

2020 No. 1551

MERCHANT SHIPPING

The Merchant Shipping (Home Office Ships) Order 2020

Made - - - - - *16th December 2020*
Laid before Parliament *17th December 2020*
Coming into force - - - *7th January 2021*

At the Court at Windsor Castle, the 16th day of December 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 308 of the Merchant Shipping Act 1995(a), is pleased, by and with the advice of Her Privy Council, to order as follows.

PART 1

Introductory provisions

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Merchant Shipping (Home Office Ships) Order 2020 and comes into force on 7th January 2021.

(2) In this Order—

“the 1995 Act” means the Merchant Shipping Act 1995;

“Home Office ship” means a Government ship(b) which is—

(a) in the service of the Home Office, and

(b) operated or intended to be operated at the direction of an immigration officer or a designated customs official (within the meaning of section 14(6) of the Borders, Citizenship and Immigration Act 2009(c));

“immigration officer” means a person appointed for the purposes of the Immigration Act 1971(d) under paragraph 1(1) of Schedule 2 to that Act(e);

(a) 1995 c. 21.

(b) Section 308(4) of the 1995 Act defines “Government ships” as “ships not forming part of Her Majesty’s Navy which belong to Her Majesty, or are held by any person on behalf of or for the benefit of the Crown (and for that reason cannot be registered under Part II)”.

(c) 2009 c. 11.

(d) 1971 c. 77.

(e) Paragraph 1 has been amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17) and paragraph 1(a) of Schedule 5 to S.I. 1993/1813.

“registered details” has the meaning given in article 4;

“registered Home Office ship” means a Home Office ship registered under the regulations made by articles 4 to 8 of this Order.

PART 2

Regulations for the registration of Home Office ships

Applications to register a Home Office ship

2.—(1) The Secretary of State may apply to register a Home Office ship by writing to the registrar(**a**).

(2) The application must state—

- (a) the name and description of the ship,
- (b) the ship’s call sign,
- (c) the ship’s port of registry (if any),
- (d) the date and place the ship was built or, if unknown, words to that effect, and
- (e) the nature of the title to the ship and a list of documents of title (if any).

(3) Copies of any documents of title must be provided with an application.

Entry of information in the register and retention of documents

3.—(1) Following receipt of an application under article 2, the registrar must enter in Part 1 of the register maintained under section 8 of the 1995 Act—

- (a) a record of the ship as belonging to the Secretary of State,
- (b) the particulars stated in the application, and
- (c) the information contained in any current certificate issued in respect of the ship by a surveyor of ships(**b**).

(2) In respect of any ship registered under this Order, the registrar must retain the application and any copies of documents of title provided with it.

Issue of certificate of registry

4. On registering a Home Office ship, the registrar must issue and send to the Secretary of State a certificate of registry stating—

- (a) the details of the ship contained on the register (“the registered details”),
- (b) the date of issue of the certificate, and
- (c) the date the certificate expires.

Period of registration

5. The registration of a Home Office ship—

- (a) is valid for a period of five years beginning with the date of issue of the certificate of registry, and
- (b) expires at the end of that period unless it is renewed in accordance with article 7.

(a) Section 313(1) of the 1995 Act defines “the registrar”, in relation to the registration of ships, by reference to section 8 of that Act.

(b) Section 313(1) of the 1995 Act defines “surveyor of ships” by reference to section 256 of that Act.

Notification of changes to registered details

6. The Secretary of State must send written notice to the registrar of any changes in the registered details of a registered Home Office ship.

Renewal of registration

7.—(1) The Secretary of State may, at any time during the period of registration of a Home Office ship, apply to the registrar in writing to renew the registration (“a renewal application”).

(2) A renewal application must be accompanied by—

- (a) a notice in accordance with article 6, or
- (b) a statement that there have been no changes to the registered details of the ship that have not been notified to the registrar.

(3) Following receipt of a renewal application, the registrar must issue and send to the Secretary of State a certificate of registry stating the information set out in article 4.

(4) Where no renewal application is received before the expiry of the period of registration of any Home Office ship, the registrar must notify the Secretary of State of the expiry of the ship’s registration.

Termination of registration

8.—(1) The registrar may terminate the registration of a Home Office ship—

- (a) on receipt of a written application by the Secretary of State, or
- (b) if the registrar considers that it would be inappropriate for the ship to remain registered taking account of the condition of the ship or its equipment so far as relevant to—
 - (i) the ship’s safety,
 - (ii) any risk of pollution, or
 - (iii) the safety, health and welfare of any person employed or engaged in any capacity on board the ship.

(2) Where registration is terminated under paragraph (1)(a), the registrar must issue to the Secretary of State a certified extract from the register showing—

- (a) that the entry in the register in respect of the ship has been closed,
- (b) the date of its closure, and
- (c) the registered details at the time of closure.

PART 3

Exceptions and modifications to the 1995 Act for registered Home Office ships

Application of the 1995 Act in respect of registered Home Office ships

9.—(1) Subject to paragraph (2), the provisions of the 1995 Act do not apply to a registered Home Office ship.

(2) The following provisions of the 1995 Act apply to a registered Home Office ship—

- (a) section 105 (master’s power of arrest), as if the ship were a United Kingdom ship;
- (b) any provision that would, but for registration under this Order, apply to a Home Office ship as a Government ship.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the registration of Government ships in service of the Home Office under the direction of immigration officers or customs officers.

Articles 2 to 8 establish regulations for the registry of Home Office ships.

Article 9 provides for the application of section 105 (master's powers of arrest) of the Merchant Shipping Act 1995 to registered Home Office ships without disturbing the application of any other provision of that Act in relation to such ships.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

UK202012111005 12/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/1551>

ISBN 978-0-34-821760-5



9 780348 217605