



# Merchant Shipping Act 1988

## 1988 CHAPTER 12

### PART II

#### REGISTRATION OF BRITISH FISHING VESSELS

##### *Supplemental*

#### **23 Notification of changes in ownership etc., and offences relating to furnishing of information**

- (1) If at any time there occurs, in relation to a registered vessel—
- (a) any change affecting the eligibility of the vessel to be registered as a British fishing vessel, or
  - (b) any change (not falling within paragraph (a)) in the percentage of the property in the vessel which is beneficially owned by persons who are qualified persons or companies within the meaning of section 14,
- the owner of the vessel shall, as soon as practicable after the change occurs, notify the Secretary of State in writing of that change.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.
- (3) Any person who—
- (a) in connection with the registration of any vessel or the making of any other entry in the register in pursuance of this Part, or
  - (b) in purported compliance with the requirements of any notice under section 16(1),
- knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence.
- (4) Any person who intentionally alters, suppresses, conceals or destroys a document which he has been required to produce by a notice under section 16(1) shall be guilty of an offence.

## **24 Penalties for offences under s. 22 or 23 and other provisions relating to such offences**

- (1) Any person guilty of an offence under section 22 or 23 shall be liable—
  - (a) on summary conviction, to a fine not exceeding £50,000;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (2) Proceedings for an offence under section 22 or 23 shall not be instituted—
  - (a) in England and Wales, except by or with the consent of the Attorney General, the Secretary of State or the Minister; or
  - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland, the Secretary of State or the Minister.
- (3) Proceedings for an offence under section 22 may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (4) In this section “the Minister”—
  - (a) in relation to England and Wales, means the Minister of Agriculture, Fisheries and Food; and
  - (b) in relation to Northern Ireland, means the Secretary of State concerned with sea fishing in Northern Ireland.

## **25 Application of other enactments, etc**

- (1) Any reference (however phrased) in any statutory provision not contained in this Act to the registration of a fishing vessel under any of the enactments specified in section 13(2) shall, so far as the context permits, be construed as, or as including, a reference to the registration of a fishing vessel under this Part; and connected phrases shall be construed accordingly.
- (2) The following provisions of the 1894 Act, namely—
  - (a) section 69 (penalty for unduly assuming British character), and
  - (b) section 71 (penalty for acquiring ownership if unqualified),shall not apply to a registered vessel; and section 72 of that Act (liabilities of unregistered ships) shall not apply to a fishing vessel (whether registered or not).
- (3) Sections 8 and 9 of the Sea Fisheries Act 1968 (general powers of British sea-fishery officers and powers of sea-fishery officers to enforce conventions) shall apply in relation to—
  - (a) this Part of this Act, and
  - (b) any regulations made under it,as they apply in relation to any order mentioned in section 8 of that Act and in relation to any convention mentioned in section 9 of that Act respectively; and sections 10 to 12 and 14 of that Act (offences and supplemental provisions as to legal proceedings) shall apply accordingly.
- (4) A document purporting to be a copy of any information contained in an entry in the register and to be certified as a true copy by an authorised officer of the Secretary of State shall be evidence (and, in Scotland, sufficient evidence) of the matters stated in the document.