STATUTORY INSTRUMENTS

1963 No. 1631

MERCHANT SHIPPING

The Merchant Shipping (Registration of Colonial Government Ships) Order 1963

Made - - - -	*27th September* 1963
Laid before Parliament	*3rd October* 1963
Coming into Operation	*5th October* 1963

At the Court at Balmoral, the 27th day of September 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by section 80 of the Merchant Shipping Act 1906(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 and commencement

1. This Order may be cited as the Merchant Shipping (Registration of Colonial Government Ships) Order 1963 and shall come into operation on 5th October 1963.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the expression—

"Government" means one of the Governments specified in the first column of Schedule 1 to this Order;

"authorised officer" in relation to a Government means (subject to subsection (2) of this section) the officer specified in the second column of Schedule 1 to this Order opposite to the name of the Government;

"principal Act" means the Merchant Shipping Act 1894(b).

(2) Unless the context otherwise requires, anything required or authorised by this Order—

(*a*) to be done by a Government may be done by the authorised officer;

(*b*) to be done by an authorised officer may be done either by an officer nominated by the authorised officer or by one of the Crown Agents for Oversea Governments and Administrations.

(3) The Interpretation Act 1889(c) shall have effect for the interpretation of and otherwise in relation to this Order as it has effect for the interpretation of and otherwise in relation to an Act of Parliament of the United Kingdom.

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

Form of application for registry

3. An application for the registry of a Government ship in the service of a Government shall—

(*a*) contain a statement of the following particulars—

(i) the name and description of the ship;

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

(iii) the nature of the title to the ship, whether by original construction by or for the authority or by purchase, capture, condemnation or otherwise, and where the ship was not originally constructed by or for the Government, a list of the documents of title;

(iv) the name of the master;

(*b*) be made by an authorised officer.

Procedure by Registrar

4. The Registrar on receiving an application for registry of a Government ship in the service of a Government shall—

(*a*) register the ship by entering in the Register Book—

(i) the name of the ship as belonging to Her Majesty represented by the Government or, as the case may be, as held by the Government on behalf of or for the benefit of the Crown;

(ii) the port to which the ship belongs;

(iii) the particulars stated in the application for registry; and

(iv) the particulars set forth in the Surveyor's certificate; and

(*b*) retain in his possession the application for registry, any documents of title therein referred to and the Surveyor's certificate.

Transfer of registered ships

5. Upon the transfer by bill of sale of a registered Government ship in the service of a Government—

(*a*) the Government shall be the transferor;

(*b*) the bill of sale shall—

(i) be in the Form A in Schedule 1 to the principal Act, with the omission of the covenant prescribed in that Form;

(ii) be signed by the authorised officer on behalf of the transferor.

Certificate of Sale

6. An application in respect of a registered Government ship in the service of a Government for such a certificate of sale as is referred to in sections 39 to 42 and 44 to 46 of the principal Act may be made by the authorised officer of the Government.

Registration of ship's manager

7. The person to whom the management of a registered Government ship in the service of a Government is entrusted by the Government shall be registered in accordance with section 59(2) of the principal Act.

Application of Merchant Shipping Acts

8. Section 1 and sections 8 to 12 inclusive of the principal Act and sections 3 and 5 of the Merchant Shipping (Mercantile Marine Fund) Act 1898(a) shall not apply in relation to Government ships:

Provided that no provision of the Merchant Shipping Acts 1894 to 1960 which according to a reasonable construction would not apply in relation to Government ships in the service of a Government shall be deemed to apply in relation to such ships by reason only that its application is not hereby expressly excluded.

Revocations

9. The Orders in Council set forth in Schedule 2 to this Order are revoked.

W. G. Agnew.

Section 2 SCHEDULE 1

(1)	(2)
	Authorised Officer
The Government of Aden	The High Commissioner
The Government of Antigua	The Administrator
The Government of Barbados	The Permanent Secretary, Ministry of Communication, Works and Housing
The Government of the Colony of the Falkland Islands	The Colonial Secretary
The Government of Fiji	The Colonial Secretary
The Government of Hong Kong	The Colonial Secretary
The Government of Mauritius	The Chief Secretary
The Government of Saint Christopher Nevis and Anguilla	The Administrator
The Government of Seychelles	The Colonial Secretary
The Government of the Virgin Islands ...	The Administrator

Section 9 SCHEDULE 2

ORDERS IN COUNCIL REVOKED

The Order in Council made 25th June 1925 making regulations as to the Registration of Vessels in the Service of the Government of the Falkland Islands(b).

The Order in Council made 4th November 1938 making regulations as to Registration as British Ships of Vessels in the Service of the Government of Fiji(c).

(a) 61 & 62 Vict. c. 44. (b) S.R. & O. 1925/604 (Rev. XIV, p. 74: 1925, p. 1082).
(c) S.R. & O. 1938/1331 (Rev. XIV, p. 76: 1938 II, p. 2054).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision under section 80 of the Merchant Shipping Act 1906 for the purpose of the registration as British ships of ships belonging to or operated by the Governments of certain overseas territories.