

1988 No. 1926

MERCHANT SHIPPING

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

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The Secretary of State for Transport, in exercise of powers conferred on him by sections 13(1), (3) and (7), 19(2), 21(1), and 53(2) of, and Schedules 2 and 3 to, the Merchant Shipping Act 1988(a) (hereinafter called “the Act”) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

PART I

GENERAL

Citation, Commencement and Interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Registration of Fishing Vessels) Regulations 1988 and shall come into force on 1st December 1988.

(2) In these Regulations:—

“the 1894 Act” means the Merchant Shipping Act 1894(b);

“application for registration” includes, except where otherwise stated, application for registration of a vessel or share therein, application for re-registration of a vessel or share therein and application for registration of a transfer or transmission of a vessel or share therein but not application for renewal of registry;

“appropriate attestation” means attestation in a form approved by the Secretary of State;

“appropriate person” means, in relation to a port outside the British Islands:—

(a) any British consular officer within whose consular district the port lies; or

(b) where Her Majesty’s Government in the United Kingdom is represented in that country by a High Commissioner, any member of the High Commissioner’s official staff nominated by him for the purposes of these Regulations; or

(c) where that country is a colony, the Governor of the colony or any person appointed by him for those purposes;

and in this definition “High Commissioner” includes an acting High Commissioner and “Governor” includes an acting Governor;

“Authorised Measurer” means the Secretary of State or any person authorised pursuant to the Merchant Shipping (Fishing Vessels—Tonnage) Regulations 1988(c) to carry out the measurement of fishing vessels for the purposes of those regulations;

“British sea-fisheries officer” means any person who is a British sea-fisheries officer by virtue of section 7(1) of the Sea Fisheries Act 1968(d);

“Certificate of Registry” means a certificate of registration under Part II of the Act;

“Declaration of British Character” means a declaration complying with the provisions of regulation 13;

(a) 1988 c.12.

(b) 1894 c.60.

(c) S.I. 1988/1909.

(d) 1968 c.77.

“Inspector of Marks” means an Authorised Measurer or any person authorised by the Secretary of State to verify the carving and marking of a vessel pursuant to these Regulations;

“local office” means an office of the Ministry of Agriculture, Fisheries and Food, the Department of Agriculture and Fisheries for Scotland or the Department of Agriculture for Northern Ireland, listed in the list published by the Department of Transport and entitled “List of Local Offices for Fishing Vessel Registration”;

“owner” means, in relation to a vessel or share therein, the person owning the vessel or, as the case may be, a share therein, whether or not registered as owner;

“a Part I register” means a register established under Part I of the 1894 Act and kept by a Registrar of British Ships in the United Kingdom;

“port of registry” means a port listed in Schedule 3 hereto;

“Port Letters and Number” means in relation to a vessel the letters for the port of registry and the number within that port allocated to the vessel under regulation 18, or transferred with the vessel to the Register pursuant to Part VII of these Regulations;

“qualified person”, “qualified company” and “relevant percentage” have the same meanings as in section 14 of the Act;

“RSS number” means a register number allocated to a vessel under regulation 18;

“the Register” means the Register of Fishing Vessels established under regulation 2;

“the registered particulars” means in relation to a vessel the particulars recorded in respect of the items numbered 1 to 13 inclusive in Schedule 5 hereto;

“representation” means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel.

“salmon coble” means a vessel under 10 metres in overall length used for fishing for profit only in connection with private rights of fishing for salmon or migratory trout;

“the Scottish Act” means the Sea Fishing Boats (Scotland) Act 1886(a) and

“a Scottish Register” means a register established under that Act;

“simple registration” and “full registration” have the meanings given to them by regulation 3;

“transfer of a vessel” includes, except where the context otherwise requires, transfer of a share in a vessel;

“the Transitional Period” means the period specified in regulation 66.

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

(a) 1886 c.53.

- (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(a) and a 'document relating to the boat' within the meaning of the Sea Fisheries Act 1968(b) (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

(a) 1868 c.45.

(b) 1968 c.77.

- (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.

PART III

MORTGAGES

Form of Mortgages

39.(a) A mortgage produced for registration in pursuance of paragraph 2(3) of Schedule 3 to the Act,

- (b) a transfer of a registered mortgage, and
- (c) a discharge of a registered mortgage

shall be in a form approved by the Secretary of State, in each case with appropriate attestation.

Evidence of transmission of mortgage

40. Evidence of transmission of a mortgage produced pursuant to paragraph 7 of Schedule 3 to the Act shall be that specified in sub-paragraph (a), (b) or (c) of regulation 12.

Subsisting mortgages on vessels no longer registered

41. Any undischarged mortgage registered in a Part I register or in a Scottish Register in respect of a fishing vessel which is not transferred to the Register pursuant to Part VII of these Regulations shall, notwithstanding the repeal of the enactment under which such Register was established and the provisions of section 13(3) of the Act, continue in effect; and such undischarged mortgage may, if the vessel comes within the jurisdiction of any court in the United Kingdom which has jurisdiction to enforce it, be enforced by any lawful means without prejudice, where the fishing vessel has been sold under a judgment of a court, to the effect of that judgment.

Subsisting mortgages on fishing vessels registered anew

42. Any mortgage registered under Part I of the 1894 Act or the Scottish Act which remains undischarged and which relates to a fishing vessel which was not transferred to the Register during the Transitional Period but becomes a registered fishing vessel with full registration after 31st March 1989, shall (subject to regulation 44) be transferred to the Register and registered therein as a mortgage in respect of the vessel in question.

Priority of subsisting mortgages

43. The priority of any mortgage so transferred shall, notwithstanding paragraphs 3 and 4 of Schedule 3 to the Act, be determined as if it had been produced to the Secretary of State for the purposes of registration on the date on which it was registered under Part I of the 1894 Act or the Scottish Act as the case may be.

Deletion of registered mortgages

44. Where, notwithstanding that a mortgage was recorded in a Part I register or a Scottish Act register in respect of a fishing vessel or is recorded in the Register as undischarged, there is reason to doubt whether it in fact remains undischarged, the Secretary of State may request the mortgagee in writing by recorded delivery post sent to the address recorded in the Part I or Scottish Act register and to any other address which the Secretary of State has reason to believe is the present address of the mortgagee, to state whether the mortgage remains undischarged; and if the mortgagee fails to respond within 30 days of the date of dispatch of that request or states that the mortgage has been discharged or is to the best of his knowledge no longer subsisting, the Secretary of State may delete that mortgage from the Register.

Mortgages transferred to Part I register

45. Where an undischarged mortgage is registered in the Register in respect of a vessel and that vessel becomes a ship registered under Part I of the 1894 Act, the undischarged mortgage shall be transferred to the Part I register in which the ship is registered and shall thereafter for all the purposes of the said Part I be treated as a mortgage registered under that Part.

Priority of transferred mortgages

46. Any such transferred mortgage shall be entitled to priority according to the date at which it was registered in the Register and section 33 of the 1894 Act shall be construed accordingly.

Notice of intended mortgage

47. A person who is an intending mortgagee under a proposed mortgage of a fishing vessel or of a share in any such vessel, and desires that interest to be recorded pursuant to paragraph 4 of Schedule 3 of the Act, may give notice to the Secretary of State of his intention to register a mortgage. The notice shall be in a form approved by the Secretary of State and shall contain the following particulars:—

- (a) if the vessel is a registered vessel, the name, RSS number and Port Letters and Number of the vessel, the name, address and signature of the intending mortgagor, and the number of shares to be mortgaged, and the name and address of the intending mortgagee;

- (b) if the vessel is not for the time being a registered vessel:-
- (i) the present name of the vessel;
 - (ii) the intended name of the vessel;
 - (iii) the intended port of registry;
 - (iv) the approximate length of the vessel;
 - (v) where the vessel is registered outside the United Kingdom a copy of its Certificate of Registry or other document evidencing that registration and giving its port of registry and its registered port letters and numbers, if any;
 - (vi) where the vessel is a new vessel, the builder's certificate or, if that is not available, the name and address of the builder and the vessel's yard number;
 - (vii) where the vessel is neither a new vessel nor a registered vessel, details of any permanent marks thereon which enable the vessel to be clearly identified;
 - (viii) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

PART IV

PROVISIONAL REGISTRATION

Provisional Registration

48. Where a fishing vessel acquired outside the United Kingdom which the owner intends should be registered as a British fishing vessel is at the material time at a port outside the United Kingdom the owner may, instead of applying to the Secretary of State for registration apply to the appropriate person for provisional registration of the vessel.

Application for provisional registration

49. An application for provisional registration shall be in a form approved by the Secretary of State and shall be accompanied by the particulars required by regulation 13 to be included in a Declaration of British Character.

Scrutiny of particulars of eligibility

50. The appropriate person shall forward those particulars to the Secretary of State who shall, if he is satisfied that the vessel is eligible for registry as a British fishing vessel, notify the appropriate person that he is so satisfied.

Period of provisional registry

51. On receipt of that notification (but not otherwise) the appropriate person may proceed to register the vessel provisionally for a period of 3 months.

Certificate of provisional registry

52. The appropriate person shall thereupon issue to the owner of the vessel a Certificate of Provisional Registry in a form approved by the Secretary of State. The certificate shall have the effect of a Certificate of Registry until-

- (a) the expiration of three months from its date, or
 - (b) the vessel's arrival in the United Kingdom, or
 - (c) termination under regulation 53,
- whichever shall first occur.

Condition of provisional registry

53. It shall be a condition of provisional registry that the vessel shall not fish for profit while so registered; and if any provisionally registered vessel does fish for profit its provisional registry shall immediately thereupon terminate and the owner shall as soon as practicable surrender the Certificate of Provisional Register to the Secretary of State.

Provisional registration not to be renewed

54. Where a vessel has been provisionally registered once it shall not be provisionally registered again within one year of the date of issue of the Certificate of Provisional Registry except with the permission of the Secretary of State.

PART V

MISCELLANEOUS

Copy of notice under section 16(1) or (4) of the Act (termination) to go to mortgagee

55. Where the Secretary of State serves a notice under section 16(1) (notice that a vessel may no longer be eligible for registry) or section 16(4) (notice requiring presentation of vessel for survey) of the Act on the owner of a vessel in respect of which a mortgage is registered, he shall send a copy of that notice to the mortgagee at the address for the time being recorded in relation to him in the Register.

Surrender of Certificates

56.—(1) Where the registration of a vessel is terminated by virtue of section 16(3) (vessel no longer eligible) or (5) (vessel not presented for survey) of the Act,

- (a) the owner of the vessel shall forthwith surrender the Certificate of Registry (or if it is not in his possession, ensure that it is surrendered as soon as practicable) to the Secretary of State or a British sea-fisheries officer; and
- (b) if it is on board the vessel the skipper or other person having possession of the Certificate of Registry shall as soon as practicable surrender it to the Secretary of State or to a British sea-fisheries officer.

(2) Where a vessel—

- (a) is actually lost,
- (b) is broken up,
- (c) ceases to be employed in fishing for profit, or
- (d) ceases (and the owner thereof has expressly or impliedly acknowledged that it has ceased) to be eligible for registry as a British ship,

the Secretary of State shall (subject to section 23(2) of the Act) terminate registration of the vessel and the owner of the vessel shall forthwith surrender the Certificate of Registry to the Secretary of State.

Exclusion

57. Salmon cobs are excluded from registration under the 1988 Act and from all the provisions of these Regulations.

Witnesses of documents

58. Where the signature on any document made pursuant to these regulations is required to be witnessed any witness thereto shall be a person of full age other than the spouse of the signatory.

Dispensing with production of certificate

59. Where a Certificate of Registry is required by these Regulations to accompany any application and it is shown to the satisfaction of the Secretary of State that for any reasonable cause that certificate cannot be produced the Secretary of State may, subject to such conditions as he thinks fit, dispense with its production.

Application of Part I of the 1894 Act

60. The provisions of Part I of the 1894 Act specified in Schedule 6 hereto, modified to the extent therein specified shall apply in relation to the registration of fishing vessels.

Transcripts of the Register

61. Any person shall be entitled on application to the Secretary of State to obtain a transcript, certified by the Secretary of State, of the entries in the Register relating to a fishing vessel which is or was registered therein.

Inspection of the Register

62. Any person shall be entitled on request on attending the office where the Register is kept at during the hours of its official opening, to inspect the entries in the Register relating to any vessel.

Fees

63. Where a fee is prescribed in respect of any service or other transaction to be carried out pursuant to these Regulations or to Schedule 3 to the Act (Mortgages of Registered Fishing Vessels), the Secretary of State shall not be required to carry out the service or other transaction unless the appropriate prescribed fee has been paid.

Registrars of British ships to transmit information

64. Every Registrar of British Ships of a port in the United Kingdom shall if so requested at any time by the Secretary of State transmit to the office of the Registrar General of Shipping and Seamen all such particulars relating to the register maintained by him as the Secretary of State may specify.

PART VI OFFENCES

Offences

65.—(1) Any person who, with intent to deceive, uses or lends or allows to be used by another, a Certificate of Registry, whether in force or not, commits an offence.

(2) It shall be an offence on the part of the owner and skipper of a vessel if any of the marks required by Schedule 3 to be marked on the vessel is effaced, altered, allowed to become illegible, covered or concealed.

(3) It shall be a defence for a person charged with an offence under paragraph (2) of this regulation to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Any person who fails, without reasonable cause to surrender a Certificate of Registry when required to do so by Regulation 29 or 56 commits an offence.

(5) The offences specified in paragraph (1), (2) and (4) of this regulation shall be punishable on summary conviction as follows:

- (a) an offence under paragraph (1) with a fine not exceeding level 5 on the standard scale,
- (b) an offence under paragraph (2) or (4) with a fine not exceeding level 3 on the standard scale.

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:-

- (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.

Signed by authority of
the Secretary of State
2nd November 1988

Michael Portillo
Minister of State,
Department of Transport

SCHEDULE 1

Regulation 6

PART 1

(1) *Particulars of vessel*

Name of vessel
Port or intended port of registry
Year of build
Place of build
Construction material
Name of builder
Overall or approximate overall length
Engine make and model
Engine power (horsepower or kilowatts)

Particulars of applicant

The name(s) and address(es) of the applicant(s)

PART II

Details of previous registry

Previous name of vessel
Previous port letters and number (if any)
Registered length
If previously registered under Part I of the 1894 Act:
the official number and port of registry thereunder.
If previously registered under Part II of the Merchant Shipping Act 1988:
the RSS number
Particulars of any undischarged registered mortgage, including—
name of mortgagee
date of mortgage
If previously foreign registered:
country of registration

Schedule 2

Part I

Regulation 13

Declaration of British Character of a Fishing Vessel

❖ **To be eligible to register a British fishing vessel under Part II of the Merchant Shipping Act 1988, all legal and beneficial owners, and those entered in Section 5 of this form, must comply with Section 14 of the above act.**

Section 1 - Vessel Details

Name of vessel

Port letters and numbers
(if known)

RSS Number (if known)

Port of Registry

Section 2 - Legal Ownership

► The 64 shares in the above vessel are legally owned as follows:-

Owner No ❶	Surname/Company Name	Forename(s)	Home Address/ Registered Office	Domicile/Principal Place of Business	Nationality ❷	No of Shares Held Outright	No of Shares Held Jointly with:-		Official use	
							No of Shares	Owner No(s)	Block	Owner No

(Continue on a separate sheet, if necessary)

① Please number each owner consecutively.

② Where a dispensation has been granted from British Citizenship requirements under Section 14 of 'The Merchant Shipping Act 1988', please attach a copy of the dispensation.

Section 3 - Beneficial Ownership

► Is Beneficial Ownership the same as Section 2? Yes ☐ No ☐ If you answered 'Yes', please go straight to Section 4.

► Please give details of Beneficial Ownership of shares held for persons not listed in Section 2.

No of shares	Beneficial owner's Surname/ Company Name	Forename(s)	Home Address/ Registered Office	Domicile/Principal Place of Business	Nationality	Name(s) of Legal Owner(s) of the Shares	Official use

(Continue on a separate sheet, if necessary)

Section 4 - Operations of the Vessel

	The vessel is managed by:		The vessel is directed and controlled by:		The vessel is chartered by:	
		Official use		Official use		Official use
Full name/ Company Name						
Home Address/ Registered Office						
Domicile/ Principal Place of Business						
Occupation/ Position in Company						
Nationality						
Country of Incorporation						
Company Registration No						

Section 5 - Declarations

- This declaration must be signed by each person named in Section 2, and in the case of a company, must be signed by a duly authorised officer of the company.

I solemnly declare that:-

- ❖ the information given on this form is true to the best of my knowledge and belief;
- ❖ the vessel will be occasionally or exclusively used for fishing for profit;

and that

- ❖ no persons or companies other than such persons or companies detailed in Sections 2 and 3 of this form are entitled, as owner, to any interest whatever, either legal or beneficial, in the said vessel.

Signatures of Owners	Date	Witness 1 ^② Signature	Name	Address	Occupation/Position in Company	Witness 2 ^② Signature	Name	Address	Occupation/Position in Company

(Continue on a separate sheet, if necessary)

(Continue on a separate sheet, if necessary)

② Each owner's signature **must** be witnessed by 2 persons. A person's spouse cannot be one of their witnesses.

Part II

Declaration of Company Ownership

❖ Each and every company entered on Form DTP 30028 must complete one of these forms.

Section 1 - Vessel Details

Name of vessel

Port letters and numbers
(if known)

RSS number (if known)

Port of Registry

Section 2 - The Company

Name of Company/PLC etc

Address of
Registered
Office

Principal Place
of Business

Company Registration No

Country of Incorporation

Section 3 - The Directors

Full Name	Home Address	Domicile	Nationality	No of Shares held in the Company	Official Use Only

Section 4 - Shares and Stocks

List all classes of shares/stock units in the company	Amount issued	Number of which are legally and Beneficially owned by:-		Official Use	
		Qualified Persons	Qualified Companies		

Section 5 - Signatories

We, the under-signed, declare that the information given is true to the best of our knowledge and belief.

Full Name	Home Address	Position in Company	Signature	Date
1				
2				

PORTS OF REGISTRY

ENGLAND AND WALES

Table A

(1) <i>Ports of Registry</i>	(2) <i>Port Letters</i>	(1) <i>Ports of Registry</i>	(2) <i>Port Letters</i>
Aberystwyth	AB	London	LO
Barnstaple	BE	Lowestoft	LT
Barrow	BW	Maldon	MN
Beaumaris	BS	Manchester	MR
Berwick-on-Tweed	BK	Maryport	MT
Bideford	BD	Middlesbrough	MH
Blyth	BH	Milford Haven	M
Boston	BN	Newcastle	NE
Bridgwater	BR	Newhaven	NN
Bristol	BL	Newport, Gwent	NT
Brixham	BM	Padstow	PW
Caernarvon	CO	Penzance	PZ
Cardiff	CF	Plymouth	PH
Cardigan	CA	Poole	PE
Carlisle	CL	Portsmouth	P
Chester	CH	Port Talbot	PT
Colchester	CK	Preston	PN
Cowes	CS	Ramsgate	R
Dartmouth	DH	Rochester	RR
Dover	DR	Runcorn	RN
Exeter	E	Rye	RX
Falmouth	FH	St. Ives	SS
Faversham	F	Salcombe	SE
Fleetwood	FD	Scarborough	SH
Folkestone	FE	Scilly	SC
Fowey	FY	Shields, North	SN
Gloucester	GR	Shields, South	SSS
Goole	GE	Shoreham	SM
Great Yarmouth	YH	Southampton	SU
Grimsby	GY	Stockton	ST
Hartlepool	HL	Sunderland	SD
Harwich	HH	Swansea	SA
Hull	H	Teignmouth	TH
Ipswich	IH	Truro	TO
King's Lynn	LN	Weymouth	WH
Lancaster	LR	Whitby	WY
Littlehampton	LI	Whitehaven	WA
Liverpool	LL	Wisbech	WI
Llanelly	LA	Workington	WO

SCOTLAND

Table B

(1) <i>Ports of Registry</i>	(2) <i>Port Letters</i>
Aberdeen	A
Alloa	AA
Arbroath	AH
Ardrossan	AD
Ayr	AR
Ballantrae	BA
Banff	BF
Borrowstoness	BO
Broadford	BRD
Buckie	BCK
Burntisland	BU
Campbeltown	CN
Castlebay, Barra	CY
Dumfries	DS
Dundee	DE
Fraserburgh	FR
Glasgow	GW
Grangemouth	GH
Granton	GN
Greenock	GK
Inverness	INS
Irvine	IE
Kirkcaldy	KY
Kirkwall	K
Leith	LH
Lerwick	LK
Methil	ML
Montrose	ME
Oban	OB
Peterhead	PD
Rothesay	RO
Stornoway	SY
Stranraer	SR
Tarbert, Loch Fyne	TT
Troon	TN
Ullapool	UL
Wick	WK
Wigtown	WN

NORTHERN IRELAND

Table C

(1) <i>Ports of Registry</i>	(2) <i>Port Letters</i>
Belfast	B
Coleraine	CE
Londonderry	LY
Newry	N

SCHEDULE 4

Regulation 19

Marking

(1) The name of the boat and the port of registry shall be painted in a colour contrasting with the colour of the ground on which they are painted, outside the stern of the boat in letters which shall be not less than 8 centimetres in height and 1.5 centimetres in breadth.

(2) The Port Letters and Number of the vessel shall be painted or displayed on both sides of the bow and on each quarter, as high above the water as is possible so as to be clearly visible from the sea and the air, in a colour contrasting with the colour of the ground on which they are painted.

(3) As from the 1st January 1990 the contrasting colours referred to in paragraphs 1 and 2 above shall be white and black.

(4) For vessels not over 17 metres in length, the height of the Port Letters and Number shall be at least 25 centimetres with a line thickness of at least 4 centimetres. For vessels over 17 metres in length the height of the letters and numbers shall be at least 45 centimetres, with a line thickness of at least 6 centimetres.

(5) The Port Letters and Number shall in addition be painted or displayed on the wheel house top or on some other prominent horizontal surface.

Carving

(6) The RSS number shall be carved into the main beam of the vessel or otherwise marked or fixed thereon in such a way it cannot readily be effaced.

SCHEDULE 5

Regulation 24

Particulars to be recorded on a Certificate of Registry

1. Name of vessel
2. Port letters and Numbers
3. RSS number
4. Registered length
5. Overall length
6. Breadth
7. Depth
8. Nett Tonnage
9. Gross Tonnage (if any)
10. Engine make and model
11. Engine power
12. Year of build
13. Place of build
14. Name and address or, in the case of a company, name and registered office, of owner(s)
15. Type of registration (full or simple)
16. Date Certificate issued
Date of expiry of Certificate

Provision of Part I of Merchant Shipping Act 1894 applied to fishing vessels

Section 6 modified to read as follows:

Tonnage measurement

6. Every fishing vessel shall before registration under Part II of the Merchant Shipping Act 1988 be surveyed and her tonnage ascertained in accordance with the tonnage regulations applicable to it under the Merchant Shipping Acts 1894 to 1988, and the person ascertaining the tonnage shall grant a certificate specifying the vessel's tonnage and such other particulars descriptive of the identity of the vessel as may for the time being be required by the Secretary of State, and such certificate shall be delivered to the Secretary of State before registration.

Section 28(1) modified to read as follows:

Where the property in a fishing vessel registered under Part II of the Merchant Shipping Act 1988 or a share thereunder is transmitted by any lawful means other than by bill of sale to a person who is not a qualified person or a qualified company within the meaning of section 14 of that Act, and as a result the vessel is no longer eligible to be registered under the said Part II then—

(a) if the port of registry of the vessel is in England, Wales or Northern Ireland, the High Court, or

(b) if the port of registry of the vessel is in Scotland, the Court of Session,

may, on application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses of the sale, shall be paid to that person or otherwise as the court may direct.

Section 28(2) to (4) unmodified.

Section 58, with the modification that after the words "ship or share in a ship" there shall be added the words: "(including any fishing vessel or share in a fishing vessel registered under Part II of the Merchant Shipping Act 1988)".

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Merchant Shipping Act 1988, which comes into force on the making of these Regulations, provides that there shall be a new registration system for fishing vessels. These Regulations provide for the establishment of one central register for the whole of the United Kingdom which will be at the offices of the Registrar General of Shipping and Seamen in Cardiff. However notwithstanding that registration is centralised vessels will be registered as belonging to a particular port of registry and the existing system of marking vessels with port letters and numbers will continue.

Under the Act, only British owned vessels as therein defined which fish for profit are eligible for registry. The Regulations require a declaration of British Character to be completed and signed by all owners applying for registry in order to provide evidence to the Secretary of State that the ownership of the vessel fulfils the requirements of the Act.

Provision is made for two kinds of registration, full (under which mortgages may be registered) and simple. Formal documents of title are required in support of applications for full registration but not applications for simple registration though all applications must be accompanied by declarations of ownership.

Registrations of both kinds will expire after five years unless renewed.

There are provisions concerning the form of registered mortgages and the evidence required on transmission of a mortgage. There are also provisions for mortgages registered in the registers established under legislation now repealed on vessels which are not transferred to the new register to remain enforceable and for their priority to be preserved if the vessel subsequently becomes registered. Provision is also made for the priority of mortgages on vessels registered in the new register which transfer to the register for merchant ships under Part I of the Merchant Shipping Act 1894 (which is no longer open to fishing vessels) or vice versa to be preserved.

Provision is made for provisional registration of vessels acquired abroad but such registry will only last for three months and will terminate if the vessel fishes for profit whilst so registered.

There are provisions for vessels on the existing registers whether under the Merchant Shipping Act 1894 or the Fishing Boats (Scotland) Act 1886, to transfer to the new register during the transitional period which is 1st December 1988 to 31st March 1989.

It is made an offence to use a certificate with intent to deceive, to fail to keep the vessel marked as required or to surrender a certificate of registry when required to do so.

The address of the Register General of Shipping and Seamen is Block 2, Government Buildings, PO Box 165, St Agnes Road, Galbalfa, Cardiff CF4 4UX.

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