

## SCHEDULES

### SCHEDULE 2

Section 8(1)

#### CONSEQUENTIAL AMENDMENTS

- 1 (1) Section 26 of the Sea Fisheries Act 1868 (sea fishing boats within British waters to have official papers) shall be amended as follows.
  - (2) In subsection (1)—
    - (a) for the words “Part II of the Merchant Shipping Act 1988” there shall be substituted the words “the Merchant Shipping (Registration, etc.) Act 1993”; and
    - (b) for the words “that Part of that Act” there shall be substituted the words “registration regulations under section 3 of that Act”.
  - (3) In subsection (5), in the definition of “foreign sea-fishing boat”, for paragraphs (a), (b) and (c) there shall be substituted the following—
    - “(a) is not registered in the United Kingdom, the Channel Islands or the Isle of Man, and
    - (b) is not wholly owned by persons qualified to own British ships for the purposes of the Merchant Shipping (Registration, etc.) Act 1993.”.
- 2 In the Merchant Shipping Act 1894—
  - (a) in section 82 (tonnage on registration to be registered tonnage of ship), for the words from “the same” to the end there shall be substituted the words “that tonnage shall be treated as the tonnage of the ship except so far as registration regulations provide, in specified circumstances, for the ship to be re-measured and the register amended accordingly.”; and
  - (b) in section 742 (definitions), there shall be inserted as the first two definitions the following—

““the register” means the register of British ships kept under section 1 of the Merchant Shipping (Registration, etc.) Act 1993;

“registration regulations” means regulations under section 3 of that Act;”.
- 3 In section 80(1) of the Merchant Shipping Act 1906 (power to register Government ships)—
  - (a) for the words from “for the purpose” to “those Acts” there shall be substituted the words “in the United Kingdom under the Merchant Shipping (Registration, etc.) Act 1993, and the Merchant Shipping Acts;”; and
  - (b) for the words “in manner provided by those Acts” there shall be substituted the words “in accordance with that Act”.
- 4 In section 6(1)(c) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (excluded categories of employees), from the word “registered” to the end there shall be substituted the words “registered under the Merchant Shipping (Registration, etc.) Act 1993”.

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- 5 (1) In section 163(3) of the Fisheries Act (Northern Ireland) 1966 (names of owners to be painted on fishing boats registered under Part IV of the 1894 Act) for the words “Part IV of the Merchant Shipping Act 1894” there shall be substituted the words “the Merchant Shipping (Registration, etc.) Act 1993”.
- (2) In section 174(4) of that Act (examination of certificates for fishing boats) for the words from “Part IV” to the end there shall be substituted the words “the Merchant Shipping (Registration, etc.) Act 1993”.
- 6 In section 1 of the Sea Fish (Conservation) Act 1967 (size, limits, etc. for fish) for subsection (9) (definitions) there shall be substituted the following subsection—
- “(9) In this section—
- “British fishing boat” means a fishing boat which either is registered in the United Kingdom under the Merchant Shipping (Registration, etc.) Act 1993 or is owned wholly by persons qualified to own British ships for the purposes of that Act; and
- “foreign fishing boat” means any fishing boat other than a British fishing boat.”.
- 7 In section 5(8) of the Sea Fish (Conservation) Act 1967 (restriction on scope of certain orders), in paragraph (b), for the words “Merchant Shipping Act 1894” there shall be substituted the words “Merchant Shipping (Registration, etc.) Act 1993”.
- 8 In section 22(1) of the Sea Fish (Conservation) Act 1967 (definitions), in the definition of “British-owned”, for the words “(within the meaning of the Merchant Shipping Act 1894)” and “(within the meaning of that Act)” there shall be substituted the words “for the purposes of the Merchant Shipping (Registration, etc.) Act 1993” and “for those purposes” respectively.
- 9 In section 19(1) of the Sea Fisheries Act 1968 (definitions)—
- (a) for the definitions of “British fishing boat” and “foreign fishing boat” there shall be substituted the following definition—
- ““British fishing boat” means a fishing boat which either is registered in the United Kingdom under the Merchant Shipping (Registration, etc.) Act 1993 or is wholly British-owned”; and
- (b) in the appropriate places there shall be inserted the following definitions—
- ““foreign fishing boat” means any fishing boat other than a British fishing boat;”
- ““wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of the Merchant Shipping (Registration, etc.) Act 1993;”.
- 10 In section 8 of the Fishery Limits Act 1976 (definitions)—
- (a) for the definition of “foreign fishing boat” there shall be substituted the following definition—
- ““foreign fishing boat” means a fishing boat which is not—
- (a) registered in the United Kingdom, the Channel Islands or the Isle of Man; or
- (b) wholly British-owned;” and
- (b) in the appropriate place there shall be inserted the following definition—

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- “wholly British-owned” means wholly owned by persons qualified to own British fishing boats for the purposes of the Merchant Shipping (Registration, etc.) Act 1993;”.
- 11 In section 144(1)(b) of the Employment Protection (Consolidation) Act 1978 (mariners), for the words following “registered”, there shall be substituted the words “under the Merchant Shipping (Registration, etc.) Act 1993”.
- 12 In section 81(7) of the Customs and Excise Management Act 1979 (power to regulate small craft), for the words from “fishing vessel” to “1988”, there shall be substituted the words “fishing vessel registered under the Merchant Shipping (Registration, etc.) Act 1993”.
- 13 In section 9 of the British Fishing Boats Act 1983 (definitions)—
- (a) for the definition of “British fishing boat” there shall be substituted the following definition—
- ““British fishing boat” means a fishing boat which either is registered in the United Kingdom under the Merchant Shipping (Registration, etc.) Act 1993 or is wholly British-owned;” and
- (b) in the appropriate place there shall be inserted the following definition—
- ““wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of the Merchant Shipping (Registration, etc.) Act 1993;”.
- 14 In section 9(1) of the Inshore Fishing (Scotland) Act 1984 (definitions)—
- (a) for the definition of “British fishing boat” there shall be substituted the following definition—
- ““British fishing boat” means a fishing boat which either is registered in the United Kingdom under the Merchant Shipping (Registration, etc.) Act 1993 or is wholly British-owned;” and
- (b) in the appropriate place there shall be inserted the following definition—
- ““wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of the Merchant Shipping (Registration, etc.) Act 1993;”.
- 15 (1) The Merchant Shipping Act 1988 shall be amended as follows.
- (2) In section 11 (regulation of registration in British territories overseas)—
- (a) in subsection (1), for the words from “of ships” to “territories” there shall be substituted the words “in relevant British possessions of ships other than small ships and fishing vessels”;
- (b) in subsection (2)—
- (i) in paragraph (a) for the words “under Part I of the 1894 Act” there shall be substituted the words “in such possessions”;
- (ii) in paragraphs (b) and (c), for the words “overseas territory” there shall be substituted the words “British possession”; and
- (iii) in paragraph (c), for the words from “Part I” to the end there shall be substituted the words “the law of that possession”;
- (c) in subsection (3)—

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- (i) for the word “territory” there shall be substituted the word “possession”; and
    - (ii) the words “under Part I of the 1894 Act” shall be omitted; and
  - (d) at the end insert—
    - “(5) In this section—
      - “relevant British possession” has the meaning given in paragraph 4 of Schedule 4 to the Merchant Shipping (Registration, etc.) Act 1993; and
      - “small ship” has the meaning given in paragraph 1(2) of Schedule 3 to that Act”.
- (3) In section 47 (application of Merchant Shipping Acts to ships chartered by demise to the Crown)—
- (a) in subsections (3) and (5), for the words “registration enactments” there shall be substituted the words “Merchant Shipping (Registration, etc.) Act 1993”;
  - (b) in subsection (7)—
    - (i) after the definition of “Government ship” there shall be inserted the following definition—
      - ““the Merchant Shipping Acts” means the Merchant Shipping Acts 1894 to 1986, this Act and the Merchant Shipping (Registration, etc.) Act 1993;”;
    - (ii) the definition of “the registration enactments” shall be omitted.
- (4) In section 52 (disclosure of information to the Secretary of State by other government departments)—
- (a) in subsection (1), after paragraph (a), there shall be inserted—
    - “(aa) to the registrar of British ships (within the meaning of the Merchant Shipping (Registration, etc.) Act 1993), or”;
  - (b) in subsections (1) and (3), for the words “Part I or Part II” there shall be substituted the words “the Merchant Shipping (Registration, etc.) Act 1993”.