



# Merchant Shipping Act 1983

## 1983 CHAPTER 13

An Act to make further provision in respect of the registration of small ships and the appointment of registrars at ports. [11th April 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act modified by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), [s. 47\(2\)\(b\)](#), (with [s. 58\(4\)](#), [Sch. 8 para. 1](#)) and by [S.I. 1989/1991](#), [art. 10](#)
- C2 Act excluded by [S.I. 1989/1991](#), [arts. 11–14](#)

### Commencement Information

- I1 Act not in force at Royal Assent see [s. 11\(3\)](#); Act wholly in force at 17. 11. 1983 see [S.I. 1983/1435](#) and 1601.

1–3 ..... F1

### Textual Amendments

- F1 [Ss. 1–3](#) repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), [ss. 48, 57\(5\)](#), [Schs. 5, 7](#), (with [s. 58\(4\)](#), [Sch. 8 para. 1](#))

4 ..... F2

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1983. (See end of Document for details)*

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### Textual Amendments

- F2** S. 4 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(5), [Sch. 7](#), (with s. 58(4), [Sch. 8](#) para. 1)

### *Small ships register*

## 5 Separate register for small ships.

- (1) The Secretary of State may by regulations make provision for the registration in the United Kingdom of small ships, being ships which—
  - (a) are owned wholly by persons qualified to be owners of British ships;
  - (b) are not fishing vessels; and
  - (c) if registered under Part I of the 1894 Act, are so registered in the United Kingdom.
- (2) A ship registered under this section is exempt from registry under Part I of the 1894 Act.
- (3) Subject to the exceptions mentioned in subsection (4) below, references (however phrased) in any enactment to ships registered under Part I of the 1894 Act in the United Kingdom or to the registered owners of such ships include a reference to ships registered under this section or, as the case may be, to owners registered under this section of such ships; and connected phrases shall be interpreted accordingly.
- (4) Those exceptions are—
  - (a) references in Part I of the 1894 Act and in this Act; and
  - (b) references in any enactment prescribed by regulations under this section.
- (5) Where an application for the registration under this section of a ship registered under Part I of the 1894 Act is granted—
  - (a) the registrar of the ship's port of registry may, if the requirements of regulations under this section as to the closure of registration under that Part are met, close the registration of the ship under that Part by entering the closure in the register . . . <sup>F3</sup>; and
  - (b) the registration under this section shall not take effect unless the registration under that Part is closed under paragraph (a) above and, if it is so closed, shall take effect at the time of closure.
- (6) Regulations under this section may provide for the payment of fees determined with the approval of the Treasury in connection with the closure under this section of registration under Part I of the 1894 Act.
- (7) The registration of a ship under this section shall, if she is subsequently registered under Part I of the 1894 Act, terminate by virtue of the subsequent registration.
- (8) The Schedule to this Act shall have effect for supplementing the provisions of this section.
- (9) In this section and the Schedule—
 

“enactment” includes an enactment comprised in subordinate legislation;

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[<sup>F4</sup>“fishing vessel” means a fishing vessel within the meaning of Part II of the Merchant Shipping Act 1988.]

**Textual Amendments**

- F3** Word repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(4)(5), Schs. 6, 7 (with s. 58(4), Sch. 8 para. 1)
- F4** Definition substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(4), **Sch. 6**, (with s. 58(4), Sch. 8 para. 1)

**Modifications etc. (not altering text)**

- C3** [S. 5](#) amended by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 3(3), (with s. 58(4), Sch. 8 para. 1)
- C4** [S. 5](#) applied with modifications by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 47(3)(7)

**6** <sup>F5</sup> .....

**Textual Amendments**

- F5** [S. 6](#) repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(5), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

*Miscellaneous and supplemental*

**7 Regulations**

Any power conferred by this Act to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**8 Extension to British possessions, etc.**

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act and regulations under it shall extend, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, to any of the following countries—
  - (a) the Isle of Man;
  - (b) any of the Channel Islands;
  - (c) any colony; and
  - (d) any country outside Her Majesty’s dominions in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom.
- (2) Her Majesty may by Order in Council specifying any country referred to in subsection (1) above direct that, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, any of those provisions shall have effect as if references in them to the United Kingdom included a reference to that country.
- (3) An Order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## 9 Small ships: amendments of Merchant Shipping Acts.

- (1) Section 74(1)(c) of the 1894 Act (certain ships of 50 tons or more to show colours on entering or leaving British port) does not apply to . . . <sup>F6</sup> any ship registered under section 5 of this Act.
- (2) . . . . . <sup>F7</sup>

### Textual Amendments

- F6** Words repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(4)(5), Schs. 6, 7 (with s. 58(4), Sch. 8 para. 1)
- F7** [S. 9\(2\)\(3\)](#) repealed (with saving) by [Merchant Shipping Act 1984 \(c. 5, SIF 111\)](#), s. 14(3)(4), **Sch. 2**

## 10 Construction and interpretation.

- (1) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1981.
- (2) In this Act—  
“small ship” means a ship less than 24 metres in length (and in this definition “length” has the same meaning as in the tonnage regulations of the 1894 Act); and  
“the 1894 Act” means the <sup>M1</sup>Merchant Shipping Act 1894.
- (3) In this Act, until the commencement of the provisions referred to in section 75 of the <sup>M2</sup>Criminal Justice Act 1982 (construction of references to the standard scale)—  
“level 5 on the standard scale” means £1,000; and  
“level 3 on the standard scale” means £200.

### Marginal Citations

- M1** 1894 c. 60.  
**M2** 1982 c. 48.

## 11 Short title, commencement and extent.

- (1) This Act may be cited as the Merchant Shipping Act 1983.
- (2) This Act and the Merchant Shipping Acts 1894 to 1981 may be cited together as the Merchant Shipping Acts 1894 to 1983.
- (3) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (4) This Act extends to Northern Ireland.

### Modifications etc. (not altering text)

- C5** Power of appointment conferred by s. 11(3) partly exercised by [S.I. 1983/1435](#), 1601; unrepealed provisions of Act wholly in force

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## SCHEDULE

Section 5.

### REGULATIONS RELATING TO REGISTRATION OF SMALL SHIPS

- 1 In this Schedule—
  - “registered” and “registration” mean registered under section 5 of this Act or, as the case may be, registration under that section;
  - “regulations” means regulations made under that section; and
  - “specified” means specified in regulations.
  
- 2 Regulations may make provision—
  - (a) for the persons by whom and the manner in which applications in connection with registration are to be made (including provision limiting the persons who may apply for registration, whether by reference to residence or place of business or otherwise);
  - (b) for the information and evidence to be provided in connection with such applications and for such supplementary information or evidence as may be required by any authority specified for the purpose to be so provided;
  - (c) for the issue of certificates of registration, their production and surrender;
  - (d) for the marking of registered ships;
  - (e) for the period for which any registration is to remain effective without renewal;
  - (f) for the refusal of registration where the name of the ship proposed to be registered appears to any authority specified for the purpose to be undesirable;
  - (g) for the termination of registration in specified circumstances (including failure to comply with requirements imposed by or under regulations and circumstances in which any of the requirements applicable to new registrations imposed by or under section 5 of this Act are no longer met);
  - (h) for matters arising out of the expiration or termination of registration (including the removal of marks and the cancellation of certificates);
  - (i) for the inspection of ships registered or to be registered;
  - (j) for the payment of fees in connection with registration or registered ships, being fees determined with the approval of the Treasury;
  - (k) for the discharge of functions under the regulations by persons appointed by such organisations as may be authorised in that behalf by the Secretary of State;
  - (l) excluding from registration specified classes or descriptions of ships; and
  - (m) for any other matters relating to the maintenance of a register of small ships (including its inspection).
  
- 3 (1) Regulations may provide for the creation of offences and their punishment on summary conviction in any of the following cases—
  - (a) where a person with intent to deceive uses, or lends to or allows to be used by another, a certificate of registration which has ceased to have effect;

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- (b) where a person for purposes of registration makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
  - (c) where a person required by regulations to ensure that any requirement of the regulations as to the marking of a ship is met fails to ensure that that requirement is met;
  - (d) where a person required by regulations to surrender a certificate of registration fails without reasonable excuse to surrender the certificate.
- (2) Regulations providing for the creation of an offence by virtue of subparagraph (1)(c) above shall provide that it shall be a defence for a person charged with the offence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (3) Regulations providing for the creation of an offence by virtue of subparagraph (1) (a) or (b) above shall provide for it to be punishable—
- (a) in England and Wales and Scotland, with a fine not exceeding level 5 on the standard scale (which has the meaning given by section 75 of the <sup>M3</sup>Criminal Justice Act 1982);
  - (b) in Northern Ireland, with a fine not exceeding [<sup>F8</sup>level 5 on the standard scale].
- (4) Regulations providing for the creation of an offence by virtue of subparagraph (1) (c) or (d) above shall provide for it to be punishable—
- (a) in England and Wales and Scotland, with a fine not exceeding level 3 on the standard scale (which has the meaning given by section 75 of the <sup>M4</sup>Criminal Justice Act 1982);
  - (b) in Northern Ireland, with a fine not exceeding [<sup>F9</sup>level 3 on the standard scale].

#### Textual Amendments

**F8** Words substituted (N.I.) by virtue of [S.I. 1984/703 \(N.I. 3\)](#), [art. 5](#)

**F9** >Words substituted (N.I.) by virtue of [S.I. 1984/703 \(N.I. 3\)](#), [art. 5](#)

#### Marginal Citations

**M3** 1982 c. 48.

**M4** 1982 c. 48.

- 4 (1) Regulations may make different provision for different classes or descriptions of ships and for different circumstances.
- (2) Regulations may contain such supplemental and incidental provisions as appear to the Secretary of State to be necessary or expedient.
- 5 Regulations may provide for their operation within territorial waters adjacent to the United Kingdom.

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- 6            No provision of this Schedule is to be taken to prejudice the generality of section 5 of this Act.

**Status:**

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**Changes to legislation:**

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