

1961 No. 1514

MERCHANT SHIPPING

SHIPS AND SHIPOWNERS

The Merchant Shipping (Registration of Ships) (Highlands and Islands Shipping Services) Order, 1961

<i>Made</i> - - - - -	2nd August, 1961
<i>Laid before Parliament</i>	9th August, 1961
<i>Coming into Operation</i>	21st August, 1961

At the Court at Buckingham Palace, the 2nd day of August, 1961

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by section 738 of the Merchant Shipping Act, 1894(a) (hereinafter referred to as "the principal Act") and by section 80 of the Merchant Shipping Act, 1906(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that the following Regulations shall take effect as regards any ship owned for the purposes of the Highlands and Islands Shipping Services Act, 1960(c), by the Secretary of State for Scotland (hereinafter referred to as "a Government ship") :—

1. An application for registry of a Government ship shall be made by the Secretary of State. Such application shall contain the following particulars :—

- (i) a statement of the name and description of the ship ;
- (ii) a statement of the time when and place where the ship was built, or, if the time and place of building are unknown, a statement to that effect and, if the ship was foreign built, of her foreign name ;
- (iii) a statement of the nature of the title to the said ship, whether by original construction by or for the Secretary of State, or by purchase, capture, condemnation or otherwise, and a list of the documents of title, if any, in case she was not originally constructed by or for the Secretary of State ;
- (iv) a statement of the name of the Master.

2. The Registrar of British ships (hereinafter referred to as "the Registrar"), on receiving such application, shall enter in the register book the following particulars :—

- (i) a record of the ship as belonging to Her Majesty, represented by the Secretary of State ;
- (ii) the name of the port to which the ship belongs ;
- (iii) the particulars stated in the application for registry ;
- (iv) the details comprised in the surveyor's certificate.

(a) 57 & 58 Vict. c. 60.

(b) 6 Edw. 7. c. 48.

(c) 8 & 9 Eliz. 2. c. 31.

3. On the registry of a Government ship the Registrar shall retain in his possession the surveyor's certificate and the application for registry and any documents of title mentioned in such application.

4. In this Order the term "Merchant Shipping Acts" shall mean and include any of the Merchant Shipping Acts, any provision of which is by virtue of the Merchant Shipping Act, 1906, and this Order applicable to a Government ship.

5. Upon the transfer of a registered Government ship by bill of sale, the Secretary of State shall be the transferor, and the bill of sale shall be in Form A in the proper form prescribed under the principal Act, omitting the covenant therein contained.

6. The application for a certificate of sale referred to in sections 39 to 42 and 44 to 46 of the principal Act may be made in respect of a Government ship. Any such application shall be made by the Secretary of State.

7. Subject to the provisions of the next following Regulation, the Secretary of State shall be deemed to be the managing owner of a government ship within the meaning of section 59 of the principal Act and shall be registered as provided by subsection (1) of that section.

8. Where the management of any government ship is entrusted by, or on behalf of, the Secretary of State to any person, that person shall be registered as provided by section 59, subsection (2) of the principal Act.

9. Where any provision of the Merchant Shipping Acts which, by virtue of the Merchant Shipping Act, 1906, and this Order, is applicable to a Government ship, imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship, such duty, liability, right or power shall, subject always to the other provisions of this Order, be carried out, borne or exercised by the Secretary of State.

10. No provision contained in the Merchant Shipping Acts providing for the forfeiture of a ship shall have any application to a Government ship.

11. The following provisions of the principal Act shall not apply to a Government ship registered in pursuance of the provisions of this Order, namely, section 1 (which relates to the qualification for owning a British ship) and sections 8 to 12 (which relate to the manner of registration):

Provided that no provision of the Merchant Shipping Acts which, according to a reasonable construction, would not apply in the case of a Government ship, shall be deemed to apply to such a ship by reason only that its application is not hereby expressly excluded.

12. This Order may be cited as the Merchant Shipping (Registration of Ships) (Highlands and Islands Shipping Services) Order, 1961, and shall come into operation on the 21st August, 1961.

W. G. Agnew.

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order makes provision for the registration for the purposes of the Merchant Shipping Acts of ships owned by the Secretary of State for Scotland for the purposes of the Highlands and Islands Shipping Services Act, 1960.