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STATUTORY INSTRUMENTS

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**1991 No. 1366**

**MERCHANT SHIPPING**

**The Merchant Shipping Act 1970  
(Unregistered Ships) Regulations 1991**

<i>Made</i>	- - - -	<i>12th June 1991</i>
<i>Laid before Parliament</i>		<i>17th June 1991</i>
<i>Coming into force</i>	- -	<i>8th July 1991</i>

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(1), in exercise of powers conferred by section 92 of that Act, and now vested in him(2), 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 Act 1970 (Unregistered Ships) Regulations 1991 and shall come into force on 8th July 1991.

(2) The Merchant Shipping (Unregistered Ships) Regulations 1972(3) are hereby revoked.

**Extension to ships entitled to be registered of 24 metres or more in length**

2. It is hereby directed that—

- (a) the provisions of the Merchant Shipping Act 1970 specified in column 1 of Part I of Schedule 1 to these Regulations ; and
- (b) the provisions of the Regulations made under that Act specified in column 1 of Part II of that Schedule ;

shall extend to ships (other than fishing vessels) of the following description, that is to say, sea-going ships—

- (i) which are wholly owned by a person resident in, or by a body corporate (not being a general lighthouse authority) having a principal place of business in, the United Kingdom ;

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(1) 1970 c. 36 ; section 92 was amended by the Merchant Shipping Act 1988 (c. 12), Schedule 5.

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

(3) S.I. 1972/1876, amended by S.I. 1987/884.

- (ii) which are entitled to be registered in the United Kingdom under the Merchant Shipping Act 1894<sup>(4)</sup> but are not registered, whether in the United Kingdom or elsewhere ; and
- (iii) which are 24 metres or more in length ;

and to masters and seamen employed in them, with such exceptions, adaptations or modifications (if any) as are specified in column 2 of that Schedule.

### **Extension to ships entitled to be registered of less than 24 metres in length**

3. It is hereby directed that—

- (a) the provisions of the Merchant Shipping Act 1970 specified in column 1 of Part I of Schedule 2 to these Regulations ; and
- (b) the provisions of the Regulations made under that Act specified in column 1 of Part II of that Schedule;

shall extend to ships (other than fishing vessels) of the following description, that is to say, sea-going ships

- (i) which are wholly owned by a person resident in, or a body corporate (not being a general lighthouse authority) having a principal place of business in, the United Kingdom ; and
- (ii) which are entitled to be registered in the United Kingdom under the Merchant Shipping Act 1894 but are not registered, whether in the United Kingdom or elsewhere ; and
- (iii) which are less than 24 metres in length;

and to masters and seamen employed in them, with such exceptions, adaptations and modifications (if any) as are specified in column 2 of that Schedule.

### **Extension of section 27 of the Merchant Shipping Act 1970**

4.—(1) It is hereby directed that section 27 of the Merchant Shipping Act 1970<sup>(5)</sup> shall extend to ships (other than fishing vessels) of the following description, that is to say sea-going ships—

- (i) which are wholly owned by a person resident in, or a body corporate (not being a general lighthouse authority) having a principal place of business in, the United Kingdom ; and
- (ii) which are entitled to be registered in the United Kingdom under the Merchant Shipping Act 1894 but are not registered, whether in the United Kingdom or elsewhere;

and to masters and seamen employed in them.

(2) It is hereby directed that the said section 27 shall apply to sea-going ships (other than fishing vessels) which are not registered, whether in the United Kingdom or elsewhere, other than ships falling within paragraph (1) above, and to masters and seamen employed in them, when such ships are within the seaward limits of the territorial sea of the United Kingdom while proceeding to or from a port in the United Kingdom.

### **Amendment of regulations**

5. The Merchant Shipping (Crew Accommodation) Regulations 1978<sup>(6)</sup> shall be amended by substituting for regulation 4(1)(b) the following—

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(4) 1894 c. 60.

(5) Section 27 was substituted by section 32 of the Merchant Shipping Act 1988 (c. 12).

(6) S.I. 1978/795, to which there are amendment not relevant to these Regulations.

“(b) is not registered in the United Kingdom or elsewhere”.

6. The Merchant Shipping (Returns of Births and Deaths) Regulations 1979(7) shall be amended by deleting the word “British” from regulation 12(1).

Signed by the authority of the Secretary of State for Transport

12th June 1991

*Brabazon of Tara*  
Minister of State,  
Department of Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Regulation 2

EXTENSION TO UNREGISTERED SHIPS OF THE  
DESCRIPTION CONTAINED IN REGULATION 2

## Part I

Column 1 Provision of the Merchant Shipping Act 1970	Column 2 Exception, adaption or modification to which extension is subject
Sections 1 to 4.	
Section 5	Subject to the modification that, for the reference to a ship ceasing to be registered in the United Kingdom, there shall be substituted a reference to its ceasing to be entitled to be registered under the Merchant Shipping Act 1894.
Sections 7 to 14.	
Section 22.	
Sections 25 and 26.	
Section 28.	
Section 30.	
Section 33.	
Sections 39 to 42.	
Sections 43, 44, 45 and 47.	
Section 48.	
Sections 61 to 64.	
Sections 67 to 69.	
Section 74.	
Sections 76 to 79.	

## Part II

Column 1 Regulations made under the Merchant Shipping Act 1970	Column 2 Exception, adaptation or modification to which extension is subject
The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972 <sup>(8)</sup> .	

(8) S.I. 1972/918, to which there are amendments not relevant to these Regulations.

Column 1	Column 2
Regulations made under the Merchant Shipping Act 1970	Exception, adaptation or modification to which extension is subject
The Merchant Shipping (Seamen's Wages and Accounts) Regulations 1972(9).	
The Merchant Shipping (Seamen's Wages) (Contributions) Regulations 1972(10).	
The Merchant Shipping (Seamen's Allotments) Regulations 1972(11)	
The Merchant Shipping (Repatriation) Regulations 1979(12).	
The Merchant Shipping (Official Log Books) Regulations 1981(13).	

SCHEDULE

Regulation 3.

EXTENSION TO UNREGISTERED SHIPS OF THE DESCRIPTION CONTAINED IN REGULATION 3

Part I

Column 1	Column 2
<i>Provision of the Merchant Shipping Act 1970</i>	<i>Exception, adaptation or modification to which extension is subject</i>
Section 39.	
Section 40.	
Sections 42 to 45.	
Section 47.	
Section 61.	Subject to the modification that, where— (a) any person dies in a ship of the description contained in regulation 3 ; or (b) the master of or a seaman employed in such ship dies in a country outside the United Kingdom ; an inquiry into the cause of death shall be held only if the Secretary of State so directs.
Sections 62 to 64.	
Section 67.	

(9) S.I. 1972/1700, to which there are amendments not relevant to these Regulations.

(10) S.I. 1972/1699.

(11) S.I. 1972/1698.

(12) S.I. 1979/97.

(13) S.I. 1981/569, to which there are amendments not relevant to these Regulations.

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Column 1	Column 2
<i>Provision of the Merchant Shipping Act 1970</i>	<i>Exception, adaptation or modification to which extension is subject</i>
Section 76.	

## Part II

Column 1	Column 2
<i>Regulations made under the Merchant Shipping Act 1970</i>	<i>Exception, adaptation or modification to which extension is subject</i>
The Merchant Shipping (Repatriation) Regulations 1979.	Except regulations 8 to 10.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace the Merchant Shipping (Unregistered Ships) Regulations 1972, which applied certain provisions of the Merchant Shipping Act 1970 and Regulations made thereunder to certain unregistered ships. The changes are consequential on the change made by Part I of the Merchant Shipping Act 1988 in making qualified ships entitled to be registered in the United Kingdom, instead of, as previously, required to be registered, or exempted from the requirement.

Section 27 of the 1970 Act (Conduct endangering ships, structures or individuals), a new text for which was substituted by section 32 of the Merchant Shipping Act 1988, is now extended to all unregistered ships. Amendments are also made to the Merchant Shipping (Crew Accommodation) Regulations 1978 and to the Merchant Shipping (Returns of Birth and Deaths) Regulations 1979 to bring up to date the provisions applying them to unregistered ships.