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STATUTORY INSTRUMENTS

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**1998 No. 2976**

**MERCHANT SHIPPING**

**The Merchant Shipping (Registration of Ships) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>1st December 1998</i>
<i>Laid before Parliament</i>		<i>10th December 1998</i>
<i>Coming into force</i>	- -	<i>1st January 1999</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 9, 10 and 11 of the Merchant Shipping Act 1995<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships) (Amendment) Regulations 1998 and shall come into force on 1st January 1999.

2. The Merchant Shipping (Registration of Ships) Regulations 1993<sup>(2)</sup> shall be amended as follows.

3. In regulation 1(3), the following definitions shall be inserted in the appropriate alphabetical positions:

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993”<sup>(3)</sup>;

““EEA State” means a State which is a contracting party to the EEA Agreement;” and

““non-United Kingdom nationals exercising their right of freedom of movement of workers or right of establishment” means persons who are either—

- (a) nationals of a member State other than the United Kingdom exercising in the United Kingdom their rights under Article 48 or 52 of the EEC Treaty, as the case may be, or
- (b) nationals of a State, other than a member State, which a Contracting Party to the EEA Agreement exercising in the United Kingdom their rights under Article 28 or 31 of the EEA Agreement.”.

4. In regulation 7(1)–

- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph:

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(1) 1995 c. 21.

(2) S.I.1993/3138, amended by S.I. 1994/541 and S.I. 1998/1915.

(3) Cmnd. 2073.

- “(a) (i) British citizens; or
    - (ii) non-United Kingdom nationals exercising their right of freedom of movement of workers or right of establishment;”;
  - (b) in sub-paragraph (f) for “member State” there shall be substituted “ EEA State”.
- 5. In regulation 12–
  - (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph:
    - “(a) (i) British citizens; or
    - (ii) non-United Kingdom nationals exercising their right of freedom of movement of workers or right of establishment;”.
  - (b) in sub-paragraph (b) for “member State” there shall be substituted “ EEA State”.
- 6. In regulation 20(1) the words “in person or by post” shall be omitted.
- 7. In regulation 28–
  - (a) the words “first” shall be omitted from the heading; and
  - (b) the words “for the first time” shall be omitted.
- 8. In regulation 29, after paragraph (3) the following paragraphs shall be added:
  - “(4) Subject to paragraph (5) below, a ship which is being:
    - (a) registered for the first time which has been surveyed or measured and its tonnage ascertained within the previous 12 months; or
    - (b) re-registered within 12 months of its registration on the Register ceasing,shall not be required to be surveyed or measured, or its tonnage ascertained, again in accordance with paragraphs (1) or (2) above, if a declaration is made by the owners confirming that the survey or measurement and tonnage details have not changed from those previously provided to the Registrar.
  - (5) The Registrar may direct, if he thinks it appropriate, that such declaration be provided by an authorised measurer or surveyor.”.
- 9. In regulation 34(1)–
  - (a) in sub-paragraph (a), after the words “the ship” there shall be inserted the words “or such other particulars describing the identity of the ship, as have been required by the Secretary of State.”; and
  - (b) in the tailpiece, after “measurement” there shall be inserted “ or other details”.
- 10. In regulation 39, at the beginning, the words “Subject to regulation 116” shall be inserted.
- 11. For regulation 41 the following regulation shall be substituted:
  - “**41.**—(1) At least 3 months (but not more than 6 months) before the expiry of the registration period the Registrar shall issue to the owner of the ship a renewal notice.
  - (2) Subject to paragraph (3), the owner of the ship may apply for renewal of registration at any time between the date of issue of the renewal notice and the date of expiry of the current registration period.
  - (3) Notwithstanding paragraph (2) above, an application for renewal of registration may be made prior to the last 3 months of the current registration (or issue of a renewal notice), for issue of a certificate of registry commencing prior to the expiry of the current registration period. Where such a certificate is issued it shall not be valid for a period greater than 5 years commencing on the date of issue and the previous certificate shall then cease to be valid.”.

12. In regulation 56(1), after sub-paragraph (a) the following sub-paragraph shall be inserted:  
“(aa) if the registered owner has not notified the Registrar that ownership of the ship has changed;”.
13. After regulation 72, the following regulation shall be added:

**“Transfer within the Register**

**72A.** On application being made to him, the Registrar may, after provision of such information and evidence as he may require and if he is satisfied the ship is eligible to be registered in the new Part, transfer the registration of the ship to a different Part of the Register. All entries in the Register relating to the ship (including any entries relating to mortgages) shall be transferred.”.

14. In regulation 82(2), after the words “certificate of bareboat charter ” there shall be inserted the word “registry”.

15. In regulation 83, in paragraphs (1)(b), and (4), after the words “certificate of bareboat charter” there shall be inserted in each case the word “ registry”.

16. In regulation 87:

(a) in paragraph (1), after sub-paragraph (d) there shall be added the following sub-paragraph:

“(e) if the bareboat charter ship is a fishing vessel which requires a licence to fish but at the time of registration did not have such a licence and has not acquired such a licence within 6 months of the issue of its certificate of bareboat charter registry.”;

(b) in paragraph (2), after the words “certificate of bareboat charter” there shall be inserted the word “registry”.

17. In regulation 89, for sub-paragraph (a) there shall be substituted the following sub-paragraph:

“(a) (i) British citizens; or  
(ii) non-United Kingdom nationals exercising their right of freedom of movement of workers or right of establishment;”.

18. In regulation 98(1)(c), after the word “any” there shall be inserted the words “change in”.

19. In regulation 99(2), for “3 months” there shall be substituted “ 1 month”.

20. In regulation 101(1),

(a) for “regulations 56(b)” there shall be substituted “regulation 56(1)(aa), (b)”.

(b) for “87(b) or (d)” there shall be substituted “87(1)(b), (d) or (e)”.

21. In Part XII, after regulation 113 there shall be added the following regulation:

**“Transfers etc. where tonnage not in accordance with ITC 69**

**113A.—**(1) Subject to paragraph (2) below, no transfer of ownership of a ship or shares in a ship, no renewal of registration, nor change of details of the ship or its owners shall be registered in respect of any ship which:

- (a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969(4), and  
(b) for which no such measurement has been undertaken and registered,

until such re-measurement takes place and where necessary the certificate of survey has been lodged with the Registrar for amendment of the Register.

(2) Paragraph (1) above does not apply where the transfer, or change of details, arises by reason of the death of an owner of a ship, or a share in a ship.”

22. In regulation 115:

- (a) the definition of “five year period” shall be omitted; and
- (b) the following definition shall be added at the end:

““transitional period” in relation to a ship means the period commencing on 21st March 1994 and ending on the date of expiry of the certificate which is specified in relation to such a ship in the table in regulation 116.”

23. For regulation 116 there shall be substituted the following regulation:

“116. Subject to regulation 116A an old certificate shall remain in force until either:

- (a) a new certificate is issued under these Regulations; or
- (b) the certificate has expired, in accordance with the following table:

<i>Age of ship</i>	<i>Date of expiry of certificate</i>
Registered ships (other than those on Part II (fishing vessels) and Part III (small ships) with a year of build before:	
1st January 1950	31st March 1999
1st January 1970	31st March 2000
1st January 1975	31st March 2001
1st January 1989	31st March 2002
20th March 1994	31st March 2003

whichever shall be the earlier.”

24. After regulation 116 there shall be added the following regulation:

**“Continuation in force of old certificates**

**116A.** Notwithstanding regulation 116, an old certificate shall remain in force beyond the transitional period if–

- (a) an application to renew the certificate has been correctly made in accordance with regulation 42 above; and
- (b) the Registrar has not issued a new certificate by the date of expiry of the transitional period,

but any new certificate shall commence at that date.”

25. In regulation 118–

- (a) in paragraphs (1)(a), (2) and (3)(a), in each case for the words “five year period” there shall be substituted the words “transitional period ”; and
- (b) in paragraph (2)–
  - (i) in sub-paragraph (a) the words “other than fishing vessels” shall be omitted; and

(ii) in sub-paragraph (b) the words “fishing vessels and” shall be omitted.

**26.** In regulation 119–

(a) in paragraph (1), for the words “five year period” there shall be substituted the words “transitional period”.

(b) for paragraph (2), there shall be substituted the following paragraph:

“(2) At least 4 months before the expiry of each date mentioned in column 2 in the table in regulation 116 or, in the case of the first entry, as soon as practicable after the coming into force of these Regulations, the Registrar shall publicise that:

(a) all certificates of registry will expire on the specified date for ships of that year of build; and

(b) application for renewal must be made in accordance with regulations 41 and 42 above.”.

**27.** Regulation 121 shall be omitted.

**28.** In Schedule 2, Part 1,

(a) after the name “FELIXSTOWE” there shall be inserted the name “ FISHGUARD”; and

(b) after the name “POOLE” there shall be inserted the name “PORTLAND ”.

**29.** In Schedule 3, in paragraph 7, for the word “European” there shall be substituted the word “Arabic”.

**30.** In Schedule 4, in paragraph 4–

(a) for sub-paragraph (b) there shall be substituted the following sub-paragraph:

“(b) either the IMO number or the International Standards Organisation Hull Identification Number (HIN), as appropriate.”.

(b) for sub-paragraphs (p), (q) and (r) there shall be substituted the following sub-paragraph:

“(p) such of the following tonnages as are specified in the certificate of survey: gross, net and registered.”.

**31.** In Schedule 5–

(a) in paragraph 1–

(i) for sub-paragraph (c)(ii) there shall be substituted the following sub-paragraph:

“(ii) either the IMO number or HIN number, as appropriate.”;

(ii) for sub-paragraphs (c)(xii), (xiii) and (xiv) there shall be substituted the following sub-paragraph:

“(xii) such of the following tonnages as are specified in the certificate of survey; gross, net and registered.”;

(b) in paragraph 2, after sub-paragraph (f) there shall be added:

“(g) the kind of registration (i.e. whether it is full or simple registration).”; and

(c) in paragraph 3, after “bareboat charter” there shall be inserted “ registry”.

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

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Signed by authority of the Secretary of State

1st December 1998

*Glenda Jackson*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

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## EXPLANATORY NOTE

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

These Regulations amend the Merchant Shipping (Registration of Ships) Regulations 1993, as amended. The principal changes are:

(1) the definition of persons qualified to own ships registered in the United Kingdom now includes persons (both non-UK EC nationals, and EEA Agreement nationals) exercising either their right of freedom of movement of workers or, as formerly, their right of establishment (*regulations 3, 4, 5 and 17*);

(2) the method of making application for registration is broadened (*regulation 6*);

(3) amendments are made to the evidence and details required on registration (*regulations 7, 8 and 9*);

(4) changes to renewal of registration allow greater advanced application for renewal, and the transitional period for re-registration under the system set up by the 1993 Regulations is considerably extended (*regulations 10, 11 and 22–26*);

(5) there are stricter requirements on notification of changes, and for the tonnage of a ship to be correctly recorded (*regulations 12, 20 and 21*).

A compliance cost assessment has been prepared. A copy has been placed in the library of each House of Parliament. Copies may be obtained from the Registry of Shipping and Seamen, Anchor House, Cheviot Close, Parc Ty Glas, Llanishen, Cardiff, CF4 5JA.