

## SCHEDULES

### SCHEDULE 2

Section 13.

#### REGISTRATION OF FISHING VESSELS: SUPPLEMENTARY PROVISIONS

##### *Interpretation*

- 1 In this Schedule—
- “declaration of British character” means a declaration, in such form as may be prescribed, relating to the eligibility of a fishing vessel to be registered as a British fishing vessel;
  - “regulations” means regulations made under section 13;
  - “relevant statutory provision” means any provision of this Part or of regulations;
  - “specified” means specified in regulations.

##### *Regulations: general provisions*

- 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 in the regulations for the purpose to be so provided, and for the production, in connection with such applications, of declarations of British character;
  - (c) for the registration of vessels as vessels to which the provisions of this Part relating to transfers by bill of sale and the registration of mortgages do not apply;
  - (d) for the issue of certificates of registration (including temporary certificates), their production and surrender;
  - (e) for the marking of registered vessels;
  - (f) for the period for which the registration of a vessel is to remain effective without renewal;
  - (g) for matters arising out of the expiration or termination of registration (including the removal of marks and the cancellation of certificates);
  - (h) for declarations of British character to be produced to the Secretary of State, as respects registered vessels, at specified intervals or at the request of the Secretary of State;
  - (i) for the payment of fees determined with the approval of the Treasury;
  - (j) excluding from registration, or from any provision of the regulations, any specified class or description of vessel;

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- (k) for the manner in which notices or other documents required or authorised to be given or served by virtue of any relevant statutory provision are to be given or served;
- (l) for prescribing anything which is authorised to be prescribed under this Part;
- (m) for any of the provisions of Part I of the 1894 Act to have effect in relation to the registration of fishing vessels subject to such modifications (if any) as may be specified;
- (n) for any other matters relating to the establishment and maintenance of the register (including its inspection).

#### *Provisional registration*

- 3 Regulations may make provision—
- (a) for fishing vessels acquired outside the United Kingdom which are eligible to be registered as British fishing vessels to be provisionally registered as such pending their registration in the register;
  - (b) for any such provisional registration to terminate in specified circumstances (including failure to comply with requirements imposed by or under the regulations).

#### *Transfers of registration*

- 4 (1) Regulations may make provision with respect to the transfer to the register of—
- (a) fishing vessels to which section 13(3) applies where those vessels are eligible to be registered as British fishing vessels, and
  - (b) undischarged mortgages affecting those vessels,
- and with respect to matters consequential on the termination of the registration of fishing vessels under any of the enactments specified in section 13(2) (including vessels which are not transferred to the register).
- (2) Any such regulations may make provision—
- (a) for any of the matters specified in sub-paragraphs (a), (b) and (i) of paragraph 2;
  - (b) for applications under sections 19(3) and 20(1) to be treated, in cases where those provisions apply by virtue of section 13(4), as applications for registration of the vessels in question;
  - (c) for the issue of certificates of registration under this Part (including temporary certificates) and for the surrender of certificates of registration issued under any of the enactments specified in section 13(2);
  - (d) for preserving the effect of entries in any register kept under either of the enactments specified in section 13(2)(a) and (c) so far as those entries relate to undischarged mortgages affecting vessels which are not transferred to the register kept under this Part.
- (3) Nothing in this paragraph prejudices the generality of paragraph 2.

#### *Offences*

- 5 (1) Regulations may provide for the creation of offences and their punishment on summary conviction in any of the following cases—

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- (a) where a person with intent to deceive, uses, or lends to or allows to be used by another, a certificate of registration, whether in force or not;
  - (b) where a person required by regulations to ensure that any requirement of the regulations as to the marking of a fishing vessel is satisfied fails to ensure that that requirement is satisfied;
  - (c) where a person required by regulations to surrender a certificate of registration fails without reasonable excuse to surrender the certificate.
- (2) Any such regulations shall—
- (a) in the case of an offence created by virtue of sub-paragraph (1)(a), provide for the offence to be punishable with a fine not exceeding the fifth level on the standard scale; and
  - (b) in the case of an offence created by virtue of sub-paragraph (1)(b) or (c), provide for it to be punishable with a fine not exceeding the third level on the standard scale.
- (3) Regulations providing for the creation of an offence by virtue of sub-paragraph (1)(b) 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.

*Operation of regulations in territorial waters*

- 6 Regulations may provide for any of their provisions to extend to the territorial sea of the United Kingdom.

*Discharge of functions by persons appointed by Secretary of State*

- 7 (1) The Secretary of State may appoint persons to discharge such functions in connection with—
- (a) applications for registration, or
  - (b) the issue, production or surrender of certificates of registration,
- as he may specify; and regulations may provide for references to the Secretary of State in any relevant statutory provision to be read as, or as including, references to any person so appointed.
- (2) Sub-paragraph (1) does not authorise the appointment of any person to determine applications for registration.

*Construction of references in other enactments to fishing vessels excluded from registration*

- 8 References in any statutory provision (apart from section 2(1)(c)) to fishing vessels excluded from registration by regulations under section 13 shall be construed as references to fishing vessels which, being eligible to be registered under this Part by virtue of section 14, are excluded from registration by such regulations (and are not registered under the law of any country outside the United Kingdom).