

2003 No. 1248

MERCHANT SHIPPING

The Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003

Made - - - - - *8th May 2003*

Laid before Parliament *20th May 2003*

Coming into force - - *10th June 2003*

At the Court at Buckingham Palace, the 8th day of May 2003

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 18 of the Merchant Shipping Act 1995(a) 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, commencement and revocation

1.—(1) This Order may be cited as the Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003 and shall come into force on 10th June 2003.

(2) The Merchant Shipping (Categorisation of Registries of Overseas Territories) Order 1992(b) and the Merchant Shipping (Categorisation of Registries of Overseas Territories) (Gibraltar) Order 1996(c) are hereby revoked.

Interpretation

2. In this Order:

“passenger ship” means a ship carrying more than 12 passengers, and for the purposes of this definition a passenger is every person other than:

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship,
- (b) a child under one year of age, and
- (c) persons who are on board the ship by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons;

“pleasure vessel” means—

- (a) any vessel which is—
 - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or
 - (ii) owned by a body corporate and used only for sport or pleasure of employees or officers of the body corporate, or their immediate family or friends,

(a) 1995 c. 21.

(b) S.I. 1992/1736, amended by 1996/280.

(c) S.I. 1996/280.

and is on a voyage or excursion which is one for which the owner is not paid for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, or

- (b) any vessel which is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

and no payments other than those mentioned above are made by or on behalf of users of the vessel, other than by the owner, and in this definition, "immediate family" means, in relation to an individual, the husband or the wife of the individual, and a brother, sister, ancestor or lineal descendant of that individual or that individual's husband or wife;

"tons" means gross tonnage and a reference to tons—

- (a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 to the Merchant Shipping (Tonnages) Regulations 1982^(a), permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnages) Regulations 1997^(b), is a reference to the larger of those tonnages, and
- (b) in relation to a ship having its tonnage determined both under Part II and regulation 12(1) of those 1997 Regulations is a reference to its gross tonnage as determined under regulation 12(1).

Application

3. This Order applies to the registration in relevant British possessions of ships other than small ships or fishing vessels.

Establishment of categories of registry

4.—(1) For the purposes of section 18 of the Merchant Shipping Act 1995 (regulation of registration of ships in British possessions by reference to categories of registry) there are hereby established the categories of registry specified in column (2) of the table in the Schedule to this Order.

(2) Each category of registry shall be known by the designation specified in relation to it in column (1) of that table.

(3) Each relevant British possession specified in column (4) of that table is hereby assigned to the category specified in relation to that possession in column (2).

Restrictions on registration

5.—(1) Subject to regulation 6, a ship to which this Order applies, and which is subject to a restriction on registration specified in column (3) of the table in the Schedule, shall not be registered under the law of any possession assigned to category 2.

(2) Paragraph (1) shall be without prejudice to the operation of any provision for the time being in force under the law of any such possession by virtue of which the registration of ships in that possession is, or may be, further restricted.

Exemptions from restrictions on registration

6.—(1) In relation to a relevant British possession assigned to category 2, a ship is exempted from the restrictions on registration in column (3) of the table in the Schedule, in the following circumstances.

(2) The circumstances are that:

- (a) the ship is:
 - (i) a passenger ship which is not intended for, and is not used on, international voyages,
 - (ii) a pleasure vessel of less than 400 tons, or

(a) S.I. 1982/841, to which there are amendments not relevant to these Regulations.

(b) S.I. 1997/1510.

(iii) a ship of such importance in the special local circumstances that the Secretary of State, with the advice of the Governor or Lieutenant Governor, as the case may be, is satisfied that it would not be appropriate for that ship to be registered elsewhere than in the relevant British possession;

and

(b) there are in force arrangements between the Secretary of State and the Governor or the Lieutenant Governor, as the case may be, that any ship to which sub-paragraph (a) applies will be surveyed and inspected to the standards of regulations, relating to the safety of ships and persons on them and to the protection of health of persons on them and to the prevention of pollution, that would apply to the ship if it were registered in the United Kingdom, to the extent set out in the arrangements.

(3) For the purposes of this article, “international voyage” means a voyage from a port in a country or relevant British possession to a port outside that country or possession.

A. K. Galloway
Clerk of the Privy Council

THE SCHEDULE

Article 6

Categories of registry and assignment of relevant British possessions

<i>(1)</i> Designation of category	<i>(2)</i> Category	<i>(3)</i> Restrictions	<i>(4)</i> Relevant British possessions
1: Unlimited tonnage, type and length	Registry to which no restriction such as is mentioned in section 18(2)(a) of the Merchant Shipping Act 1995 applies		Bermuda Cayman Islands Gibraltar Isle of Man
2: Limited type and tonnage	Registry in which ships may be registered, subject to the restrictions specified in column (3)	The following types of ships may not be registered: (i) passenger ships, (ii) pleasure vessels of more than 150 tons, and (iii) ships which are not passenger ships or pleasure vessels, but which are of more than 150 tons	Anguilla British Virgin Islands Falkland Islands Guernsey Jersey Montserrat St. Helena Turks and Caicos Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 18 of the Merchant Shipping Act 1995, which enables an Order in Council to establish categories of registry by reference to which registration of ships in the relevant British possessions (defined in the Act as the Isle of Man, the Channel Islands and colonies) may be regulated. The Order does not apply in relation to the registration of small ships or fishing vessels.

This Order revokes and replaces the Merchant Shipping (Categories of Registries of Relevant British Possessions) Order 1992 as amended (“the 1992 Order as amended”), which was made under section 11 of the Merchant Shipping Act 1988.

In relation to category 2 registries, this Order replaces the previous restrictions relating to ships of 150 tons and passenger ships. It also makes new provision for registration in these registries of pleasure vessels of more than 150 but less than 400 tons, where suitable arrangements for ensuring safety and preventing pollution are in place.

The relevant British possessions assigned to categories 1 and 2 are unchanged from the 1992 Order as amended.

£1.75

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0326 5/2003 130326 19585

ISBN 0-11-045996-2



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