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STATUTORY INSTRUMENTS

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**1992 No. 1294**

**MERCHANT SHIPPING**  
**SHIPS AND SHIOWNERS**

**The Merchant Shipping (Ministry  
of Defence Yachts) Order 1992**

<i>Made</i>	- - - -	<i>4th June 1992</i>
<i>Laid before Parliament</i>		<i>12th June 1992</i>
<i>Coming into force</i>	- -	<i>12th June 1992</i>

At the Court at Buckingham Palace, the 4th day of June 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 80 of the Merchant Shipping Act 1906(1), section 738 of the Merchant Shipping Act 1894(2) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

1. This Order may be cited as the Merchant Shipping (Ministry of Defence Yachts) Order 1992 and shall come into force on 12th June 1992.

**Interpretation**

2.—(1) In this Order—

“Ministry of Defence yacht” means a yacht, whose primary means of propulsion is by sail, which is a Government ship in the service of the Ministry of Defence;

“the 1894 Act” means the Merchant Shipping Act 1894;

“the Acts” means the Merchant Shipping Acts 1894 to 1988;

“Secretary of State” means the Secretary of State for Defence.

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(1) 1906 c. 48.

(2) 1894 c. 60; section 738 was amended by the Statute Law (Repeals) Act 1986 (c. 12), section 1 and Schedule 1, Part XII.

(2) In this Order, any reference to a numbered article is a reference to the article so numbered in this Order.

### **Amendment of the Merchant Shipping (Ministry of Defence Ships) Order 1989**

**3.—**(1) The Merchant Shipping (Ministry of Defence Ships) Order 1989(3) shall be amended as follows.

(2) In article 3 (interpretation) in the definition of “Ministry of Defence ship” after the words “Government ship” there shall be inserted the words “other than a Ministry of Defence yacht”.

(3) After the definition of “Ministry of Defence ship” there shall be inserted the following definition—

“Ministry of Defence yacht” means a yacht, whose primary means of propulsion is by sail, which is a Government ship in the service of the Ministry of Defence;

(4) In article 14 (application of the Acts)—

(a) after the words “other than” there shall be inserted the words “those as modified by this Order and”;

(b) after the words “shall not apply” there shall be inserted the words “in relation”.

(5) In article 15 (saving provision) after the words “shall apply” there shall be inserted the words “in relation”.

### **Regulations for registry**

**4.** An application for registry of a Ministry of Defence yacht shall be made in writing under the hand of an officer of the Ministry of Defence to a registrar of British ships and shall contain the following particulars—

(a) a statement of the name and description of the yacht;

(b) a statement of the time when and the place where the yacht was built; or, if the yacht was foreign built and the time and place of building are unknown, a statement to that effect and of her foreign name;

(c) a statement of the nature of the title to the yacht, whether by original construction by or for the Ministry of Defence, or by purchase, capture, condemnation or otherwise, and, if she was not originally constructed by or for the Ministry of Defence, a list of the documents of title, if any.

**5.** The registrar, on receiving an application under article 4, shall enter in the register the following particulars—

(a) a record of the yacht as belonging to the Secretary of State;

(b) the name of the port of registry;

(c) the particulars stated in the application for registry.

**6.** Upon the registry of a Ministry of Defence yacht the registrar shall retain in his possession the application for registry and any documents of title produced with the application.

**7.** The Secretary of State shall be deemed to be the managing owner of a Ministry of Defence yacht and his name and address shall be registered as provided by section 59(1) of the 1894 Act.

### **Exceptions and modifications to the Merchant Shipping Acts**

8. The powers conferred by sections 530 to 534 of the 1894 Act (removal of wrecks) shall not be exercised in the case of a Ministry of Defence yacht without the consent of the Secretary of State except in regard to lighting and buoying necessary for the immediate protection of traffic.

9. Nothing in this Order shall be construed as excluding a Ministry of Defence yacht from the category of Her Majesty's ships for the purposes of sections 557 to 564 of the 1894 Act (salvage by Her Majesty's ships).

10. Where any provision of the Acts which, by virtue of section 80 of the Merchant Shipping Act 1906 and this Order is applicable in relation to a Ministry of Defence yacht, imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship, such duty, liability, right or power shall, subject always to the other provisions of this Order, be carried out, borne or exercised by the Secretary of State.

11. Nothing contained in the Acts providing that an owner of a ship shall be guilty of an offence or shall be subject to any penalty, or providing for the forfeiture, detention, distress or pouncing and sale of a ship or of anything on or belonging to a ship, shall have any application to the Secretary of State or a Ministry of Defence yacht or anything on or belonging to such a yacht.

12. Notwithstanding anything contained in the Acts or this Order the master of or any seaman employed on a Ministry of Defence yacht shall not be liable for any penalty, debt or damages under any provision of the Acts in respect of anything done or omitted in pursuance of an order of the Secretary of State or of any member of Her Majesty's forces.

13. The provisions of the Acts, other than those as modified by this Order and those specified in the Schedule to this Order, shall not apply in relation to a Ministry of Defence yacht registered pursuant to the provisions of this Order.

14. A Ministry of Defence yacht registered pursuant to the provisions of the Merchant Shipping (Ministry of Defence Ships) Order 1989, or deemed to be so registered by virtue of article 15 of that Order, shall be deemed to be registered pursuant to the provisions of this Order and article 13 shall apply in relation to such yacht.

*G. I. de Deney*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Article 13

The provisions of the Acts which apply to Ministry of Defence yachts—

1. The 1894 Act: Sections 4, 5, 7(1) and (4), 13 to 15, 17, 18, 20 to 26, 47(1) to (7), 53, 59(1), 60, 61(2), 63 to 65, 67, 418, 419(1), 421 and 422.
2. The Merchant Shipping (Safety and Load Line Conventions) Act 1932(4): Sections 24 and 30.
3. The Merchant Shipping Act 1964(5): Sections 10 and 16.
4. The Merchant Shipping Act 1965(6): Section 1.
5. The Merchant Shipping Act 1970(7): Sections 40, 78, 79 and 86(1).
6. The Merchant Shipping Act 1979(8): Sections 20, 21(1) to (5) and 22.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the registration as British ships, for the purposes of the Merchant Shipping Acts 1894 to 1988 (the Acts), of a special class of Government ships, namely sailing yachts belonging to the Secretary of State for Defence and in the service of the Ministry of Defence.

The registration of such yachts and the application of the Acts to them and other Ministry of Defence ships was previously provided for by the Merchant Shipping (Ministry of Defence Ships) Order 1989 (the 1989 Order). Paragraphs 1 to 3 of article 3 of this Order amend the 1989 Order to exclude from it provision for such yachts. Paragraphs 4 and 5 of article 3 make minor textual amendments to the 1989 Order.

Articles 4 to 7 make regulations as to registry.

Articles 8 to 13 make certain exceptions and modifications to the Acts as respect Ministry of Defence yachts.

By virtue of article 14 a yacht registered under the 1989 Order is deemed to be registered under this Order.

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(4) 1932 c. 9.  
(5) 1964 c. 47.  
(6) 1965 c. 47.  
(7) 1970 c. 36.  
(8) 1979 c. 39.