

STATUTORY INSTRUMENTS

1993 No. 3138

The Merchant Shipping (Registration of Ships) Regulations 1993

PART XII

MISCELLANEOUS

Service of notices

101.—(1) Where it appears to the Registrar that [^{F1}regulation 56(1)(aa), (b)], (d), (e), (f), (g) [^{F2}(h), (i), (j), (k), (l), (m) or (n)] (Removal from the Register) or [^{F3}87(1)(b), [^{F4}(d), (e), (f), (g), (h), (i) or (j)]] (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.

Textual Amendments

- F1** Words in [reg. 101\(1\)](#) substituted (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **20(a)**
- F2** Words in [reg. 101\(1\)](#) substituted (10.1.2000) by virtue of [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **17(a)**
- F3** Words in [reg. 101\(1\)](#) substituted (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **20(b)**
- F4** Words in [reg. 101\(1\)](#) substituted (10.1.2000) by [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **17(b)**

Commencement Information

- I1** [Reg. 101](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Status: Point in time view as at 10/01/2000.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Registration of Ships) Regulations 1993, PART XII. (See end of Document for details)

Commencement Information

I2 [Reg. 102](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

I3 [Reg. 103](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

I4 [Reg. 104](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

I5 [Reg. 105](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Requirement for supplementary information

[^{F5}**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 or that any of the particulars or other information supplied is correct or sufficient, he may require such supplementary information or evidence as he considers appropriate.]

Textual Amendments

- F5** Reg. 106 substituted (10.1.2000) by [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **18**

Commencement Information

- I6** Reg. 106 in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

- I7** Reg. 107 in force at 21.3.1994, see [reg. 1\(1\)](#)

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, [^{F6}authorise the appropriate person to 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.

Textual Amendments

- F6** Words in [reg. 108\(4\)\(b\)](#) substituted (21.3.1994) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1994 \(S.I. 1994/541\)](#), regs. 1, **13**

Status: Point in time view as at 10/01/2000.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Registration of Ships) Regulations 1993, PART XII. (See end of Document for details)

Commencement Information

18 [Reg. 108](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

19 [Reg. 109](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

110 [Reg. 110](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

111 [Reg. 111](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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) [^{F7}shall each be] a 'document relating to a boat' for the purposes of section 8(3)(b) of the Sea Fisheries Act 1968(1) and as such must at all times be carried on board the vessel.

(1) 1968 c. 77.

Textual Amendments

F7 Words in [reg. 112](#) substituted (10.1.2000) by [The Merchant Shipping \(Registration of Ships, and Tonnage\) \(Amendment\) Regulations 1999 \(S.I. 1999/3206\)](#), regs. 1, **19**

Commencement Information

I12 [Reg. 112](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

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.

Commencement Information

I13 [Reg. 113](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

[^{F8}Transfers etc. where tonnage not in accordance with ITC 69

113A.—(1) Subject to paragraph (2) below, no transfer of ownership of a ship or shares in a ship, no renewal of registration, nor change of details of the ship or its owners shall be registered in respect of any ship which:

- (a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969, and
- (b) for which no such measurement has been undertaken and registered,

until such re-measurement takes place and where necessary the certificate of survey has been lodged with the Registrar for amendment of the Register.

(2) Paragraph (1) above does not apply where the transfer, or change of details, arises by reason of the death of an owner of a ship, or a share in a ship.]

Textual Amendments

F8 [Reg. 113A](#) added (1.1.1999) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1998 \(S.I. 1998/2976\)](#), regs. 1, **21**

Status:

Point in time view as at 10/01/2000.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Registration of Ships) Regulations 1993, PART XII.