serve notice on the owner or managing owner, or any charterer, manager or operator of the ship requiring him to produce evidence within 30 days sufficient to satisfy him that the particulars of the measurement and tonnage are, or that the marking of the ship is, correct.
- (3) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may:—
- (a) extend the notice and ask for further information, or
 - (b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.
- (4) Where a ship's registration is closed under paragraph (3) the owner of the ship shall forthwith surrender its certificate of registry.
- (5) Where the Registrar serves a notice under this regulation on the owner of a ship in respect of which a mortgage is registered, he shall send a copy of that notice to the mortgagee at the address recorded in the Register for the mortgagee.

Cancellation of carving and marking note

35. If a carving and marking note issued under regulation 31 is not duly completed and returned to the Registrar within 3 months of its issue, the Registrar may cancel it and the application shall be treated as having been withdrawn.

Registration and refusal of registration of a ship

- 36.**—(1) Where a Registrar is satisfied in respect of an application that:—
- (a) the ship is eligible to be registered as a British ship; and
 - (b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided, and
 - (c) the particulars of the ship furnished to him are correct, and
 - (d) title to the ship has been adequately proved (where necessary), and
 - (e) the relevant requirements of these Regulations have been complied with,
- he shall, subject to paragraphs (2), (3) and (4) register the ship by entering in the Register the particulars of the ship and its owners specified in Schedule 4.
- (2) The Registrar may refuse to register any fishing vessel if he is not satisfied that there is in force in respect of the vessel any certificate required to be so in force by virtue of section 4 of the Fishing Vessels (Safety Provisions) Act 1970(10).
- (3) The Registrar shall refuse to register any vessel intending to fish in Community waters if that vessel has received a de-commissioning grant or any other financial assistance from the European Commission or a member State on condition that it refrains from fishing in those waters or has been withdrawn from fishing as a condition of an award of a construction grant to another boat.
- (4) If the Registrar is not satisfied as mentioned in paragraph (1) he shall, subject to regulation 106 (Requirement for supplementary information), refuse the application.
- (5) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if, taking into account any requirement of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as it

(10) 1970 c. 27.

is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

Issue of certificate of registry

37. Upon registering a ship the Registrar shall issue and send to the owner a certificate of registry containing the particulars set out in Schedule 5.

Temporary registration documents for fishing vessels

38.—(1) The Registrar may upon registering a fishing vessel, if the owner so requests, issue to the owner through a local office a temporary registration document. The document shall contain the registered particulars of the vessel and shall specify the period (not exceeding 2 months) for which it is valid.

(2) During the period of its validity a temporary registration document shall have the effect of a certificate of registry.

Period of registration

39. The registration of a ship shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed in accordance with regulation 42 (Application for renewal of registration).

Documents to be retained by the Registrar

- (a) 40. (1) (a) On registering a ship the Registrar shall retain in his possession a copy of any builder's certificate or bill of sale or other evidence of title produced on first registration, any certificate of measurement or survey, and all declarations of eligibility.
- (b) On a fishing vessel changing from simple registration to full registration the Registrar shall retain in his possession a copy of the evidence adduced for that change of title.

(2) All documents which have been produced to the Registrar to establish title shall be returned to the applicant once the ship has been registered. The documents shall be stamped by the Registrar to indicate that they have been used for the registration of a ship.

Renewal notices and time limit for renewal

41.—(1) 3 months before the expiry of the registration period the Registrar shall issue to the owner of the ship a renewal notice.

(2) Application for renewal of registration may be made during the last 3 calendar months of the current registration period.

Application for renewal of registration

42.—(1) Application for renewal shall be in a form approved by the Secretary of State and shall be accompanied by:—

- (a) a declaration of eligibility, and
- (b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar.

(2) Where no application for renewal is made the Registrar shall notify each and every mortgagee of the expiration of the ship's registration.

Evidence of title on registration of transfer of ship

43.—(1) On application for registration under paragraph 2(1) of Schedule 1 to the Act of a transfer of a registered ship or a share in a registered ship, other than a fishing vessel registered with simple registration, the bill of sale shall be produced to the Registrar.

(2) When an application is made for the registration of a transfer of a fishing vessel which is registered with simple registration evidence of the transfer satisfactory to the Registrar shall be produced to him.

Form of bill of sale

44. Every bill of sale effecting a transfer of a registered ship or a share in a ship under the Act and these Regulations shall be in the form approved by the Secretary of State with appropriate attestation and shall contain a description of the ship sufficient to identify it.

Registration of transfer of a ship

45.—(1) If the application under paragraph 2(2) of Schedule 1 to the Act (Transfer of ship or shares in a ship) is granted by the Registrar, he shall:—

- (a) register the bill of sale by entering the name of the new owner in the Register as owner of the ship or share in question, and
- (b) endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.

(2) If the Registrar is satisfied with the evidence under regulation 43 (Evidence of title on registration of transfer of ship) that the ship or share in a ship has been transferred, he shall enter the name of the new owner in the Register as the owner of the ship or share in question and issue a new certificate, which shall be valid for a period of 5 years.

Evidence of title on transmission of a registered ship

46.—(1) An application for registration of a transmission of a registered ship or a share in a registered ship under paragraph 3(1) of Schedule 1 to the Act shall be made in the form approved by the Secretary of State.

(2) The following evidence shall be produced to the Registrar on an application for a transfer of a registered ship or share therein by way of transmission:—

- (a) if the transmission was consequent on death, the grant of representation or an office copy thereof or of an extract therefrom,
- (b) 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,
- (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of that court.

Declaration of eligibility on transfer or transmission

47. Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship shall be accompanied by a declaration of eligibility and, where the application is made on behalf of a body corporate, the document or documents mentioned in regulation 24.

Refusal of registration of transfer or transmission

48.—(1) If on an application for transfer or transmission of a ship or shares in a ship the Registrar is not satisfied that the ship is eligible to be registered:—

- (a) the Registrar shall serve a notice under paragraph (2) on the owner of the ship, and
- (b) the ship's registration shall terminate by virtue of this paragraph at the end of the period of 14 days beginning with the date of the service of that notice.

(2) A notice under this paragraph shall state:—

- (a) that the Registrar is not satisfied that the vessel in question is eligible to be registered, and
- (b) that the ship's registration will accordingly terminate by virtue of paragraph (1) at the end of the period referred to in that paragraph.

Notification of changes of ownership etc.

49.—(1) If at any time there occurs, in relation to a registered ship:—

- (a) any change affecting the eligibility of the ship to be registered, not being a change which affects the qualification or eligibility of the owner (as prescribed by regulations 7 and 12) or the British connection of a ship (as prescribed in regulations 8 and 14), or
- (b) in respect of a fishing vessel, any change, not affecting that eligibility, in the percentage of the property in the ship beneficially owned by qualified persons or companies,

the owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) The notification referred to in paragraph (1) shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name and the official number of the ship.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

50.—(1) Where there is any transfer or transmission of a registered ship or share in a registered ship:—

- (a) the person ceasing to own the ship or share, or in the event of his death, his legal personal representative, shall notify the Registrar and surrender the certificate of registry, and
- (b) the Registrar shall cancel the certificate of registry and shall freeze the Register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.

(a) (2) (a) Where there is a transfer of a registered ship the new owners shall within 30 days of the transfer make application in accordance with these Regulations for the transfer to be registered.

(b) If the transfer is of all the shares in the ship, and application is not made within the 30 days, the Registrar may cancel the registration of the ship and the certificate of registry.

(c) If the transfer is of one or some of the shares in the ship, and application is not made within the 30 days, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

(a) (3) (a) Where there is a transmission of a registered ship the new owners shall promptly make application in accordance with these Regulations for the transmission to be registered.

(b) If the transmission is all the shares in the ship, and application is not made within a reasonable time, the Registrar may cancel the registration of the ship and the certificate of registry.

- (c) If the transmission is of one or some of the shares in the ship, and application is not made a reasonable time, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

Change in registered particulars of ship

51.—(1) Where there is a change:—

- (a) in the registered particulars of a ship other than a change in the tonnage of the ship, or
- (b) in the name or address of an owner entered in the Register (not being a change of ownership),

application shall be made as soon as practicable to the Registrar for the change to be recorded in the Register.

(2) Such application shall be in writing and shall subject to regulation 111 (Dispensing with production of certificate) be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar.

(3) Where there is a change in the tonnage of a ship, it shall be resurveyed or remeasured in accordance with regulation 29 (Survey and measurement of ship). Thereafter application in a form approved by the Secretary of State shall be made as soon as practicable for the change to be recorded in the Register. The application shall be accompanied by the certificate of survey or measurement and the certificate of registry.

(4) On recording the change in the registered particulars the Registrar shall cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.

Change of name

52.—(1) An owner of a registered ship may apply to the Registrar to change the name of the ship. The application shall be made in a form approved by the Secretary of State and shall, subject to regulation 111 (Dispensing with production of certificate), be accompanied by the certificate of registry.

(2) If it appears to the Registrar that the name complies with Schedule 1 (Approval of names) he shall issue a marking note to the owner.

Transfer of port of choice

53.—(1) An owner of a registered ship may apply to the Registrar for the ship to change its port of choice to another such port. The application shall be made in a form approved by the Secretary of State and, subject to regulation 111 (Dispensing with production of certificate), be accompanied by its certificate of registry.

(2) On receipt of such an application in respect of a fishing vessel the Registrar shall allocate to the vessel port letters and numbers for that port.

(3) If it appears to the Registrar that the requirements of Schedule 1 (Approval of name) are complied with he will issue a marking note.

Re-marking of ship

54.—(1) On receipt of the marking note the owner shall cause the ship to be marked with the new name and/or port of choice and, in respect of ships over 24 metres and fishing vessels, shall cause the marking to be inspected in accordance with regulation 33 (Inspection of marks).

(2) The owner or inspector shall, if satisfied that the ship is marked in the manner required by Schedule 3, complete the marking note and return it to the Registrar.

Registration of changes of name or port of choice

55. On receipt of the marking note duly completed the Registrar shall re-register the ship with its new name and/or port of choice and shall cancel the existing certificate and shall issue to the owner a new certificate of registry expiring on the same date as the existing one.

Removal from the Register

56.—(1) The Registrar may, subject to regulation 101 (Service of notices) terminate a ship's registration in the following circumstances:—

- (a) on application by the owner;
- (b) on the ship no longer being eligible to be registered;
- (c) on the ship being destroyed (which includes, but is not limited to, shipwreck, demolition, fire and sinking);
- (d) if, taking into account any requirements of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered;
- (e) when a registered fishing vessel which has been licensed to fish ceases to be so licensed for a continuous period of 6 months or more;
- (f) when a fishing vessel which requires a licence to fish but at the time of registration did not have such a licence and has not acquired such a licence within 6 months of the issue of its certificate of registry;
- (g) when any penalty imposed on the owner of a ship in respect of a contravention of the Merchant Shipping Acts, or of any instrument in force under those Acts, has remained unpaid for a period of more than 3 months (and no appeal against that penalty is pending);
- (h) when any summons for any such contravention has been duly served on the owner of a ship but the owner has failed to appear at the time and place appointed for the trial of the information or complaint in question and a period of not less than 3 months has elapsed since that time.

(2) Where the Registrar terminates registration under (a) or (c) above, he shall:—

- (a) forthwith issue a closure transcript to the owner of the ship, and
- (b) notify any mortgagees of the closure of the registration.

(3) On receipt of the closure transcript the owner shall immediately surrender the ship's certificate of registry to the Registrar for cancellation.

(4) Where the registration of a fishing vessel has been terminated by virtue of paragraph (1)(b), then, without prejudice to the operation of any provision of the Act or these Regulations the ship shall not again be registered as a British ship unless:—

- (a) the Registrar consents to the vessel being so registered, or

- (b) the Registrar is satisfied that the vessel has been disposed of by its former registered owner by means of a transaction at arm's length and that no person who for the time being is a relevant owner of the vessel was a relevant owner of it at the time registration was terminated.

(5) For the purposes of paragraph (4) a person is a relevant owner of a vessel at any time if at that time:—

- (a) the legal title to the vessel or any share in it is vested in that person, or
- (b) the vessel or any share in it is beneficially owned by that person, or
- (c) any share in a body corporate falling within (a) or (b) above are legally or beneficially owned by that person,

whether vested in, or (as the case may be) owned by, that person alone or together with any other person or persons.

PART VII MORTGAGES

Form of mortgage

- (a) (a) A mortgage produced for registration under Schedule 1 to the Act, and
- (b) a transfer of a registered mortgage, and
- (c) a discharge of a registered mortgage,

shall be in a form approved by the Registrar, in each case with appropriate attestation.

Registration of mortgage

58. Where a mortgage executed in accordance with regulation 57 (Form of mortgage) is produced to the Registrar for registration, he shall:—

- (a) register the mortgage, and
- (b) endorse on it the date and time it was registered.

Notices by intending mortgagees: priority notices

59.—(1) Where any person who is an intending mortgagee under a proposed mortgage of:—

- (a) a registered ship, or
- (b) a share in a registered ship,

notifies the Registrar of the interest which it is intended that he should have under the proposed mortgage, the Registrar shall record that interest.

(2) For the purpose of paragraph (1) the notice to the Registrar shall be in a form approved by the Secretary of State and shall contain the name and official number of the ship, the name address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(3) Where any person who is an intending mortgagee under a proposed mortgage of:—

- (a) a ship which is not for the time being registered, or
- (b) a share in any such ship,

notifies the Registrar in writing of the interest which it is intended that he should have under the proposed mortgage, the Registrar:—

- (i) shall record that interest in the Register, and
- (ii) if the ship is subsequently registered, shall register the ship subject to that interest or, if the mortgage has by then been executed in accordance with regulation 57 and produced to the Registrar, subject to that mortgage.

(4) For the purposes of paragraph (3) the notice shall be in a form approved by the Secretary of State and contain the following information:—

- (a) the present name of the ship;
- (b) the intended name of the ship;
- (c) the approximate length of the ship;
- (d) where the ship is registered outside the United Kingdom, a copy of its certificate of registry or other document evidencing its registration and giving its port of registration;
- (e) where the ship is a new ship, the builder's certificate or if that is not available, the name and address of the builder and the ship's yard number;
- (f) where the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified;
- (g) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(5) In a case where:—

- (a) paragraph 8 of Schedule 1 to the Act operates to determine the priority between two or more mortgagees, and
- (b) any of those mortgages gave notification under paragraph (1) or (3) above with respect to his mortgage,

paragraph 8 of the said Schedule shall have effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the Register under the said paragraphs (1) or (3).

(6) Any notification given by a person under paragraphs (1) or (3) (and anything done as a result of it) shall cease to have effect:—

- (a) if the notification is withdrawn, or
- (b) at the end of the period of 30 days beginning with the date of the notification, unless the notification is renewed in accordance with paragraph (7).

(7) The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar:—

- (a) before the end of the period mentioned in paragraph (6)(b), or
- (b) before the end of a period of renewal,

as the case may be.

(8) Any notice given under this regulation shall be in a form approved by the Secretary of State.

Evidence of transfer or transmission of mortgage

60. A registered mortgage:—

- (a) which is transferred under paragraph 11, or
- (b) the interest in which, is transmitted under paragraph 12,

of Schedule 1 to the Act shall be transferred in a form approved by the Secretary of State.

Transfer or transmission of registered mortgage

61.—(1) Where any transfer or transmission of a registered mortgage is produced to the Registrar, he shall:—

- (a) enter the name of the transferee in the Register as mortgagee of the ship or share in question, and
- (b) endorse on the instrument the date and time when the entry was made.

(2) On an application for registration of a transmission of a registered mortgage the evidence to be produced to the Registrar shall be the same as is required under regulation 46 (Evidence of title on transmission of a registered ship).

Discharge of mortgages

62.—(1) Where a registered mortgage has been discharged, the Registrar shall, on production of the mortgage deed and with such evidence of the discharge as satisfies him that the mortgage has been discharged, record in the Register that the mortgage has been discharged.

(2) If for good reason the registered mortgage cannot be produced to the Registrar, he may, on being satisfied that the mortgage has been properly discharged, record in the Register that the mortgage has been discharged.

Effect of termination of registration on registered mortgage

63. Where the registration of a ship terminates by virtue of any of these Regulations, that termination shall not affect any entry in the Register of any undischarged registered mortgage of that ship or any share in it.

PART VIII

PROVISIONAL REGISTRATION

Provisional registration

64. Where a ship which the owner intends should be registered on Part I or Part II of the Register is outside the British Islands the owner may apply to the Registrar for provisional registration, or, if the ship is at a port outside the British Islands, the owner may alternatively apply to the appropriate person for provisional registration of the ship.

Application for provisional registration

65. An application for provisional registration shall be in a form approved by the Secretary of State and shall be accompanied by the particulars required by regulation 22(2) (Applications for registration) and regulation 24 (Applications by bodies corporate).

Scrutiny of particulars of eligibility

66. Where application is made to the appropriate person he shall forward those particulars to the Registrar who shall, if he is satisfied that the ship is eligible for registration, notify the appropriate person accordingly.

Period of provisional registration

67. The Registrar, on being satisfied that the ship is eligible for registration, or the appropriate person on receipt of that notification (but not otherwise), may proceed to register the ship provisionally for a period of 3 months.

Certificate of provisional registration

68. The Registrar, or the appropriate person, shall issue to the owner of the ship a certificate of provisional registration in a form approved by the Secretary of State. The certificate shall have the effect of a certificate of registry until:—

- (a) the expiration of three months from its date of issue, or
- (b) the ship's arrival in the United Kingdom, or
- (c) termination by the Registrar on request from the owner, whichever shall first occur.

Provisional registration not to be renewed

69. Where a ship has been provisionally registered once, it shall not be provisionally registered again within one year of the date of the issue of the certificate of provisional registration, except with the consent of the Registrar.

Condition of provisional registration for fishing vessels

70. It shall be a condition of provisional registration for fishing vessels that the vessel shall not fish for profit while so registered; and if any provisionally registered vessel does fish for profit its provisional registration shall immediately thereon terminate and the owner shall as soon as practicable surrender the certificate of provisional registry to the Registrar.

PART IX

TRANSFER OF REGISTRATION

Transfer of registration to relevant British possession

71.—(1) Subject to paragraph (2) the registration of a ship registered on Part I of the Register may be transferred from the Register to the register of a port in a relevant British possession.

(2) Where an application is made under this regulation for the transfer of a ship's registration under paragraph (1), the Registrar shall not proceed to deal with the application unless he is satisfied that registration of the ship at the intended port of registration is not precluded by:—

- (a) any Order in Council in force under section 11 of the Merchant Shipping Act 1988⁽¹¹⁾, or
- (b) any provision of the law in force in the possession in question;

and any certificate purporting to be signed by the registrar of the intended port of registration and stating that any such provision is in force shall be conclusive evidence for the purposes of this paragraph of the matters stated in it.

(3) Where the registrar of the intended port of registration issues a certificate of registry following any such application and on notification of the transfer by the registrar of the new port of registration, the Registrar shall terminate the registration of the ship.

(11) 1988 c. 12.

(4) Where the registration of a ship is transferred under this regulation the certificate of registry shall be surrendered to the Registrar for cancellation.

Transfer of registration from relevant British possession

72.—(1) Where a ship, excluding a fishing vessel, is registered in a relevant British possession, the registration of that ship may be transferred to Part I of the Register if:—

- (a) an application to the registrar of the existing port of registration has been made for that purpose by a declaration in writing by all the persons appearing on his register to be interested in the ship as owners, and
- (b) the following documents have been transmitted to the Registrar;
 - (i) a copy of the application and declaration required by sub-paragraph (a) transmitted by the registrar at the existing port of registration;
 - (ii) a copy transmitted by him of all the registered particulars of the ship and the names of all person appearing on his register to be interested in the ship as owners and mortgagees; and
 - (iii) the ship's certificate of registry.

(2) On making an application to transfer to the Register the applicant shall specify one of the ports listed in part 1 of Schedule 2 which it is intended shall be the ship's port of choice.

(3) Where the ship has not previously been required by the registrar of its existing port of registration to have its name approved by the Registrar in accordance with Schedule I the applicant shall propose a name which the ship is to be called.

(4) On being satisfied that the name complies with the requirements of Schedule I the Registrar shall issue a marking note.

(5) On receipt of a marking note the owner shall proceed as provided in regulation 54 (Re-marking of ship).

(6) On receipt of the documents specified in paragraph (1) and the completed marking note the Registrar shall:—

- (a) enter in the Register all the particulars and names so transmitted, and
- (b) issue a new certificate of registry.

(7) Where entitlement of a ship to be registered is by virtue of regulation 8 (British connection and majority interest) subject to any condition specified in that regulation being satisfied, the registration of the ship shall not be transferred to the Register of British ships in the United Kingdom unless it appears to the Registrar that that condition is satisfied.

(8) A transfer of registration under this regulation shall not affect the rights of any person mentioned in paragraph (1)(a) of this regulation.

(9) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register if, taking into account any requirement of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

PART X

BAREBOAT CHARTER-IN

Qualification and entitlement for registration of bareboat charter ships other than fishing vessels

73. The persons qualified to be the owners of British ships by virtue of regulation 7(1) who charter a ship (other than a fishing vessel) on bareboat charter terms shall be qualified to register a bareboat charter ship under section 7 of the Act.

Qualification and entitlement for registration of a fishing vessel as a bareboat charter ship

74.—(1) The persons prescribed by regulation 12 who charter a fishing vessel on bareboat charter terms shall be eligible to register it on Part IV of the Register under section 7 of the Act.

(2) A fishing vessel shall not be registered on Part IV of the Register unless it is managed, and its operations controlled and directed, from within the United Kingdom.

Appointment of representative person

75. Where the charterer is not resident in the United Kingdom he shall appoint a representative person and Part V shall apply as if the charterer were the owner.

Dispensations for the bareboat charterers of fishing vessels

76. The charterers of fishing vessels which are, or are to be, registered as bareboat charter ships may apply for dispensation from the eligibility requirements in accordance with regulation 15 (Dispensations).

Applications

77.—(1) Every application for registration of a bareboat charter ship shall be made to the Registrar at the General Registry of Shipping and Seaman in person or by post.

(2) Regulation 21 (The applicant) shall apply to this Part as if the charterer were the owner.

(3) Every application for registration of the ship shall be in a form approved by the Secretary of State and accompanied by:—

- (a) a declaration of eligibility which shall include:—
 - (i) a declaration by every charterer setting out his qualification to register a bareboat charter ship, and
 - (ii) in respect of fishing vessels, a declaration that the management, and direction and control, of the ship, will be carried out from within the United Kingdom.
- (b) a copy of the charter-party showing:—
 - (i) the name of the ship;
 - (ii) the name of the charterer or charterers and the name of the owner or owners of the ship;
 - (iii) the date of the charter-party;
 - (iv) the duration of the charter-party;
- (c) the certificate of registry, or other document, issued by the authority responsible for the registration of ships in the country of primary registration showing the ownership of the ship; and

(d) where the charterer is a body corporate, the document or documents required by regulation 24 (Applications by bodies corporate).

(4) Regulation 29 (Survey and measurement) shall apply to this Part.

(5) The Registrar may refuse to register any fishing vessel as a bareboat charter ship if he is not satisfied that there is in force in respect of the vessel any certificate required to be so in force by virtue of section 4 of the Fishing Vessels (Safety Provisions) Act 1970.

Names

78.—(1) On making an application for registration of a bareboat charter ship the applicant shall propose a name which the ship is to be called while so registered.

(2) If the Registrar is satisfied that the name is in compliance with the provisions of Schedule 1 he shall approve the name.

Allocation of identifying number; port of choice and port numbers

79.—(1) On making application for registration of a bareboat charter ship the applicant shall specify one of the ports listed in part 1 or 2 of Schedule 2, as is appropriate, which it is intended shall be the port of choice.

(2) Where the application is made in respect of a fishing vessel, the Registrar shall, if he is satisfied that the ship in respect of which the application has been made is eligible to be registered as a bareboat charter ship, allocate a number within the vessel's port of choice.

(3) Any ship which does not have a unique identifying number ("identifying number") allocated by its primary register shall be allocated such a number by the Registrar.

Marking

80.—(1) On being satisfied that the ship is eligible for registration and on production of any certificate for survey required under regulation 29 (Survey and measurement of ship) the Registrar shall issue a carving and marking note.

(2) On receipt of a carving and marking note the charterer shall:—

(a) where the ship is not already so marked cause it to be marked with;

(i) its name, and

(ii) its port of choice, and

(iii) in respect of a fishing vessel, the allocated number in its port of choice, and

(b) where the ship is not already so carved, cause it to be carved with its identifying number and the number denoting its tonnage,

in accordance with Schedule 3.

Inspection of marks etc

81. Regulations 33 (Inspection of marks) and 35 (Cancellation of carving and marking note) shall apply to this Part.

Registration

82.—(1) Where the Registrar is satisfied in respect of an application:—

(a) that the ship has been duly carved and marked, and

(b) that, where required, the appropriate certificate of survey has been provided, and

(c) that the other requirements preliminary to registration have been complied with, he shall enter in the Register the details prescribed in Schedule 4.

(2) Upon registering a ship the Registrar shall issue and send to the charterer a certificate of bareboat charter containing the particulars set out in Schedule 5.

(3) Upon registering a ship the Registrar shall retain in his possession a copy of the charter, a copy of any certificate of survey and all declarations of eligibility, and if applicable any declarations required by regulation 24 (Applications by bodies corporate).

(4) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if, taking into account any requirements of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

Period of registration

83.—(1) The registration of a bareboat charter ship shall expire:—

- (a) on the expiry of the charter period, or
- (b) at the end of a period of 5 years beginning with the date of registration specified in the certificate of bareboat charter,

whichever is the earlier.

(2) 3 months before the expiry of the registration period the Registrar shall issue to the charterer of the ship a renewal notice.

(3) Application for renewal of registration may be made during the last three calendar months of the current registration period.

(4) Application for renewal shall be in a form approved by the Secretary of State and shall be accompanied by a declaration of eligibility and by the certificate of bareboat charter.

Notification of changes

84.—(1) If at any time there occurs, in relation to a bareboat charter ship any change affecting the eligibility of the ship to be registered, the charterer of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) Notification made under paragraph (1) shall be made in writing, shall be signed by the charterer and shall specify the nature of the change and the name and the identifying number of the ship.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

Application of other regulations to this Part

85. Regulations 51 (Change in registered particulars of ship), 52 (Change of name), 53 (Transfer of port of choice) and 54 (Re-marking of ship) shall apply to this Part.

Notification to foreign registries by Registrar

86. The Registrar shall notify the responsible authority for registration of ships in the country of primary registration when:—

- (a) the ship has been registered as a bareboat charter ship on the British Register, or

- (b) the ship's registration has closed by reason of the expiry of the certificate of registry under regulation 83(1)(b) (Period of registration), or
- (c) the ship's registration has been closed by the Registrar by reason of regulation 87 (Closure of bareboat charter ship's registration by the Registrar).

Closure of bareboat charter ship's registration by the Registrar

87.—(1) The Registrar may, subject to regulation 101 (Service of notices), close the registration of a bareboat charter ship:—

- (a) on application by the charterer;
- (b) on the ship no longer being eligible to be registered;
- (c) on the ship being destroyed (which includes, but is not limited to, shipwreck, demolition, fire and sinking);
- (d) if, taking into account any requirement of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered.

(2) On closure of a ship's registration under paragraph (1) the charterer shall forthwith surrender to the Registrar the certificate of bareboat charter for cancellation.

PART XI

REGISTRATION OF SMALL SHIPS

Qualification and entitlement to be registered as a small ship on Part III of the Register

88. To be eligible to be registered on Part III of the Register a ship must be a small ship other than:—

- (a) a fishing vessel, or
- (b) a submersible vessel.

Persons qualified to be the owners of a small ship to be registered on Part III of the Register

89. The following persons are entitled to be the owners of a small ship to be registered on Part III of the Register:—

- (a) British citizens or persons who are nationals of a member State other than the United Kingdom and are established (within the meaning of Article 52 of the E.E.C.Treaty) in the United Kingdom;
- (b) British Dependent Territories citizens;
- (c) British Overseas Citizens;
- (d) persons who under the British Nationality Act 1981 are British subjects;
- (e) persons who under the Hong Kong (British Nationality) Order 1986 are British Nationals (Overseas); and
- (f) Commonwealth citizens not falling within those paragraphs.

British connection

90. Subject to regulation 93(2) (Details to be registered and refusal) a small ship shall be entitled to be registered if it is owned by one or more persons who are ordinarily resident in the United Kingdom and who are qualified to be the owners of a small ship by virtue of regulation 89 (Persons qualified to be the owners of a small ship to be registered on Part III of the Register).

Disapplication of Schedule I to the Act in respect of small ships

91. Schedule I to the Act relating to the private law provisions (Transfers by bill of sale and the registration of mortgages) shall not apply to small ships.

Applications

92. Applications shall be in a form approved by the Secretary of State and shall include:—

- (a) a description of the ship;
- (b) the overall length of the ship;
- (c) the name of the ship;
- (d) the name and address of every owner of the ship; and
- (e) a declaration by every owner:—
 - (i) that he is eligible to be the owner of a small ship under regulation 89 (Persons qualified to be the owners of a small ship to be registered on Part III of the Register), and
 - (ii) that the ship is entitled to be registered on Part III of the Register in accordance with regulation 90 (British connection).

Details to be registered and refusal

93.—(1) On receiving an application for registration and being satisfied that the ship may properly be registered and that the name of the ship does not appear to him to be undesirable, the Registrar shall register the ship and shall record in the Register the following details:—

- (a) the registration number of the ship;
- (b) the date of registration;
- (c) the date of expiry of registration in accordance with regulation 96 (Period of registration); and
- (d) the details specified in regulation 92(a) to (d).

(2) Where the Registrar is not satisfied that the ship is eligible to be registered on this Part of the Register, he may, subject to regulation 106 (Requirement for supplementary information), refuse to register the ship.

Certificate of registry

94. On registration the Registrar shall issue a certificate which shall contain the details recorded in the Register in accordance with regulation 93 (Details to be registered and refusal) save for the address of any owner.

Marking

95. The person registered as owner of the ship shall ensure that:—

- (a) within one month of the date on which the registration of the ship takes effect there is clearly painted on or affixed to a visible external surface of the ship the number of its registration preceded by the letters SSR, and
- (b) such marking is effectively maintained and renewed when necessary during the period of the registration of the ship.

Period of registration

96. The registration of a ship under this Part shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed under regulation 97 (Renewal).

Renewal

97.—(1) Application for renewal of registration may be made during the last 3 calendar months of the current registration period.

(2) Application for renewal shall be in writing and be accompanied by a declaration as required by regulation 92(e) (Applications).

Notification of changes of ownership etc.

98.—(1) If at any time there occurs, in relation to a ship registered under this Part:—

- (a) any change affecting the eligibility of the ship to be registered as a British ship, or
- (b) any change in relation to the address of the registered owner of the ship, or
- (c) any details relating to the ship,

the registered owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) Notification made under paragraph (1) shall be in writing, shall be signed by the registered owner and shall specify the nature of the change and the name and the number of the ship.

Supplementary information-production of ship

99.—(1) Where it appears to the Registrar that there is any doubt as to the right of the ship to be registered on Part III of the Register, he may require satisfactory evidence to be produced by the person registered as the owner that the ship is entitled to be so registered.

(2) Such evidence may include the production of the ship for inspection at a place and under such conditions as the Registrar requires; and, if the necessary evidence is not provided within 3 months of being so required, he may terminate the registration of the ship.

Termination of registration

100.—(1) In the event of:—

- (a) a ship ceasing to be a ship to which this Part applies, or
- (b) a change in the details recorded on the certificate of registry,

the registration of the ship shall terminate.

(2) Where the registration of a ship is terminated, the certificate of registry shall cease to have effect and shall, within one month, be surrendered to the Registrar by the person registered prior to the termination as the owner of the ship or, if he has died, by his legal personal representative.

PART XII

MISCELLANEOUS

Service of notices

101.—(1) Where it appears to the Registrar that regulations 56(b), (d), (e), (f), (g) or (h) (Removal from the Register) or 87(b) or (d) (Closure of bareboat charter ship's registration by the Registrar) apply he may serve notice on the owner or managing owner, or on any charterer, manager or operator of the ship requiring him to produce, within 30 days, evidence, which may include a declaration of British connection, sufficient to satisfy him that the ship is eligible to remain on the Register.

(2) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may:—

- (a) extend the notice and ask for further information or evidence, or
- (b) serve a final notice which closes the ship's registration, such closure to take effect 7 days after the service of that notice.

(3) Where a ship's registration is terminated under paragraph (2) the Registrar shall issue a closure transcript and the owner of the ship shall forthwith surrender its certificate of registry.

Copy of notice to be sent to mortgagee

102. Where the Registrar serves a notice under regulation 101 on the owner of a vessel in respect of which a mortgage is registered, the Registrar shall send a copy of that notice to the mortgagee at the address recorded for him in the Register.

Documents not in the English language to be accompanied by a translation

103. Any document which is not in the English language and is produced in support of any application under these Regulations shall be accompanied by a notarised translation of the document in the English language.

Witnessing of documents

104. Where the signature on any document made under these Regulations is required to be witnessed any witness to the signature shall be a person of full age and shall not be the spouse of the signatory.

Dispensing with declarations

105. When under these Regulations:—

- (a) any person is required to make a declaration on behalf of himself or any body corporate, but is unable to do so and can satisfy the Registrar that it is due to reasonable cause, the Registrar may on such terms as he thinks fit, dispense with the declaration, or
- (b) any evidence is required to be produced to the Registrar, but such evidence is unable to be produced and the Registrar is satisfied that it is due to reasonable cause, the Registrar may on production of such other evidence as he considers appropriate, dispense with the evidence.

Requirement for supplementary information

106. Where the Registrar is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration, he may require such supplementary

information or evidence as he considers appropriate for the purpose of satisfying himself that it is so eligible.

Fees

107. Where a fee is prescribed in respect of any service or other transaction to be carried out pursuant to these Regulations, the Registrar shall not be required to carry out the service or other transaction unless the appropriate fee has been paid.

Duplicate certificates

108.—(1) If it is shown to the satisfaction of the Registrar that the certificate of registry has been lost, stolen or destroyed or has become defaced or illegible (“the event”), he may issue to the owner a duplicate of that certificate, which shall be marked as such, and shall be of the same effect as the original.

(2) Where a duplicate certificate of registry is issued the original if then available or if subsequently found or recovered shall be forthwith surrendered to the Registrar.

(3) If

- (a) the port where the ship is at the time of the event, or as the case may be, where it first arrives after the event, is not in the United Kingdom, and
- (b) the master of the ship or some other person having knowledge of the facts of the case makes a declaration before the appropriate person as to the loss, theft, destruction, defacement or illegibility of the certificate,

the appropriate person shall notify the Registrar.

(4) On being notified of the event and being satisfied that the ship is entitled to be issued with a duplicate certificate the Registrar shall:—

- (a) FAX to the appropriate person a copy of the duplicate certificate which the appropriate person shall endorse with a statement of the circumstances, under which it is granted, or
- (b) where there are no FAX facilities, the appropriate person shall issue a provisional certificate so endorsed.

(5) The faxed duplicate or the provisional certificate shall within 10 days of the ship arriving in a port in the United Kingdom be surrendered to the Registrar, and a duplicate certificate shall be issued.

Custody of certificate

109.—(1) A certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest whatever had or claimed by any owner, mortgagee or other person to, on, or in the ship.

(2) If any person refuses to surrender the certificate of registry when in his possession or under this control to the person entitled to its custody for the purposes of the lawful navigation of the ship, or to the Registrar, or an officer of customs or any other person entitled by law to demand such delivery, he shall be guilty of an offence.

Surrender of certificate on termination or expiry of registration

110. On the termination, whether by expiration of the registration period or otherwise, of a ship’s registration the certificate of registry must be returned by the owner or charterer to the Registrar for cancellation.

Dispensing with production of certificate

111. Where a certificate of registry is required by these Regulations to accompany any application and it is shown to the satisfaction of the Registrar that for any reasonable cause (which includes, but is not limited to, the ship being in a port outside the United Kingdom, or the certificate being needed for an imminent voyage, at the time the application was made) the certificate cannot be produced, the Registrar may, subject to such conditions as he thinks fit, dispense with its production.

Status of a Part II certificate under Sea Fisheries legislation

112. A certificate of registry or a certificate of bareboat registry of a fishing vessel (including a valid temporary registration certificate) shall be a 'document relating to a boat' for the purposes of section 8(3)(b) of the Sea Fisheries Act 1968⁽¹²⁾ and as such must at all times be carried on board the vessel.

Removal of marks on cessation of registration

113. If a ship's registration is terminated, whether by expiration of the registration period or otherwise, the marking prescribed under these Regulations must be removed from the ship and written confirmation of that removal must be sent to the Registrar.

PART XIII

OFFENCES

Offences

114.—(1) Any person who, with intent to deceive, uses or lends or allows to be used by another, a certificate of registry whether in force or not, commits an offence.

(2) It shall be an offence on the part of the owner or master of a registered ship if any of the marks required by these Regulations to be marked on a ship is effaced, altered, allowed to become illegible, covered or concealed.

(3) It shall be a defence for a person charged with an offence under paragraph (2) of this regulation to prove:—

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, or
- (b) that the effacing, alteration, covering or concealing of the marking was for the purpose of escaping capture by an enemy.

(4) Any person who fails, without reasonable cause to surrender a certificate of registry when required to do so by regulation 108 (Duplicate certificates), 109 (Custody of certificate) or 110 (Surrender of certificate on termination or expiry of registration) commits an offence.

(5) Any person who in connection with the registration of a ship knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence.

(6) Any person who intentionally alters, suppresses, conceals or destroys a document which he has been required by these Regulations to produce to the Registrar shall be guilty of an offence.

(7) The offences specified in regulations 49 and 84 (Notification of changes) and in paragraphs (1), (4), (5) and (6) of this regulation shall be punishable on summary conviction as follows:—

(12) 1968 c. 77.

- (a) for an offence under regulation 49 or 84 or paragraph (1), (5) and (6) of this regulation, with a fine not exceeding level 5 on the standard scale, and
 - (b) for an offence under paragraph (4) with a fine not exceeding level 3 on the standard scale.
- (8) An offence under paragraph (2) shall be punishable as follows:—
- (i) on conviction on indictment to a fine,
 - (ii) on summary conviction to a fine not exceeding the statutory maximum.

PART XIV

TRANSITIONALS

Definitions for this Part

115. For the purposes of this Part,

‘five year period’ means the period between 21st March 1994 and 20th March 1999];

‘new certificate’ means a certificate of registry issued in accordance with these Regulations;

‘old certificate’ means any certificate of registry, other than a provisional certificate, issued under:—

- (i) the Merchant Shipping Act 1894;
- (ii) the Merchant Shipping Act 1983; or
- (iii) the Merchant Shipping Act 1988.

Validity of old certificates

116.—(1) An old certificate shall remain in force until, either

- (a) a new certificate is issued under these regulations, or
- (b) the expiry of the five year period,

whichever shall be the earlier.

(2) A provisional certificate of registry issued under:—

- (a) section 22 of the Merchant Shipping Act 1894⁽¹³⁾, or
- (b) Part IV of the Merchant Shipping (Registration of Fishing Vessels) Regulations 1988⁽¹⁴⁾,

shall remain in force until the date of its expiry in accordance with the legislation under which it was issued.

Registered information

117. Schedules 4 and 5 shall not apply to any ship until a new certificate of registry is issued in respect of that ship.

Issue of new certificates of registry

118.—(1) Notwithstanding regulations 51 (Change in registered particulars of ship) and 55 (Registration of changes of name or port of choice) any certificate of registry of a ship, other than a fishing vessel, which:—

⁽¹³⁾ 1894 c. 60.

⁽¹⁴⁾ S.I. 1988/1926.

- (a) is issued during the five year period, and
- (b) replaces an old certificate of registry

shall be valid for a period of five years from the date of issue.

(2) Any duplicate certificate issued to a ship including a small ship under regulation 108 (Duplicate certificate) during the five year period shall be a certificate issued in accordance with these Regulations and:—

- (a) for ships other than fishing vessels, shall be valid for a period of five years from the date of issue; and
 - (b) for fishing vessels and small ships shall expire on the date that the old certificate would have expired.
- (3) (a) The Registrar may, subject to (b) below, during the five year period, at his discretion replace a ship's old certificate with a new certificate of registry which shall be valid for a period of five years from the date of issue.
- (b) Any such new certificate issued in respect of a fishing vessel shall expire on the date that the old certificate would have expired.

Advertisement rather than renewal notice

119.—(1) Notwithstanding regulation 41 (Renewal notices and time limit for renewal), no renewal notice shall be issued by the Registrar when old certificates of registry are due to expire at the end of the five year period under regulation 116(b) (Validity of old certificates).

(2) Four months before the expiry of the five year period, the Registrar shall cause advertisements to be placed in suitable publications notifying owners of ships, excluding fishing vessels, who have not been issued with a new certificate that:—

- (a) all old certificates of registry will expire on 20th March 1999, and
- (b) application for renewal must be made in accordance with regulations 41(2) (Time limit for renewal) and 42 (Application for renewal of registration).

Applications for registration made before commencement of these Regulations

120.—(1) Subject to paragraph (2) any application for registration of a ship or small ship which is made, but not completed, prior to the commencement of these Regulations shall be completed in accordance with these regulations.

(2) Where:—

- (a) an application for registration of a ship or small ship is made, but not completed, prior to the commencement of these regulations, and
- (b) the operation of paragraph (1) would render the ship or small ship ineligible for registration,

then the application shall be determined in accordance with the relevant legislation under which the application was made.

(3) An application shall be deemed to have been made when a properly completed application, accompanied by the proper fee, is received by a registrar of British ships in a port of registration.

(4) Where, for any reason the fee is not a proper and valid fee, or where the cheque used to pay a fee is returned by the bank on which it is drawn, then the application shall not be deemed to have been made.

(5) Any certificate of registry which is issued in accordance with this regulation shall be valid for a period of five years and shall contain the information contained in Schedule 5.

Managing owners for fishing vessels

121. Where regulation 23 (Appointment of managing owner) applies to a fishing vessel, any person who is recorded on the Fishing Vessel Register as the correspondent for that vessel shall, if that person is one of the owners of the vessel and is resident in the United Kingdom, be treated for the purposes of regulation 23 as the managing owner.

PART XV

SUPPLEMENTARY

122. Any reference in any Act other than the Act or in any other instrument made under any such other Act to the port of registration of the ship or the port to which the ship belongs shall be construed as a reference to the port of choice required to be marked by regulations 31, 53, 72 or 79.

Signed by authority of the Secretary of State

14th December 1993

Caithness
Minister of State,
Department of Transport