
STATUTORY INSTRUMENTS

1988 No. 1926

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

PART VII

TRANSFERS TO THE NEW REGISTER

Transitional period

66. The period prescribed for the purposes of section 13(3)(b) of the Act (“the Transitional Period”) shall be the period beginning with the commencement of Part II of that Act (being the date of the coming into force of these Regulations) and ending on 31st March 1989.

Applications for transfer

67. During the Transitional Period the owner of any fishing vessel registered under Part I or Part IV of the 1894 Act or under the Scottish Act may apply to the Secretary of State for the registry of his vessel to be transferred to the Register.

Form of Application

68. Such application shall be made in a form approved by the Secretary of State for the purpose and contain the particulars therein specified, and shall be accompanied by a Declaration of British character complying with the provisions of regulation 13 and by the current certificate of registry issued under the 1894 Act or the Scottish Act.

Kind of registration to depend on type of existing registration

69.—(1) A vessel which at the time when the application for transfer is made is registered only under Part IV of the 1894 Act shall be registered in the Register with simple registration.

(2) Any other vessel shall, subject to regulation 72, be registered in the Register with full registration.

Registration of vessel

70. On receipt of such an application for transfer the Secretary of State shall, if he is satisfied that the vessel is eligible for registry as a British fishing vessel and that it is marked with the Port Letters and Number specified on the application:—

- (a) allocate to the vessel an RSS number,
- (b) register the vessel with those Port Letters and Number and that RSS number, and
- (c) register any subsisting mortgages on the vessel which, immediately before the registry of the vessel was transferred under this Part of these Regulations, were registered in respect

of it in the Part I register or the Scottish register as the case may be, if more than one in the order in which they were registered in that register.

Carving of RSS number

71. No vessel so transferred shall be required to be carved with the RSS number allocated to it until:—

- (a) the vessel is remeasured or otherwise inspected for the purpose of certifying a change of name, Port Letters or Number or
- (b) the vessel, having been transferred with simple registration applies for full registration, or
- (c) until the first application for renewal of registration or registration anew as the case may be.

Registration where title inadequately proved

72.—(1) Where—

- (a) there is a discrepancy between the particulars of ownership registered in respect of a vessel in a Part I register or a Scottish register as the case may be, and the particulars provided by the owner on the application for transfer, and
- (b) the discrepancy is such that in the opinion of the Secretary of State title to the vessel is inadequately proved the Secretary of State may, if the owner so requests, register the vessel with simple registration but (notwithstanding paragraph 2(c) of Schedule 2 of the Act) sections 19 (transfers by bill of sale) and 20 (transmissions) shall apply to the vessel and the entry in the register relating thereto shall be marked to indicate that these sections apply and, where, the vessel is subject to a mortgage, the mortgage shall be registered.

(2) Where a vessel is registered pursuant to paragraph (1) the owner thereof shall produce to the Secretary of State as soon as possible evidence of title complying with regulation 8, 9 or 10, as applicable.

Certificate of Registry

73. Upon registering a vessel under this Part of these Regulations the Secretary of State shall issue to the owner a Certificate of Registry in accordance with regulation 24 and shall cancel the previous certificate of registry.

Registry may be for less than 5 years

74. The registry of a vessel which is transferred to the new Register under this Part of these Regulations shall, notwithstanding regulation 26 (registry to be for 5 years) remain valid only until the date of expiry specified on the Certificate of Registry; provided that date of expiry shall not be more than five nor (except in the case of a temporary certificate) less than one year after the date of transfer of the registry of the vessel.

Temporary Registry

75.—(1) In any case where the Secretary of State has reason to doubt the accuracy of the particulars of the vessel supplied by the owner on an application for transfer of registry and their accuracy cannot reasonably be verified before the end of the Transitional Period, the Secretary of State may register the vessel temporarily (with full or simple registration as appropriate) for such period not exceeding 6 months as he thinks expedient or necessary in all the circumstances and issue to the vessel a temporary certificate of registry. Such certificate shall be entitled “Temporary certificate of Registry”.

(2) When the accuracy of those particulars has been duly verified the Secretary of State shall cancel the temporary certificate and issue instead a Certificate of Registry in accordance with regulation 24 on which the date of issue specified shall be the same as the date of issue shown on the temporary certificate.

Noting of existing unregistered mortgages

76. The Secretary of State may, on receipt of an application in a form approved by him, note on the Register the existence of a mortgage other than a mortgage registered pursuant to Schedule 3 to the Act if—

- (a) the mortgage was executed prior to 1st December 1988, and
- (b) the vessel which was made security for the mortgage either—
 - (i) remains registered under Part IV of the 1894 Act but neither is nor was registered in a Part I register or a Scottish register, or
 - (ii) has been transferred to the Register with simple registration.

Noting not to give any priority

77. The noting of such a mortgage shall not confer on the mortgagee any of the powers conferred by Schedule 3 of the Act on a mortgagee of a registered mortgage, nor shall a mortgage so noted be ranked before or otherwise given precedence over any registered mortgage subsequently produced to the Secretary of State.

Mortgagee to be informed

78. The Secretary of State shall inform the mortgagee of any such noted mortgage by recorded post, of any application for full registration of the vessel.

Removal of a note on application

79. The Secretary of State shall remove the note of such mortgage on receipt of an application for its removal in a form approved by him and signed by or made with the consent of the mortgagee.

Removal of note on renewal of registration

80. The note of such a mortgage shall cease to have effect and shall be removed from the Register:

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- (a) upon the date of the first renewal of registry;
- (b) upon expiry of registry if it is not renewed;
- (c) upon the vessel being registered with full registration; or
- (d) upon registration of any transfer of the vessel or share therein whichever shall first occur.