

1963 No. 1494

MERCHANT SHIPPING

**The Registration of Government Ships
(British Antarctic Territory) Order 1963**

<i>Made</i>	29th August 1963
<i>Laid before Parliament</i>	4th September 1963
<i>Coming into Operation</i>	7th September 1963

At the Court at Balmoral, the 29th day of August 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by Section 80 of the Merchant Shipping Act 1906(a) 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 have effect as regards any Government ships in the service of the Government of the British Antarctic Territory (hereinafter referred to as "the Government of the Territory") :—

1. An application for registry of a Government ship in the service of the Government of the Territory shall be made in writing under the hand of the High Commissioner or other officer of the Government of the Territory nominated by the High Commissioner or by one of the Crown Agents for Oversea Governments and Administrations. 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 ship was foreign built and the time and place of building are unknown, a statement to that effect and 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 Government of the Territory, 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 Government of the Territory.
- (iv) A statement of the name of the Master.

2. The Registrar, on receiving such application in respect of a Government ship in the service of the Government of the Territory, shall enter the ship in the Register Book as belonging to "Her Majesty, represented by the Government of the British Antarctic Territory" and shall also enter therein :

- (i) the name of the port to which she belongs ;
- (ii) the particulars stated in the application for registration ;
- (iii) the details comprised in the Surveyor's Certificate.

3. On the registry of a Government ship in the service of the Government of the Territory 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. Upon the transfer of a registered Government ship in the service of the Government of the Territory by Bill of Sale, the Government of the Territory shall be the transferors, and the Bill of Sale shall be in Form A in the proper form prescribed under the Merchant Shipping Act 1894(a) (hereinafter referred to as "the principal Act"), omitting the covenant therein contained. Any such Bill of Sale shall be signed by the High Commissioner or other officer or Crown Agent as aforesaid on behalf of the Government of the Territory.

5. The application for a Certificate of Sale referred to in Sections 39 to 42 and Sections 44 to 46 of the principal Act may be made in respect of a Government ship in the service of the Government of the Territory by the High Commissioner or other officer or Crown Agent as aforesaid on behalf of the Government of the Territory.

6. The person to whom the management of any Government ship in the service of the Government of the Territory is entrusted by the Government of the Territory shall be registered as provided by Section 59 (2) of the principal Act.

7. Where any provision of the Merchant Shipping Acts which by virtue of the Merchant Shipping Act 1906 and this Order is applicable to Government ships in the service of the Government of the Territory imposes any duty or liability or confers any right or power 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 Government of the Territory on behalf of Her Majesty.

8. 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 Government ships.

9. The following sections and provisions of the Merchant Shipping Acts shall not apply to Government ships in the service of the Government of the Territory registered in pursuance of this Order, namely:—

- (i) The Merchant Shipping Act 1894—Sections 1, and 8 to 12.
- (ii) The Merchant Shipping (Mercantile Marine Fund) Act 1898(b)—Sections 3 and 5:

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

10. Anything required or authorised by this Order to be done by the Government of the Territory may be done by the High Commissioner or other officer or Crown Agent as aforesaid.

11. The Interpretation Act 1889(c) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation

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

(b) 61 & 62 Vict. c. 44.

(c) 52 & 53 Vict. c. 63.

thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

12. This Order shall come into operation on the 7th September 1963 and may be cited as the Registration of Government Ships (British Antarctic Territory) Order 1963.

E. N. Landale.

EXPLANATORY NOTE

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

This Order makes provision for the registration of ships in the service of the Government of the British Antarctic Territory as British ships for the purposes of the Merchant Shipping Acts.