

STATUTORY INSTRUMENTS

1993 No. 3138

The Merchant Shipping (Registration of Ships) Regulations 1993

PART VII MORTGAGES

Form of mortgage

- (a) (a) A mortgage produced for registration under Schedule 1 to the Act, and
- (b) a transfer of a registered mortgage, and
- (c) a discharge of a registered mortgage,

shall be in a form approved by [^{F1}the Secretary of State], in each case with appropriate attestation.

F1 Words in [reg. 57](#) substituted (21.3.1994) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1994 \(S.I. 1994/541\)](#), regs. 1, 8

Commencement Information

I1 [Reg. 57](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Registration of mortgage

58. Where a mortgage executed in accordance with regulation 57 (Form of mortgage) is produced to the Registrar for registration, he shall:—

- (a) register the mortgage, and
- (b) [^{F2}where an original is provided,] endorse on it the date and time it was registered.

F2 Words in [reg. 58\(b\)](#) inserted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, 4

Commencement Information

I2 [Reg. 58](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Notices by intending mortgagees: priority notices

59.—(1) Where any person who is an intending mortgagee under a proposed mortgage of:—

- (a) a registered ship, or
- (b) a share in a registered ship,

notifies the Registrar of the interest which it is intended that he should have under the proposed mortgage, the Registrar shall record that interest.

(2) For the purpose of paragraph (1) the notice to the Registrar shall be in a form approved by the Secretary of State and shall contain the name and official number of the ship, 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.

(3) Where any person who is an intending mortgagee under a proposed mortgage of:—

- (a) a ship which is not for the time being registered, or
- (b) a share in any such ship,

notifies the Registrar in writing of the interest which it is intended that he should have under the proposed mortgage, the Registrar:—

- (i) shall record that interest in the Register, and
- (ii) if the ship is subsequently registered, shall register the ship subject to that interest or, if the mortgage has by then been executed in accordance with regulation 57 and produced to the Registrar, subject to that mortgage.

(4) For the purposes of paragraph (3) the notice shall be in a form approved by the Secretary of State and contain the following information:—

- (a) the present name of the ship;
- (b) the intended name of the ship;
- (c) the approximate length of the ship;
- (d) where the ship is registered outside the United Kingdom, a copy of its certificate of registry or other document evidencing its registration and giving its port of registration;
- (e) where the ship is a new ship, the builder's certificate or if that is not available, the name and address of the builder and the ship's yard number;
- (f) where the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified;
- (g) 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.

(5) In a case where:—

- (a) paragraph 8 of Schedule 1 to the Act operates to determine the priority between two or more mortgagees, and
- (b) any of those mortgages gave notification under paragraph (1) or (3) above with respect to his mortgage,

paragraph 8 of the said Schedule shall have effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the Register under the said paragraphs (1) or (3).

(6) Any notification given by a person under paragraphs (1) or (3) (and anything done as a result of it) shall cease to have effect:—

- (a) if the notification is withdrawn, or
- (b) at the end of the period of 30 days beginning with the date of the notification, unless the notification is renewed in accordance with paragraph (7).

(7) The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar:—

- (a) before the end of the period mentioned in paragraph (6)(b), or

(b) before the end of a period of renewal,
as the case may be.

(8) Any notice given under this regulation shall be in a form approved by the Secretary of State.

Commencement Information

I3 Reg. 59 in force at 21.3.1994, see [reg. 1\(1\)](#)

[^{F3}Evidence of transmission of mortgage.

60. On the application for registration of a transmission of a registered mortgage as mentioned in paragraph 12 of Schedule 1 to the Act the evidence to be produced to the Registrar shall be:—

- (a) a declaration of transmission of mortgage in a form approved by the Secretary of State; and
- (b) (i) if the transmission was consequent on death, the grant of representation or [^{F4}a copy] thereof or of an extract therefrom;
- (ii) 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 bankruptcy;
- (iii) if the transmission was consequent on an order of a court, a copy of the order of that court.]

F3 Reg. 60 and heading substituted (21.3.1994) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1994 \(S.I. 1994/541\)](#), regs. 1, **9**

F4 Words in [reg. 60\(b\)\(i\)](#) substituted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **5**

Commencement Information

I4 Reg. 60 in force at 21.3.1994, see [reg. 1\(1\)](#)

Transfer or transmission of registered mortgage

[^{F5}**61.** Where a transfer of a registered mortgage or evidence of a transmission is produced to the Registrar, he shall:—

- (a) enter the name of the transferee, or the name of the person to whom the mortgage has been transmitted, in the Register as mortgagee of the ship or share in question;
- (b) in respect of a transfer, [^{F6}where an original is provided,] endorse on the instrument of transfer the date and time the entry was made.]

F5 Reg. 61 substituted (21.3.1994) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 1994 \(S.I. 1994/541\)](#), regs. 1, **10**

F6 Words in [reg. 61\(b\)](#) inserted (1.10.2017) by [The Merchant Shipping \(Registration of Ships\) \(Amendment\) Regulations 2017 \(S.I. 2017/879\)](#), regs. 1, **4**

Commencement Information

I5 Reg. 61 in force at 21.3.1994, see [reg. 1\(1\)](#)

Discharge of mortgages

62.—(1) Where a registered mortgage has been discharged, the Registrar shall, on production of the mortgage deed and with such evidence of the discharge as satisfies him that the mortgage has been discharged, record in the Register that the mortgage has been discharged.

(2) If for good reason the registered mortgage cannot be produced to the Registrar, he may, on being satisfied that the mortgage has been properly discharged, record in the Register that the mortgage has been discharged.

Commencement Information

I6 [Reg. 62](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Effect of termination of registration on registered mortgage

63. Where the registration of a ship terminates by virtue of any of these Regulations, that termination shall not affect any entry in the Register of any undischarged registered mortgage of that ship or any share in it.

Commencement Information

I7 [Reg. 63](#) in force at 21.3.1994, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Registration of Ships) Regulations 1993, PART VII.