



Merchant Shipping Act 1988

1988 CHAPTER 12

PART II

REGISTRATION OF BRITISH FISHING VESSELS

Transfers etc. of registered vessels

19 Transfer of vessel or share by bill of sale

- (1) Any transfer of—
 - (a) a registered vessel (not being a vessel registered in pursuance of paragraph 2(c) of Schedule 2), or
 - (b) a share in any such vessel,shall be effected by a bill of sale satisfying the requirements specified in subsection (2), unless the transfer will result in the vessel ceasing to be British-owned for the purposes of section 14(1)(a).
- (2) Those requirements are that the bill of sale—
 - (a) is in such form as may be prescribed or approved by the Secretary of State; and
 - (b) contains a description of the vessel sufficient to identify the vessel to the satisfaction of the Secretary of State.
- (3) Where any such vessel or share has been transferred in accordance with subsection (1), the transferee shall not be registered as owner of the vessel or share unless—
 - (a) he has made an application for the purpose in accordance with regulations under section 13 and has produced to the Secretary of State the bill of sale by which the vessel or share has been so transferred, and
 - (b) the Secretary of State is satisfied as mentioned in section 15(1);and section 15(2) and (3) shall apply in relation to an application under this subsection as they apply in relation to an application for the registration of a fishing vessel.
- (4) If an application under subsection (3) is granted by the Secretary of State, the Secretary of State shall—

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- (a) register the bill of sale referred to in paragraph (a) of that subsection by causing the applicant's name to be entered in the register as owner of the vessel or share in question, and
 - (b) endorse on the bill of sale the fact that that entry has been made, together with the date and time when it was made.
- (5) Bills of sale shall be registered under subsection (4) in the order in which they are produced to the Secretary of State for the purposes of registration.
- (6) If on an application under subsection (3) the Secretary of State is not satisfied that the vessel with respect to which the application is made is eligible to be registered as a British fishing vessel—
 - (a) the Secretary of State shall serve a notice under subsection (7) on the owner of the vessel; and
 - (b) the vessel's registration shall terminate by virtue of this subsection at the end of the period of 14 days beginning with the date of service of that notice.
- (7) A notice under this subsection is a notice stating—
 - (a) that the Secretary of State is not satisfied that the vessel in question is eligible to be registered as a British fishing vessel; and
 - (b) that the vessel's registration will accordingly terminate by virtue of subsection (6) at the end of the period referred to in that subsection.

20 Transmission of property in vessel or share other than under s.19

- (1) Where a registered vessel, or a share in a registered vessel, is transmitted to any person by any lawful means other than by a transfer under section 19, that person shall not be registered as owner of the vessel or share unless—
 - (a) he has made an application for the purpose in accordance with regulations under section 13 and has produced to the Secretary of State such evidence of the transmission as may be prescribed; and
 - (b) the Secretary of State is satisfied as mentioned in section 15(1);and section 15(2) and (3) shall apply in relation to an application under this subsection as they apply in relation to an application for the registration of a fishing vessel.
- (2) If an application under subsection (1) is granted by the Secretary of State, he shall cause the applicant's name to be entered in the register as owner of the vessel or share.
- (3) The preceding provisions of this section shall apply in relation to the transmission of the interest of a joint owner in a registered vessel or in a share in any such vessel as they apply in relation to the transmission of any such vessel or share, except that anything required to be done by virtue of subsection (1)(a) shall be done by both or all of the joint owners of the vessel or share.
- (4) If on an application under subsection (1) the Secretary of State is not satisfied that the vessel with respect to which the application is made is eligible to be registered as a British fishing vessel—
 - (a) the Secretary of State shall serve a notice under subsection (5) on the owner of the vessel; and
 - (b) the vessel's registration shall terminate by virtue of this subsection at the end of the period of 14 days beginning with the date of service of that notice.
- (5) A notice under this subsection is a notice stating—

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- (a) that the Secretary of State is not satisfied that the vessel in question is eligible to be registered as a British fishing vessel; and
- (b) that the vessel's registration will accordingly terminate by virtue of subsection (4) at the end of the period referred to in that subsection.