
STATUTORY INSTRUMENTS

1993 No. 3138

**The Merchant Shipping (Registration
of Ships) Regulations 1993**

**PART VI
REGISTRATION**

Form of application

20.—(1) Every application made under these Regulations shall be made to the Registrar at the General Registry of Shipping and Seamen in person or by post. Applications in respect of fishing vessels may also be made through a local office.

(2) The application shall be made in a form approved by the Secretary of State and shall contain the name and address of the applicant and sufficient information to enable the ship to be identified.

The applicant

21.—(1) Every application made under these Regulations shall be made:—

- (a) in the case of individuals, by some one or more of the individuals registered or requiring to be registered as owners or by his or their agent, or
- (b) in the case of a body corporate, by a duly authorised officer of that body corporate, or by its agent, or
- (c) in the case of an European Economic Interest Group, by a duly authorised officer of that Group, or by its agent.

Applications for registration

22.—(1) Every application for registration must be supported by a declaration of eligibility which shall be in a form approved by the Secretary of State and shall include:—

- (a) a declaration of British connection;
- (b) a declaration of ownership by every owner setting out his qualification to own a British ship;
- (c) a statement of the number of shares in the ship the legal title of which is vested in each owner whether alone or jointly with any other person or persons; and
- (d) in respect of an application to register a fishing vessel, a statement of the beneficial ownership of any share which is not beneficially owned by its legal owner.

(2) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register shall be accompanied by a certified extract from that register in respect of that ship.

(3) Every application for registration of a fishing vessel on Part II of the Register shall state whether the application is for full or simple registration.

Appointment of managing owner

23.—(1) Where application is made in respect of a ship which has more than one owner, or whose shares are owned by more than one owner, and no representative person has been appointed under Part V, one of those owners who is resident in the United Kingdom shall be nominated as the managing owner, and the Register shall be marked accordingly and all correspondence shall be sent to that person at the address recorded in the Register in respect of that owner.

(2) Where the owners determine that a different managing owner should be appointed, the Registrar shall be notified in writing and the Register noted accordingly.

(3) Any document required or authorised to be served, by or under the Merchant Shipping Acts or required or authorised, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under the Merchant Shipping Acts, or under any instrument in force under those Acts, on the owner of a ship shall be treated as duly served on him if:—

- (a) delivered to the managing owner, or
- (b) sent to the managing owner by post at the address notified (or, as the case may be, last notified) to the Registrar under paragraph (1) or (2) above in relation to that person, or
- (c) left for the managing owner at that address.

Applications by bodies corporate

24. Where application is made on behalf of a body corporate, the application must be accompanied by:—

- (a) if it is a company registered in the United Kingdom, a copy of its certificate of incorporation, and, in the case of a company which has changed its name since incorporation, its certificates of change of name, or
- (b) if it is:—
 - (i) a company incorporated in a member State other than the United Kingdom, or
 - (ii) a company incorporated in any relevant British possession, proof in accordance with the laws of the country of its incorporation that the company is an incorporated company,
- (c) if it is a company, other than a company incorporated in the United Kingdom, with a place of business in the United Kingdom, a certificate from the Registrar of Companies in England and Wales, the Registrar of Scottish Companies or the Registrar of Northern Ireland Companies that the company is registered with him as an oversea company, and
- (d) if it is a body corporate incorporated by virtue of an Act of Parliament, a Charter granted by Her Majesty, or an Act of Ordinance, proof, sufficient to satisfy the Registrar, of its incorporation.

Declaration of intent

25. Where, at the time when the application for registration is made, the ownership of a ship has not yet passed (or fully passed) to the persons who are to be its owners when it is registered, the application shall be accompanied by a declaration of intent instead of a declaration of eligibility.

Form of declaration of intent

26. The declaration of intent shall consist of:—

- (a) a draft declaration of eligibility setting out particulars of ownership of the ship as they are intended to be when the ship is registered; and

- (b) a declaration that the ownership of the ship will, at the time when registration occurs, be as stated in the draft declaration of eligibility.

Declaration of eligibility to be submitted before registration

27. Where an application for registration is accompanied by a declaration of intent and not by a declaration of eligibility, a duly completed declaration of eligibility shall be submitted to the Registrar prior to registration.

Evidence of title on first registration

28. An application to register a ship for the first time, other than an application in respect of a fishing vessel requiring simple registration, must be supported by the following evidence of title:—

- (a) in the case of a new ship, the builder's certificate;
- (b) in the case of a ship which is not new, either
 - (i) in respect of a ship other than a fishing vessel,
 - (a) a previous bill or bills of sale showing the ownership of the ship for at least 5 years before the application is made, or
 - (b) if the ship has been registered with a full registration at any time within the last 5 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered, or
 - (ii) in respect of a fishing vessel,
 - (a) a previous bill or bills of sale showing the ownership of the vessel for at least 3 years before the application is made, or
 - (b) if the ship has been registered with full registration at any time within the last 3 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered, or
 - (c) evidence that the vessel has been for at least 3 years continuously registered as a British fishing vessel with simple registration in the names of the owners applying to be registered and remains so registered;
- (c) where the evidence required by (a) or (b) above is not available, other evidence of title satisfactory to the Registrar.

Survey and measurement of ship

29.—(1) Every ship, other than a fishing vessel less than 24 metres in length, shall before registration be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations made under the Merchant Shipping Act 1965(1).

(2) A fishing vessel of less than 24 metres shall before registration be measured by an authorised measurer and her tonnage calculated in accordance with the tonnage regulations made under the Merchant Shipping Act 1965.

(3) After survey or measurement, the surveyor or measurer shall issue a certificate specifying the ship's tonnage and build and such other particulars describing the identity of the ship as may be required by the Secretary of State. The certificate shall be delivered to the Registrar before the ship may be registered.

(1) 1965 c. 47.

Names

30.—(1) On making an application for registration of a ship the applicant shall propose a name by which the ship is to be called.

(2) Schedule 1 (which provides for the approval of names) shall have effect.

(3) A ship shall not be described by any name other than its registered name.

(4) A change shall not be made in a registered ship's name without the prior written permission of the Registrar.

Allocation of official number and port of choice

31.—(1) On making an application for registration of a ship the applicant shall specify one of the ports listed in part 1 or 2 of Schedule 2, as is appropriate, which it is intended shall be the ship's port of choice.

(2) On receipt of an application for registration of a ship for the first time the Registrar, if he is satisfied that that ship is eligible to be registered, shall:—

(a) allocate to the ship a register number ("official number"),

(b) allocate to a fishing vessel a number within the vessel's port of choice,

and shall issue a carving and marking note.

(3) The Registrar may, on request by a classification society, allocate an official number to a ship notwithstanding that he is not yet satisfied as to its eligibility.

(4) Where a ship has had a number allocated under paragraph (3) and that number has been carved into the ship's beam but the ship is not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided by the classification society to the Registrar.

Marking

32. On receipt of a carving and marking note on first registration the owner shall:—

(a) if the ship has not already been surveyed or measured as required by regulation 29 (Survey and measurement), cause it to be so surveyed or measured;

(b) cause the ship to be carved and marked in accordance with Schedule 3;

(c) where required under regulation 33 (Inspection of marks) cause the ship's carving and marking to be inspected by an inspector of marks.

Inspection of marks

33.—(1) In respect of a ship, other than a pleasure vessel which is under 24 metres in length, an inspector of marks shall satisfy himself that the ship has been carved and marked in accordance with Schedule 3 and, when so satisfied, shall complete the carving and marking note and return it to the Registrar. In respect of a fishing vessel, the carving and marking note may also be returned to the local office.

(2) In respect of pleasure vessel which is under 24 metres in length the owner shall certify that the ship has been carved and marked in accordance with Schedule 3 and return the certified carving and marking note to the Registrar.

Verification of measurement and carving and marking

34.—(1) If the Registrar is not satisfied:—

(a) that the particulars of the measurement and tonnage of the ship furnished to him are correct, or

(b) that the ship is carved and marked in the manner required by Schedule 3,

he may direct the owner to have the measurement, and/or carving or marking of the vessel verified by an authorised measurer or inspector of marks as appropriate.

(2) If the owner fails to comply with the direction of the Registrar, the Registrar may:—

(a) if the ship is not registered, refuse it registration until his direction has been complied with, or

(b) if the ship is registered, he may serve notice on the owner or managing owner, or any charterer, manager or operator of the ship requiring him to produce evidence within 30 days sufficient to satisfy him that the particulars of the measurement and tonnage are, or that the marking of the ship is, correct.

(3) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may:—

(a) extend the notice and ask for further information, or

(b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.

(4) Where a ship's registration is closed under paragraph (3) the owner of the ship shall forthwith surrender its certificate of registry.

(5) Where the Registrar serves a notice under this regulation on the owner of a ship in respect of which a mortgage is registered, he shall send a copy of that notice to the mortgagee at the address recorded in the Register for the mortgagee.

Cancellation of carving and marking note

35. If a carving and marking note issued under regulation 31 is not duly completed and returned to the Registrar within 3 months of its issue, the Registrar may cancel it and the application shall be treated as having been withdrawn.

Registration and refusal of registration of a ship

36.—(1) Where a Registrar is satisfied in respect of an application that:—

(a) the ship is eligible to be registered as a British ship; and

(b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided, and

(c) the particulars of the ship furnished to him are correct, and

(d) title to the ship has been adequately proved (where necessary), and

(e) the relevant requirements of these Regulations have been complied with,

he shall, subject to paragraphs (2), (3) and (4) register the ship by entering in the Register the particulars of the ship and its owners specified in Schedule 4.

(2) The Registrar may refuse to register any fishing vessel if he is not satisfied that there is in force in respect of the vessel any certificate required to be so in force by virtue of section 4 of the Fishing Vessels (Safety Provisions) Act 1970(2).

(3) The Registrar shall refuse to register any vessel intending to fish in Community waters if that vessel has received a de-commissioning grant or any other financial assistance from the European

Commission or a member State on condition that it refrains from fishing in those waters or has been withdrawn from fishing as a condition of an award of a construction grant to another boat.

(4) If the Registrar is not satisfied as mentioned in paragraph (1) he shall, subject to regulation 106 (Requirement for supplementary information), refuse the application.

(5) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if, taking into account any requirement of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

Issue of certificate of registry

37. Upon registering a ship the Registrar shall issue and send to the owner a certificate of registry containing the particulars set out in Schedule 5.

Temporary registration documents for fishing vessels

38.—(1) The Registrar may upon registering a fishing vessel, if the owner so requests, issue to the owner through a local office a temporary registration document. The document shall contain the registered particulars of the vessel and shall specify the period (not exceeding 2 months) for which it is valid.

(2) During the period of its validity a temporary registration document shall have the effect of a certificate of registry.

Period of registration

39. The registration of a ship shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed in accordance with regulation 42 (Application for renewal of registration).

Documents to be retained by the Registrar

(a) 40. (1) (a) On registering a ship the Registrar shall retain in his possession a copy of any builder's certificate or bill of sale or other evidence of title produced on first registration, any certificate of measurement or survey, and all declarations of eligibility.

(b) On a fishing vessel changing from simple registration to full registration the Registrar shall retain in his possession a copy of the evidence adduced for that change of title.

(2) All documents which have been produced to the Registrar to establish title shall be returned to the applicant once the ship has been registered. The documents shall be stamped by the Registrar to indicate that they have been used for the registration of a ship.

Renewal notices and time limit for renewal

41.—(1) 3 months before the expiry of the registration period the Registrar shall issue to the owner of the ship a renewal notice.

(2) Application for renewal of registration may be made during the last 3 calendar months of the current registration period.

Application for renewal of registration

42.—(1) Application for renewal shall be in a form approved by the Secretary of State and shall be accompanied by:—

- (a) a declaration of eligibility, and
- (b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar.

(2) Where no application for renewal is made the Registrar shall notify each and every mortgagee of the expiration of the ship's registration.

Evidence of title on registration of transfer of ship

43.—(1) On application for registration under paragraph 2(1) of Schedule 1 to the Act of a transfer of a registered ship or a share in a registered ship, other than a fishing vessel registered with simple registration, the bill of sale shall be produced to the Registrar.

(2) When an application is made for the registration of a transfer of a fishing vessel which is registered with simple registration evidence of the transfer satisfactory to the Registrar shall be produced to him.

Form of bill of sale

44. Every bill of sale effecting a transfer of a registered ship or a share in a ship under the Act and these Regulations shall be in the form approved by the Secretary of State with appropriate attestation and shall contain a description of the ship sufficient to identify it.

Registration of transfer of a ship

45.—(1) If the application under paragraph 2(2) of Schedule 1 to the Act (Transfer of ship or shares in a ship) is granted by the Registrar, he shall:—

- (a) register the bill of sale by entering the name of the new owner in the Register as owner of the ship or share in question, and
- (b) endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.

(2) If the Registrar is satisfied with the evidence under regulation 43 (Evidence of title on registration of transfer of ship) that the ship or share in a ship has been transferred, he shall enter the name of the new owner in the Register as the owner of the ship or share in question and issue a new certificate, which shall be valid for a period of 5 years.

Evidence of title on transmission of a registered ship

46.—(1) An application for registration of a transmission of a registered ship or a share in a registered ship under paragraph 3(1) of Schedule 1 to the Act shall be made in the form approved by the Secretary of State.

(2) The following evidence shall be produced to the Registrar on an application for a transfer of a registered ship or share therein by way of transmission:—

- (a) if the transmission was consequent on death, the grant of representation or an office copy thereof or of an extract therefrom,
- (b) if the transmission was consequent on bankruptcy such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy,

- (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of that court.

Declaration of eligibility on transfer or transmission

47. Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship shall be accompanied by a declaration of eligibility and, where the application is made on behalf of a body corporate, the document or documents mentioned in regulation 24.

Refusal of registration of transfer or transmission

48.—(1) If on an application for transfer or transmission of a ship or shares in a ship the Registrar is not satisfied that the ship is eligible to be registered:—

- (a) the Registrar shall serve a notice under paragraph (2) on the owner of the ship, and
 - (b) the ship's registration shall terminate by virtue of this paragraph at the end of the period of 14 days beginning with the date of the service of that notice.
- (2) A notice under this paragraph shall state:—
- (a) that the Registrar is not satisfied that the vessel in question is eligible to be registered, and
 - (b) that the ship's registration will accordingly terminate by virtue of paragraph (1) at the end of the period referred to in that paragraph.

Notification of changes of ownership etc.

49.—(1) If at any time there occurs, in relation to a registered ship:—

- (a) any change affecting the eligibility of the ship to be registered, not being a change which affects the qualification or eligibility of the owner (as prescribed by regulations 7 and 12) or the British connection of a ship (as prescribed in regulations 8 and 14), or
- (b) in respect of a fishing vessel, any change, not affecting that eligibility, in the percentage of the property in the ship beneficially owned by qualified persons or companies,

the owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) The notification referred to in paragraph (1) shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name and the official number of the ship.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

50.—(1) Where there is any transfer or transmission of a registered ship or share in a registered ship:—

- (a) the person ceasing to own the ship or share, or in the event of his death, his legal personal representative, shall notify the Registrar and surrender the certificate of registry, and
 - (b) the Registrar shall cancel the certificate of registry and shall freeze the Register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.
- (2) (a) Where there is a transfer of a registered ship the new owners shall within 30 days of the transfer make application in accordance with these Regulations for the transfer to be registered.
- (b) If the transfer is of all the shares in the ship, and application is not made within the 30 days, the Registrar may cancel the registration of the ship and the certificate of registry.

- (c) If the transfer is of one or some of the shares in the ship, and application is not made within the 30 days, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.
- (a) (3) (a) Where there is a transmission of a registered ship the new owners shall promptly make application in accordance with these Regulations for the transmission to be registered.
- (b) If the transmission is all the shares in the ship, and application is not made within a reasonable time, the Registrar may cancel the registration of the ship and the certificate of registry.
- (c) If the transmission is of one or some of the shares in the ship, and application is not made a reasonable time, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

Change in registered particulars of ship

51.—(1) Where there is a change:—

- (a) in the registered particulars of a ship other than a change in the tonnage of the ship, or
- (b) in the name or address of an owner entered in the Register (not being a change of ownership),

application shall be made as soon as practicable to the Registrar for the change to be recorded in the Register.

(2) Such application shall be in writing and shall subject to regulation 111 (Dispensing with production of certificate) be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar.

(3) Where there is a change in the tonnage of a ship, it shall be resurveyed or remeasured in accordance with regulation 29 (Survey and measurement of ship). Thereafter application in a form approved by the Secretary of State shall be made as soon as practicable for the change to be recorded in the Register. The application shall be accompanied by the certificate of survey or measurement and the certificate of registry.

(4) On recording the change in the registered particulars the Registrar shall cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.

Change of name

52.—(1) An owner of a registered ship may apply to the Registrar to change the name of the ship. The application shall be made in a form approved by the Secretary of State and shall, subject to regulation 111 (Dispensing with production of certificate), be accompanied by the certificate of registry.

(2) If it appears to the Registrar that the name complies with Schedule 1 (Approval of names) he shall issue a marking note to the owner.

Transfer of port of choice

53.—(1) An owner of a registered ship may apply to the Registrar for the ship to change its port of choice to another such port. The application shall be made in a form approved by the Secretary

of State and, subject to regulation 111 (Dispensing with production of certificate), be accompanied by its certificate of registry.

(2) On receipt of such an application in respect of a fishing vessel the Registrar shall allocate to the vessel port letters and numbers for that port.

(3) If it appears to the Registrar that the requirements of Schedule 1 (Approval of name) are complied with he will issue a marking note.

Re-marking of ship

54.—(1) On receipt of the marking note the owner shall cause the ship to be marked with the new name and/or port of choice and, in respect of ships over 24 metres and fishing vessels, shall cause the marking to be inspected in accordance with regulation 33 (Inspection of marks).

(2) The owner or inspector shall, if satisfied that the ship is marked in the manner required by Schedule 3, complete the marking note and return it to the Registrar.

Registration of changes of name or port of choice

55. On receipt of the marking note duly completed the Registrar shall re-register the ship with its new name and/or port of choice and shall cancel the existing certificate and shall issue to the owner a new certificate of registry expiring on the same date as the existing one.

Removal from the Register

56.—(1) The Registrar may, subject to regulation 101 (Service of notices) terminate a ship's registration in the following circumstances:—

- (a) on application by the owner;
- (b) on the ship no longer being eligible to be registered;
- (c) on the ship being destroyed (which includes, but is not limited to, shipwreck, demolition, fire and sinking);
- (d) if, taking into account any requirements of the Merchant Shipping Acts (including any instrument made under them) relating to the condition of the ship or its equipment so far as relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered;
- (e) when a registered fishing vessel which has been licensed to fish ceases to be so licensed for a continuous period of 6 months or more;
- (f) when 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 registry;
- (g) when any penalty imposed on the owner of a ship in respect of a contravention of the Merchant Shipping Acts, or of any instrument in force under those Acts, has remained unpaid for a period of more than 3 months (and no appeal against that penalty is pending);
- (h) when any summons for any such contravention has been duly served on the owner of a ship but the owner has failed to appear at the time and place appointed for the trial of the information or complaint in question and a period of not less than 3 months has elapsed since that time.

(2) Where the Registrar terminates registration under (a) or (c) above, he shall:—

- (a) forthwith issue a closure transcript to the owner of the ship, and
- (b) notify any mortgagees of the closure of the registration.

(3) On receipt of the closure transcript the owner shall immediately surrender the ship's certificate of registry to the Registrar for cancellation.

(4) Where the registration of a fishing vessel has been terminated by virtue of paragraph (1)(b), then, without prejudice to the operation of any provision of the Act or these Regulations the ship shall not again be registered as a British ship unless:—

- (a) the Registrar consents to the vessel being so registered, or
- (b) the Registrar is satisfied that the vessel has been disposed of by its former registered owner by means of a transaction at arm's length and that no person who for the time being is a relevant owner of the vessel was a relevant owner of it at the time registration was terminated.

(5) For the purposes of paragraph (4) a person is a relevant owner of a vessel at any time if at that time:—

- (a) the legal title to the vessel or any share in it is vested in that person, or
- (b) the vessel or any share in it is beneficially owned by that person, or
- (c) any share in a body corporate falling within (a) or (b) above are legally or beneficially owned by that person,

whether vested in, or (as the case may be) owned by, that person alone or together with any other person or persons.