

2017 No. 879

MERCHANT SHIPING

**The Merchant Shipping (Registration of Ships) (Amendment)
Regulations 2017**

<i>Made</i>	- - - -	<i>4th September 2017</i>
<i>Laid before Parliament</i>		<i>7th September 2017</i>
<i>Coming into force</i>	- -	<i>1st October 2017</i>

The Secretary of State, in exercise of the powers conferred by section 10 of the Merchant Shipping Act 1995(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships) (Amendment) Regulations 2017 and come into force on 1st October 2017.

Amendment to the Merchant Shipping (Registration of Ships) Regulations 1993

2. The Merchant Shipping (Registration of Ships) Regulations 1993(b) are amended as follows.

3. In regulation 40(2)(c) (documents to be retained by the Registrar)—

- (a) for “All documents”, substitute “All original documents”, and
- (b) omit the second sentence.

4. In each of regulation 45(1)(b) (registration of transfer of a ship), regulation 58(b) (registration of mortgage) and regulation 61(b)(d) (transfer or transmission of registered mortgage), insert “where an original is provided,” before “endorse”.

5. In each of regulation 46(2)(a) (evidence of title on transmission of a registered ship) and regulation 60(b)(i)(e) (evidence on transmission of mortgage), for “an office copy”, substitute “a copy”.

6. In regulation 82(3)(f) (registration) insert “copies of” before “all declarations of eligibility” and before “any declarations required by regulation 24 (Applications by bodies corporate)”.

7. After regulation 105 insert—

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- (a) 1995 c. 21.
 - (b) S.I. 1993/3138, preserved by virtue of section 17(2)(b) Interpretation Act 1978 (c. 30) following the consolidation of the Merchant Shipping (Registration, etc.) Act 1993 (c. 22) by the Merchant Shipping Act 1995 (c. 21). Relevant amendments are noted below.
 - (c) Regulation 40 was amended by S.I. 1999/3206.
 - (d) Regulation 61 was amended by S.I. 1994/541.
 - (e) Regulation 60 was substituted by S.I. 1994/541.
 - (f) Regulation 82 was amended by S.I. 1998/2976.

“Copies of documents

105A.—(1) Where any document listed in paragraph (2) is to be provided by or to the Registrar, the Registrar may provide or receive a copy of that document, including a copy provided or received by means of an electronic communication.

(2) The documents referred to in paragraph (1) are—

- (a) a transcript of the entries in the Register referred to in regulation 2(3);
- (b) an appointment of a representative person referred to in regulation 18(4)(a);
- (c) a certified extract in respect of the ship referred to in regulation 22(2)(a);
- (d) proof of incorporation in accordance with the laws of a foreign country referred to in regulation 24(b)(b);
- (e) a certificate from the one of the Registrars of Companies referred to in regulation 24(c);
- (f) a builder’s certificate referred to in regulation 28(1)(a)(c) or 59(4)(e);
- (g) a bill of sale referred to in regulation 28(1)(b) and regulation 43(1);
- (h) a certificate of survey or measurement specifying a ship’s tonnage and build referred to in regulation 29(3)(d), regulation 51(3)(e), regulation 82(1)(b) and regulation 113A(1)(f);
- (i) a carving and marking note referred to in regulation 31(2)(g), regulation 33, regulation 35 and regulation 80(h);
- (j) a certificate of permanent defacement referred to in regulation 31(4);
- (k) a renewal notice referred to in regulation 41(i) or regulation 83(2)(j);
- (l) a grant of representation or an extract from that grant in regulation 46(2)(a) or regulation 60(b)(i);
- (m) such evidence of proof of title referred to in regulation 46(2)(b) or regulation 60(b)(ii);
- (n) a signed notification referred to in regulation 49(k), regulation 84 or regulation 98(l);
- (o) a marking note referred to in regulation 52(2), regulation 53(3), regulation 54 and regulation 72;
- (p) a copy of certificate of registry, and any other document evidencing registration referred to in regulation 59(4)(d);
- (q) an instrument of transfer of a registered mortgage in regulation 61(m);
- (r) a mortgage deed referred to in regulation 62(1);
- (s) a certificate of registry or other document referred to in regulation 77(3)(c);
- (t) a notarised translation in the English language of any other document, as referred to in regulation 103.

(3) For the purposes of paragraph (1)—

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- (a) Regulation 22 was amended by S.I. 1994/541.
 - (b) Regulation 24 was amended by S.I. 1994/541.
 - (c) Regulation 28 was amended by S.I. 1999/3206.
 - (d) Regulation 29 was amended by S.I. 1998/1915, S.I. 1998/2976 and S.I. 1999/3206.
 - (e) Regulation 51 was amended by S.I. 1999/3206.
 - (f) Regulation 113A was inserted by S.I. 1998/2976.
 - (g) Regulation 31 was amended by S.I. 1999/3206.
 - (h) Regulation 80 was amended by S.I. 1999/3206.
 - (i) Regulation 41 was amended by S.I. 1998/2976.
 - (j) Regulation 83 was amended by S.I. 1998/2976.
 - (k) Regulation 49 was amended by S.I. 1994/541.
 - (l) Regulation 98 was amended by S.I. 1998/2976.
 - (m) Regulation 61 was substituted by S.I. 1994/541.

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

- (i) by means of an electronic communications network; or
- (ii) by other means but while in electronic form; and

“electronic communications network” has the meaning set out in section 32(1) of the Communications Act 2003(a).”

8. In regulation 108(b) (duplicate certificates)—

- (a) in paragraph (4), after “the Registrar shall”, insert “authorise the appropriate person to issue a provisional certificate, endorsed with a statement of the circumstances under which it is granted.”;
- (b) omit the rest of paragraph (4); and
- (c) in paragraph (5), omit “faxed duplicate or the”.

9. In regulation 113A(1) (transfers etc. where tonnage not in accordance with ITC 69), for “lodged with”, substitute “provided to”.

10. After regulation 113A insert—

“Review

113B.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st October 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(c) requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).”

Signed by authority of the Secretary of State for Transport

4th September 2017

John Hayes
Minister of State
Department for Transport

(a) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.
(b) Regulation 108 was amended by S.I. 1994/541.
(c) 2015 c. 26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various amendments to the Merchant Shipping (Registration of Ships) Regulations 1993 (S.I. 1993/3138) (“the Registration Regulations”).

Regulation 7 inserts a new regulation 105A to the Registration Regulations to allow the Registrar to receive or provide copies of certain documents rather than originals. It further specifies that those copies may be received or provided electronically.

Regulations 3, 4 and 6 amend requirements that the Registrar either retain, endorse or return documents so that those requirements only apply to original documents. Regulation 3 also removes the requirement that the Registrar stamp such documents. Regulation 5 amends regulations 46 and 60 of the Registration Regulations to remove references to ‘office’ copies (allowing copies to be provided instead), and Regulation 8 amends regulation 108 of the Registration Regulations relating to the issue of temporary replacements for a certificate of registry whilst outside of the United Kingdom to remove outdated references to a faxed duplicate. Regulation 9 removes a requirement that a document be ‘lodged with’ the Registrar, and instead allows the document to be ‘provided to’ the Registrar.

Regulation 10 inserts a new regulation 113B into the Registration Regulations. It requires the Secretary of State to review the operation and effect of the Registration Regulations and publish a report before 1st October 2022, and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

An impact assessment of the effect of these Regulations on the cost to business has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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