

1979 No. 1577

MERCHANT SHIPPING

MASTERS AND SEAMEN

**The Merchant Shipping (Returns of Births and Deaths)
Regulations 1979**

<i>Made</i> - - - -	<i>3rd December 1979</i>
<i>Laid before Parliament</i>	<i>11th December 1979</i>
<i>Coming into Operation</i>	<i>1st January 1980</i>

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by sections 72 and 92 of that Act and now vested in him(b), and of sections 30(2) and 43(3) of, and paragraph 4 of Part VI of Schedule 6 to, the Merchant Shipping Act 1979(c), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Returns of Births and Deaths) Regulations 1979 and shall come into operation on 1st January 1980.

(2) The Merchant Shipping (Returns of Births and Deaths) Regulations 1972(d) are hereby revoked.

Birth in ship registered in the United Kingdom

2. Where a child is born in a ship registered in the United Kingdom the master of the ship shall make a return of the birth in accordance with regulations 5 and 6.

Death in ship registered in the United Kingdom and death of person employed in such a ship

3. Where—

(a) any person dies in a ship registered in the United Kingdom; or

(b) any person employed in any such ship dies outside the United Kingdom the master of the ship shall—

(i) make a return of the death in accordance with regulations 5 and 6; and

(a) 1970 c. 36; section 72 was amended by the Merchant Shipping Act 1979 (c. 39), section 30.

(b) See S.I. 1970/1537.

(c) 1979 c. 39.

(d) S.I. 1972/1523.

- (ii) as soon as practicable but not more than 3 days after the death, notify the death to such person (if any) as the deceased may have named to him as his next of kin.

Birth and death in ship not registered in the United Kingdom

4. Where—

- (a) a citizen of the United Kingdom and Colonies is born or dies in a ship not registered in the United Kingdom; and
- (b) the ship thereafter calls at a port in the United Kingdom in the course of or at the end of the voyage during which the birth or death occurs

the master of the ship shall make a return of the birth or of the death in accordance with regulations 5 and 6.

Returns of births and deaths

5.—(1) Any return of a birth or of a death required to be made under regulation 2 or 3 shall be made by the master of the ship as soon as practicable after (but within 6 months after) the birth or death to which it relates and—

- (a) in the case of a birth or of a death which occurs in the ship, shall be made to a superintendent or proper officer for the place where the ship is at the time of the birth or of the death, as the case may be, or at which it next calls thereafter; and
- (b) in the case of a death which occurs elsewhere than in the ship, shall be made to a superintendent or proper officer for the place where the ship is when the master first becomes aware of the death or at which it next calls thereafter.

(2) Any return of a birth or of a death required to be made under regulation 4 shall be made by the master of the ship to a superintendent for the port referred to in paragraph (b) of that regulation before the ship leaves that port.

(3) Without prejudice to the preceding provisions of this regulation and to the provisions of regulation 13, a return of a birth or of a death required to be made under regulation 2, 3 or 4 which is not made within the period prescribed for the making thereof or is made to a superintendent or proper officer other than that specified by the preceding provisions of this regulation, shall not be invalid by reason only that it is not made within that period or to such specified person.

Contents of returns

6. A return of a birth or of a death required to be made under these Regulations—

- (a) shall be in writing;
- (b) shall be signed by the master of the ship as informant; and
- (c) shall contain—
 - (i) (in the case of a birth) the particulars specified in Schedule 1 to these Regulations; or
 - (ii) (in the case of a death) the particulars specified in Schedule 2 to these Regulations;

or so many of those particulars as the master may reasonably be able to obtain, having regard to the circumstances of the birth or of the death.

Records of deaths where master unable to act

7. Where it appears to the Registrar General of Shipping and Seamen that the master of the ship cannot perform the duty imposed on him by virtue of regulation 3 of these Regulations in respect of the death because he has himself died or is incapacitated or missing and either—

- (1) the death in question has been the subject of an inquest held by the coroner or an inquiry held in pursuance of section 61 of the Merchant Shipping Act 1970(a) or in pursuance of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976(b) and the findings of the inquest or inquiry include a finding that the death occurred, or
- (2) a post-mortem examination, or a preliminary investigation in Northern Ireland, has been made of the deceased's body and in consequence the coroner is satisfied that an inquest is unnecessary, or
- (3) in Scotland, it does not appear to the Lord Advocate, under section 1(1)(b) of the said Act of 1976, to be expedient in the public interest that an inquiry under that Act should be held

then the Registrar General of Shipping and Seamen shall record such of the information specified in Schedule 2 to these Regulations as he may be able to obtain in the circumstances of the death.

Particulars of deaths to be supplied by coroners

8. Where—

- (1) an inquest is held on a dead body or touching a death or a post-mortem examination, or a preliminary investigation in Northern Ireland, is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary; and
- (2) it appears to the coroner that the death in question is such as is mentioned in paragraph (a) or (b) of regulation 3, as extended by regulation 12(1) of these Regulations

it shall be the duty of the coroner to send to the Registrar General of Shipping and Seamen particulars in respect of the deceased of the kind specified in Schedule 3 to these Regulations.

Certified copies of returns or records to be sent to the Registrar General

9. When a return made in accordance with regulations 5 and 6 has been transmitted to him, or a record in accordance with regulation 7 has been made by him, the Registrar General of Shipping and Seamen shall send a copy, certified by him or by a person authorised by him for that purpose to be a true copy of that return or record, to the appropriate Registrar General ascertained under the provisions of regulation 11.

Other births and deaths outside the United Kingdom

10.—(1) This regulation applies to the following births and deaths occurring outside the United Kingdom in circumstances where no return or record is required to be made under the preceding provisions of these Regulations—

- (a) any birth or death of a citizen of the United Kingdom and Colonies which occurs in a ship not registered in the United Kingdom;

(a) Section 61 was amended by the Merchant Shipping Act 1979, section 29.

(b) 1976 c. 14.

(b) any death of a citizen of the United Kingdom and Colonies who has been employed in such a ship which occurs elsewhere than in the ship; and

(c) any death of a person who has been employed in a ship registered in the United Kingdom which occurs elsewhere than in the ship.

(2) If he is satisfied that a birth or a death to which this regulation applies has occurred, the appropriate Registrar General ascertained under the provisions of regulation 11 may record in the marine register—

(a) (in the case of a birth) such of the particulars specified in Schedule 1 to these Regulations; or

(b) (in the case of a death) such of the particulars specified in Schedule 2 to these Regulations

as he thinks fit.

Rules for ascertaining appropriate Registrar General

11. The appropriate Registrar General for the purposes of regulations 9 and 10 is—

(a) (i) in the case of the birth of a child the father of whom or, if the child is illegitimate, the mother of whom was at the time of the birth usually resident in Scotland or Northern Ireland; or

(ii) in the case of the death of a person who at the date of his death was usually resident in Scotland or in Northern Ireland

the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may require; and

(b) in any other case, the Registrar General for England and Wales.

Extensions to unregistered British ships

12.—(1) It is hereby directed that the provisions of section 72 of the Merchant Shipping Act 1970 and of these Regulations (except regulations 4 and 10(1)(a) and (b)) shall extend to British ships (which are not registered in the United Kingdom or elsewhere) of the following description, that is to say, sea-going ships which are owned by a person resident in, or by a body corporate having a principal place of business in the United Kingdom, and to masters and seamen employed in them.

(2) Paragraph 1 of Schedule 1 and paragraph 1 of Schedule 2 to these Regulations as extended by paragraph (1) of this regulation shall have effect with the modification that for sub-paragraphs (a) and (b) of each of those regulations there shall be substituted—

“(a) name of the ship and sufficient description to identify the ship;

(b) the name of the owner; and

(c) the address of his residence in the United Kingdom, or, if the owner is a body corporate having a principal place of business in the United Kingdom, the address of that place of business”.

Offences

13. (1) The master of a ship who fails to comply with any provision of regulation 2, 3, 4, 5, or 6 or of regulation 2, 3, 5 or 6 as extended by regulation 12 shall be guilty of an offence.

(2) Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding £50.

3rd December 1979.

Norman Tebbitt,
Parliamentary Under-Secretary of State,
Department of Trade.

SCHEDULE 1

PARTICULARS REQUIRED TO BE CONTAINED IN RETURNS OF BIRTHS UNDER REGULATIONS 2, 4, 5 AND 6 OR AUTHORISED TO BE RECORDED IN THE MARINE REGISTER UNDER REGULATION 10

1. *Ship in which birth occurred*

- (a) name of the ship;
- (b) (i) wherever it is registered, its port of registry and official number or, in the case of a fishing vessel, letters and number; and
- (ii) if it is not registered in the United Kingdom, the name of its owner and his address.

2. *Child*

- (a) date of birth;
- (b) (i) if the birth took place at sea, the position of the ship by latitude and longitude at the time of the birth; and
- (ii) in any other case, the place of birth;
- (c) name (if any) and surname; and
- (d) sex.

3. *Father*

- (a) name and surname;
- (b) usual residence;
- (c) nationality; and
- (d) occupation, rank or profession;

but, if the child is illegitimate, no particulars of the father shall be given except at the joint request of the mother and of the person acknowledging himself to be the father, given to the informant in writing and signed by both the mother and that person.

4. *Mother*

- (a) name and surname;
- (b) (i) maiden surname (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);
- (ii) surname at marriage, if different from maiden surname;
- (c) usual residence; and
- (d) nationality.

5. *Informant*

- (a) name and surname of master; or
- (b) in the case of a birth authorised to be recorded in the marine register under regulation 10—
 - (i) name and surname;
 - (ii) usual address; and
 - (iii) qualification.

SCHEDULE 2

PARTICULARS REQUIRED TO BE CONTAINED IN RETURNS OR RECORDS OF DEATHS UNDER REGULATION 3, 4, 5, 6 AND 7 OR AUTHORISED TO BE RECORDED IN THE MARINE REGISTER UNDER REGULATION 10

1. *Ship in which death occurred or in which the deceased was employed*

- (a) name of ship;
- (b) (i) wherever it is registered, its port of registry and official number or, in the case of a fishing vessel, letters and number; and
- (ii) if it is not registered in the United Kingdom, the name of its owner and his address.

2. *The deceased*

- (a) date of death or loss;
- (b) (i) if the death took place in the ship or in a ship's boat or if the deceased was lost from the ship or a ship's boat, the place of death or, if at sea, the position of the ship or ship's boat by latitude and longitude at the time of the death or loss (as the case may require); and
- (ii) in any other case, the place of death;
- (c) name and surname;
- (d) sex;
- (e) date of birth (if known) or age;
- (f) (if known) maiden surname of woman who has been married (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);
- (g) occupation, rank or profession;
- (h) usual residence at time of death or loss;
- (i) nationality; and
- (j) cause of death or loss (certified if possible by ship's doctor or other medical practitioner).

3. *Informant*

- (a) name and surname of master; or
- (b) in the case of a death authorised to be recorded in the marine register under regulation 10—
 - (i) name and surname;
 - (ii) usual address; and
 - (iii) qualification; or
- (c) in the case of a death authorised to be recorded under regulation 7 and where no informant is notified the name and office of the proper officer or superintendent who conducted the inquiry or of the coroner who held the inquest or was satisfied that no inquest was necessary.

SCHEDULE 3

PARTICULARS REQUIRED TO BE SENT BY CORONERS IN RESPECT OF DEATHS UNDER
REGULATION 81. *Ship in which death occurred or in which the deceased was employed*

- (a) name of ship;
- (b) (i) where it is registered, its port of registry and official number or, in the case of a fishing vessel, letters and number; and
- (ii) where it is unregistered, its type and the name of its owner and his address.

2. *The deceased*

- (a) date of death or loss;
- (b) (i) if the death took place in the ship or in a ship's boat or if the deceased was lost from the ship or a ship's boat, the place of death or, if at sea, the position of the ship or ship's boat by latitude and longitude at the time of the death or loss (as the case may require); and
- (ii) in any other case, the place of death;
- (c) name and surname;
- (d) sex;
- (e) date of birth (if known) or age;
- (f) (if known) maiden surname of woman who has been married (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);
- (g) occupation, rank or profession;
- (h) usual residence at time of death or loss;
- (i) nationality.

3. *Coroner's certificate*

Certification by the coroner that:

- (a) an inquest was held or
- (b) a post-mortem examination/preliminary investigation was held; and
- (c) the cause of death.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact the provisions of the Merchant Shipping (Returns of Births and Deaths) Regulations 1972 and, in addition—

- (1) where a master is unable to perform the duty imposed on him by regulation 3 because he has himself died or is incapacitated or missing, and the death in question has been established as mentioned in regulation 7, the Registrar General of Shipping and Seamen (“the RGSS”) is required to record the information specified in Schedule 2 about the death (regulation 7);
- (2) where an inquest has been held, or there has been a post-mortem examination (or a preliminary investigation) and the coroner is satisfied that an inquest is unnecessary, and it appears to the coroner that the death occurred in a UK registered ship or in an unregistered British ship or, if outside the United Kingdom, was of a person employed in such a ship, the coroner is required to send the particulars specified in Schedule 3 to the RGSS (regulation 8);
- (3) a certified copy of the above-mentioned record or return has then to be sent by the RGSS to the appropriate Registrar General specified in regulation 11 (regulation 9);
- (4) the maximum penalty which can be imposed on any master who fails to make any return of birth or death required by the Regulations is increased to £50 (regulation 13(2)).

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