
STATUTORY INSTRUMENTS

1988 No. 1926

**The Merchant Shipping (Registration
of Fishing Vessels) Regulations 1988**

PART II

REGISTRATION

The Register

2.—(1) The Secretary of State shall establish and maintain a register of fishing vessels to be known as the Register of British Fishing Vessels.

(2) The Register, which may consist of computerised records, with such other records as the Secretary of State considers necessary or expedient shall be kept at the offices of the Registrar General of Shipping and Seamen.

Registration to be of two kinds

3. Registration in the Register shall be of two kinds:

- (a) registration of vessels as vessels to which the provisions of Part II of the Act relating to transfers by bill of sale and the registration of mortgages do not apply (hereinafter called “simple registration”); and
- (b) registration of vessels as vessels to which those provisions do apply (hereinafter called “full registration”).

Applications

4. Every application made pursuant to these Regulations shall be made to the Secretary of State at the office of the Registrar General of Shipping and Seamen in person or by post or through a local office.

The Applicant

5. Every such application shall be made 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, and in the case of a company by a duly authorised officer of that company.

Contents and Form of application

6. Every application for registration shall contain the particulars specified in Part I of Schedule I hereto and, if relevant, Part II thereof, shall be in a form approved by the Secretary of State, and shall state whether the application is for full or simple registration.

Change from full to simple registration subject to conditions

7. A vessel which has once been registered with full registry shall not thereafter be registered with simple registry unless:

- (a) there is no outstanding registered mortgage thereon, and
- (b) the vessel has in the meantime been registered outside the United Kingdom and
- (c) the Secretary of State consents.

Previous certificate to accompany application

8. Every application for registration shall be accompanied by the previous certificate of registry (if any).

Evidence of title on registration of vessel

9. The following evidence of title shall be produced on an application for full registration (other than an application for renewal of registry under regulations 30 and 31):—

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

Evidence of title on registration of transfer of vessel

10. On application for registration of a transfer of a registered vessel or a share therein pursuant to section 19(1) of the Act, the bill of sale shall be produced to the Secretary of State.

Form of Bill of Sale

11. Every bill of sale effecting a transfer pursuant to the Act and these Regulations shall be in a form approved by the Secretary of State with appropriate attestation.

Evidence of title on registration of transmission of vessel

12. On an application for registration of a transmission of a registered vessel or a share therein pursuant to section 20(1) of the Act the following evidence shall be produced to the Secretary of State:—

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

Declaration of British Character to accompany application

13. Every application for registration or renewal of registry, whether with full or simple registration, shall (subject to regulation 14) be accompanied by a Declaration of British Character which shall consist of—

- (a) a declaration in the form set out in Part I of Schedule 2 hereto, containing the particulars therein specified and signed and witnessed as therein provided, and
- (b) where a company is—
 - (i) the owner, legal or beneficial, of the vessel or part thereof, (or of) a share or part share therein, or
 - (ii) the charterer, manager or operator of the vessel,

a declaration in the form set out in Part II of Schedule 2 hereto in respect of each such company signed on behalf of the company by two duly authorised officers thereof.

Declaration of Intent

14. Where the ownership of the vessel has, at the time when application for registration is made, not yet passed (or fully passed) to the persons who are to be its owners when it is registered, the application shall instead of being accompanied by a Declaration of British Character, be accompanied by a Declaration of Intent.

Form of Declaration of Intent

15. The Declaration of Intent shall consist of a draft Declaration of British Character setting out the particulars of ownership of the vessel as they are intended to be when the vessel is registered attached to a Declaration that the ownership of the vessel will, at the time when registration occurs, be as stated in the draft Declaration of British Character.

Declaration of British Character to be submitted before registration

16. Where an application for registration is accompanied by a Declaration of Intent and not by a Declaration of British Character, a duly completed Declaration of British Character shall be submitted to the Secretary of State at the office of the Registrar General or through a local office before registration is effected.

Supplementary information

17. Where the Secretary of State is not satisfied by the information provided on an application for registration of a vessel or of a transfer of a vessel that the vessel is eligible for registry as a British fishing vessel, he may require such supplementary information and evidence as he thinks fit for the purpose of satisfying himself that it is so eligible.

Allocation of letters and numbers

18. On receipt of an application for registration of a vessel for the first time the Secretary of State, if he is satisfied that the vessel in respect of which the application has been made is eligible to be registered as a British fishing vessel, shall allocate to the vessel a register number (“RSS number”) together with the port letters specified in column 2 of the list of ports of registry set out in Schedule 3 hereto for the intended port of registry and a number within that port, and shall issue to the owner a Carving and Marking Note.

Marking

19. On receipt of a Carving and Marking Note the owner shall:

- (a) if the vessel has not already been measured as required by section 6 of the 1894 Act as applied by regulation 60, cause it to be so measured;
- (b) cause the vessel to be carved with its RSS number and marked with its name, Port of registry, Port Letters and Number in the manner required by Schedule 4 hereto; and
- (c) cause the carving and marking thereof to be inspected by an Inspector of Marks.

Inspection of Marks

20. The Inspector of Marks shall satisfy himself that the vessel has been carved and marked in accordance with regulation 19 and when so satisfied shall complete the Carving and Marking Note and return it to the Secretary of State or, if the owner so requests, send or deliver it to a local office.

Verification of measurement carving and marking

21. If on receipt of any application for registration the Secretary of State is not satisfied:

- (a) that the particulars of the measurements and tonnage of the vessel furnished to him are correct, or
- (b) that the vessel is carved and marked in the manner required by Schedule 4,

he may direct the owner to have the measurement, carving or marking of the vessel verified by an Authorised Measurer or Inspector of Marks as appropriate.

Cancellation of Carving and Marking Note

22. If a Carving and marking Note issued under regulation 18 is not duly completed and returned to the Secretary of State within 3 months of its issue, the Secretary of State may cancel it.

Registration

23. When the Secretary of State is satisfied in respect of an application:

- (a) that the vessel has been duly measured, carved and marked, and
- (b) that the particulars of the vessel furnished to him are correct, and
- (c) (in the case of an application for full registration) that the title to the vessel has been adequately proved, and
- (d) that the vessel is eligible under section 14 of the Act to be registered as a British fishing vessel, he shall register the vessel, with full registration or simple registration as appropriate by entering in the Register the particulars of the vessel and its owners specified in Schedule 2 hereto; and in the case of full registration where application for registration of a mortgage complying with regulation 39 has been made, register any mortgage or mortgages thereon in accordance with paragraphs 2, 3 and 4 of Schedule 3 to the Act.

Issue of Certificate of Registry

24. Upon registering a vessel the Secretary of State shall issue and send to the owner a Certificate of Registry containing the particulars set out in Schedule 5 hereto.

Documents to be retained by Secretary of State

25. Upon registering a vessel the Secretary of State shall retain in his possession any builder's certificate; any certificate granted pursuant to section 6 of the 1894 Act as applied by regulation 60 and all Declarations of British Character.

Registry to be for 5 years

26. The registry of a vessel shall unless terminated under the Act be valid for a period of five years beginning with the date of registry specified in the Certificate of Registry and shall, subject to section 23(2) of the Act, expire at the end of that period unless it is renewed pursuant to regulations 30 and 31.

Temporary registry certificate

27. The Secretary of State may upon registering a vessel, if the owner so requests, issue to the owner through a local office a temporary registration document. The certificate shall contain the registered particulars of the vessel and shall specify the period (which shall not exceed two months) for which it is valid.

Effect of temporary registry certificate

28. During the period of its validity a temporary registration certificate shall have the effect of a Certificate of Registry.

Duplicate certificate

29.—(1) If it is shown to the satisfaction of the Secretary of State that the Certificate of Registry of a vessel has been lost, stolen or destroyed or has become illegible he may issue to the owner a duplicate of that certificate and that duplicate, which shall be marked as such, shall be of the same effect as the original.

(2) Where a duplicate Certificate of Registry is issued the original if then available or if subsequently found or recovered shall be forthwith surrendered by the owner of the vessel to the Secretary of State.

Time for application for renewal

30. Application for renewal of registry may be made during the period of three calendar months ending with the date on which the current registry expires in accordance with regulation 26.

Application for renewal of registry

31. Application for renewal of registry shall be in a form approved by the Secretary of State for renewal of simple registration or renewal of full registration as the case may be, and shall be accompanied by a Declaration of British Character and by the Certificate of Registry.

Status of Certificate etc under Sea Fisheries Legislation

32. A Certificate of Registry (including a valid temporary registration certificate) shall be a certificate of paper or official paper within the meaning of the Sea Fisheries Act 1868(1) and a

(1) 1868 c. 45.

'document relating to the boat' within the meaning of the Sea Fisheries Act 1968(2) (and as such must at all times be carried on board the vessel).

Notification of changes in ownership etc.

- 33.** Notification made pursuant to section 23(1)(a) and (b) of the Act being respectively:—
- (a) notification of a change affecting the eligibility of the vessel to be registered and
 - (b) notification of a change, not affecting that eligibility, in the percentage of the property in the vessel beneficially owned by qualified persons

shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name, RSS number and Port Letters and Number of the vessel.

Change in ownership of registered vessel

- 34.** Where there is any transfer or transmission of a registered vessel or share therein—
- (a) the person ceasing to own, or in the event of his death, his legal personal representative, shall notify the fact to the Secretary of State, and
 - (b) the new owners shall promptly make application in accordance with these Regulations for the transfer or transmission to be registered; and if such application is not made within a reasonable time the Secretary of State may subject to section 21(2) of the Act cancel the registry of the vessel and the Certificate of Registry.

Change in registered particulars of vessel

- 35.**—(1) Where there is a change:—
- (a) in the registered particulars of a vessel, 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 Secretary of State for the change to be recorded in the Register. Such application shall be in the form approved for that purpose by the Secretary of State and shall be accompanied by the Certificate of Registry.

(2) On recording the change the Secretary of State shall cancel the existing certificate and issue to the owner a new Certificate of Registry expiring on the same date as the existing one.

Transfer of port

36. An owner of a registered vessel may apply to the Secretary of State for the vessel to be transferred from its existing port of registry to another such port ("the new port"). The application shall be made in a form approved by the Secretary of State and shall be accompanied by the existing Certificate of Registry. On receipt of the application the Secretary of State, if satisfied that there is not already a vessel of that name registered at the new port, shall allocate to the vessel Port Letters and Number for the new port and shall issue a Marking Note to the owner.

Re-marking of vessel

37. On receipt of the Marking Note the owner shall cause the vessel to be marked with the new Port Letters and Number allocated to it and shall cause the marking thereof to be inspected by an Inspector of Marks. The Inspector of Marks shall, if satisfied that the vessel is marked in the manner required by Schedule 4, complete the Marking Note and return it to the Secretary of State.

Re-registration at new port

38. On receipt of the Marking Note duly completed the Secretary of State shall re-register the vessel as a vessel registered at the new port and shall cancel the existing certificate and issue to the owner a new Certificate of Registry expiring on the same date as the existing one.