



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART II

#### REGISTRATION

##### *Supplemental*

#### **18 Regulation of registration in British possessions by reference to categories of registries.**

- (1) Her Majesty may by Order in Council make provision for regulating the registration in relevant British possessions of ships other than small ships and fishing vessels by reference to categories of registries established by the Order.
- (2) Any such Order may—
  - (a) establish different categories of registries to which different restrictions on the registrations of ships in such possessions apply, being restrictions framed by reference to—
    - (i) ships' tonnages, or
    - (ii) types of ships, or
    - (iii) any other specified matter, or
    - (iv) any combination of matters falling within one or more of the preceding sub-paragraphs,as well as a category of registries to which no such restriction applies;
  - (b) assign any relevant British possession to such one of the categories so established as appears to Her Majesty to be appropriate;
  - (c) provide that, where a relevant British possession has been assigned to a category to which any such restriction on registration as is mentioned in paragraph (a) applies, no ship covered by that restriction shall be registered under the law of that possession;
  - (d) specify circumstances in which ships may be exempted from any provision made by virtue of paragraph (c) above.

*Status: Point in time view as at 24/11/2011.*

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- (3) Any provision made by virtue of subsection (2)(c) above shall be expressed to be without prejudice to the operation of any provision for the time being in force under the law of any such possession as is mentioned in subsection (2)(c) above by virtue of which the registration of ships in that possession is, or may be, further restricted.
- (4) An Order in Council under this section may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient.
- (5) In this section “small ship” has the meaning given by section 1(2).

## **19 Tonnage regulations.**

- (1) The tonnage of any ship to be registered under this Part shall be ascertained in accordance with regulations made by the Secretary of State (“tonnage regulations”).
- (2) Tonnage regulations—
  - (a) may make different provisions for different descriptions of ships or for the same description of ships in different circumstances;
  - (b) may make any regulation dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations;
  - (c) may prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage and may provide for making the master and the owner each liable to a fine not exceeding level 3 on the standard scale where such a prohibition or restriction is contravened.
- (3) Tonnage regulations may make provision—
  - (a) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can safely be loaded;
  - (b) for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it; and
  - (c) where the lower tonnage has been assigned to it as an alternative, for indicating on the ship the depth to which the ship may be loaded for the lower tonnage to be applicable.
- (4) Tonnage regulations may provide for the measurement and survey of ships to be undertaken, in such circumstances as may be specified in the regulations by persons appointed by such organisations as may be authorised for the purpose by the Secretary of State.
- (5) Tonnage regulations may provide for the issue, by the Secretary of State or by persons appointed by such organisations as may be authorised for the purpose by the Secretary of State, of certificates of the registered tonnage of any ship or of the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in the United Kingdom, and for the cancellation and delivery up of such certificates in such circumstances as may be prescribed by the regulations.
- (6) Regulations requiring the delivery up of any certificate may make a failure to comply with the requirement an offence punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

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## **20 Proceedings on forfeiture of ship.**

Section 7 applies in relation to ships or shares in ships which become liable to forfeiture under this Part as it applies in relation to ships or shares in ships which become liable to forfeiture under Part 1.

## **21 Disclosure of information relating to registration by other government departments.**

(1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall preclude any of the persons mentioned in subsection (2) below from disclosing—

- (a) to the Secretary of State, or
- (b) to the registrar, or
- (c) to an authorised officer of the Secretary of State,

information for the purpose of assisting the Secretary of State in the performance of his functions under this Part.

(2) The persons referred to in subsection (1) above are—

- (a) the Minister of Agriculture, Fisheries and Food,
- (b) the Secretaries of State respectively concerned with sea fishing in Scotland, Wales and Northern Ireland,
- (c) the Department of Agriculture for Northern Ireland,
- (d) the Commissioners of Customs and Excise, and
- (e) an authorised officer of any of the persons falling within paragraphs (a) to (d) above.

(3) Information obtained by any person in pursuance of subsection (1) above shall not be disclosed by him to any other person except where the disclosure is made—

- (a) to a person to whom the information could have been disclosed by any of the persons mentioned in subsection (2) above in accordance with subsection (1) above, or
- (b) for the purposes of any legal proceedings arising out of this Part.

## **22 Forgery of documents: Scotland.**

(1) In Scotland, if any person forges or fraudulently alters—

- (a) any entry or endorsement in the register; or
- (b) subject to subsection (2) below, any other document as respects which provision is made by, under or by virtue of this Part (or any entry or endorsement in or on such other document and as respects which provision is so made),

he shall be liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
- (ii) on conviction on indictment, to a fine or to imprisonment or to both.

(2) Subsection (1)(b) does not apply in respect of actings which constitute an offence under section 288(6) or 300(8).

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## **23 Interpretation.**

(1) In this Part—

“British connection” and “declaration of British connection” have the meaning given in section 9(9);

“the private law provisions for registered ships” has the meaning given in section 16;

“the register” means the register of British ships maintained for the United Kingdom under section 8 and “registered” (except with reference to the law of another country) is to be construed accordingly; and

“the registrar” means the Registrar General of Shipping and Seamen in his capacity as registrar or, as respects functions of his being discharged by another authority or person, that authority or person.

(2) Where, for the purposes of any enactment the question arises whether a ship is owned by persons qualified to own British ships, the question shall be determined by reference to registration regulations made under section 9(2)(a).

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