STATUTORY INSTRUMENTS

1966 No. 269

MERCHANT SHIPPING
SHIPS AND SHIPOWNERS

The Merchant Shipping (Ministry of Technology Ships) Order 1966

Made - - - - 10*th March* 1966
**To be laid before Parliament*
Coming into Operation - 19*th April* 1966

At the Court at Buckingham Palace, the 10th day of March 1966

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 80 of the Merchant Shipping Act 1906(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, Operation and Interpretation

1. This Order may be cited as the Merchant Shipping (Ministry of Technology Ships) Order 1966 and shall come into operation on the 19th April 1966.

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order—

" the Minister " means the Minister of Technology and " the Ministry " shall be construed accordingly;

" Ministry fishing ship " means a registered Ministry ship which is for the time being employed in sea fishing;

" Ministry ship " means a ship belonging to the Minister and in the service of the Ministry;

" the principal Act " means the Merchant Shipping Act 1894(c); and

" registered Ministry ship " means a Ministry ship registered in pursuance of this Order.

*This Instrument was laid before Parliament on 18th April 1966.

(a) 6 Edw. 7. c. 48. (b) 52 & 53 Vict. c. 63. (c) 57 & 58 Vict. c. 60.

Regulations for Registry of Ministry Ships

3. An application for registry of a Ministry ship shall be made in writing and shall contain the following particulars:—

(i) a statement of the name and description of the ship;

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

(iii) a statement of the nature of the title to the ship, whether by original construction by or for the Ministry, or by purchase, capture, condemnation, statutory transfer or otherwise, and a list of the documents of title, if any, where she was not originally constructed by or for the Ministry;

(iv) a statement of the name of the master.

4. The registrar, on receiving such an application, shall enter the ship in the register book as belonging to " the Minister of Technology, on behalf of Her Majesty ", and shall also enter in the register book—

(i) the name of the port to which the ship belongs;

(ii) the particulars stated in the application; and

(iii) the details comprised in the surveyor's certificate.

5. On the registry of the ship the registrar shall retain in his possession the surveyor's certificate and the application for registry and any documents of title mentioned in the application.

Exceptions and Modifications in application of Merchant Shipping Acts

6. Upon the transfer by bill of sale of a registered Ministry ship—

(i) there shall be omitted from the form of application prescribed by section 24(2) of the principal Act (that is to say from Form A in Part I of Schedule 1 to that Act) the covenant therein contained; and

(ii) the bill of sale shall be sufficiently executed if signed by a secretary to the Ministry.

7. The Minister shall not be treated as the managing owner of a registered Ministry ship and accordingly the person to whom he entrusts the management of any such ship shall be registered as provided by section 59(2) of the principal Act.

8. Any Ministry fishing ship shall, notwithstanding that it is used for catching fish otherwise than for profit, be deemed to be a fishing boat for all purposes of Part IV of the principal Act and for the purposes of any provision in any other of the Merchant Shipping Acts, or in any order, rules, regulations or other instrument made thereunder, wherein " fishing boat " has the same meaning as the meaning given to that expression by section 370 of the principal Act.

9. The powers conferred by sections 530 to 534 of the principal Act shall not be exercised in the case of registered Ministry ships without the consent of the Minister except in regard to lights, buoys and other matters or things necessary for the immediate protection of traffic.

10. Nothing contained in the Merchant Shipping Acts providing that an owner of a ship shall be guilty of any offence or shall be subject to any penalty, or providing for the forfeiture, detention, distress or poinding and sale of a ship or of anything on or belonging to a ship, shall, so far as it so provides, have any application to a registered Ministry ship or anything on or belonging to such a ship.

11. Notwithstanding anything contained in the Merchant Shipping Acts and this Order the master of a registered Ministry ship shall not be liable for any penalty, debt or damages under any provision of the Merchant Shipping Acts in respect of anything done or omitted in pursuance of an order of the Minister.

12. Without prejudice to any of the foregoing provisions of this Order, section 1, sections 8 to 12 and, so far as the provisions thereof relate to any papers or documents belonging to or in the possession of the Crown, section 729(1)(*d*) and (3) of the principal Act shall not apply to or in relation to registered Ministry ships.

W. G. Agnew

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the registration under the Merchant Shipping Acts of ships belonging to the Minister of Technology and in the service of his Department, and for certain modifications and exceptions in the application of those Acts to such ships.