MERCHANT SHIPPING

SHIPS AND SHIPOWNERS

1960 No. 2217

The Merchant Shipping (Registration of Scottish Fishery Cruisers, Research Ships etc.) Order, 1960

Made - - - -	30*th November*, 1960
Laid before Parliament	6*th December*, 1960
Coming into Operation	19*th December*, 1960

At the Court at Buckingham Palace, the 30th day of November, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by Section 738 of the Merchant Shipping Act, 1894(**a**) (hereinafter referred to as "the principal Act") and by Section 80 of the Merchant Shipping Act, 1906(**b**), 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, that the following Regulations shall take effect as regards any fishery cruiser, fishery research ship, dredger or fishing boat owned by and in the service of the Secretary of State for Scotland (hereinafter referred to as "a Government ship"):—

1. An application for registry of a Government ship shall be made by the Secretary of State. Such application 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 said ship, whether by original construction by or for the Secretary of State, or by purchase, capture, condemnation or otherwise, and a list of the documents of title, if any, in case she was not originally constructed by or for the Secretary of State;

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

2. The Registrar of British ships (hereinafter referred to as "the Registrar"), on receiving such application, shall enter in the register book the following particulars:—

(i) a record of the ship as belonging to Her Majesty, represented by the Secretary of State;

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

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

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

(**a**) 57 & 58 Vict. c. 60. (**b**) 6 Edw. 7. c. 48.

3. On the registry of a Government ship the Registrar shall retain in his possession the surveyor's certificate and the application for registry and any documents of title mentioned in such application.

4. In this Order the term "Merchant Shipping Acts" shall mean and include any of the Merchant Shipping Acts, any provision of which is by virtue of the Merchant Shipping Act, 1906, and this Order applicable to a Government ship.

5. Upon the transfer of a registered Government ship by bill of sale, the Secretary of State shall be the transferor, and the bill of sale shall be in Form A in the proper form prescribed under the principal Act, omitting the covenant therein contained.

6. The application for a certificate of sale referred to in Sections 39 to 42 and 44 to 46 of the principal Act may be made in respect of a Government ship. Any such application shall be made by the Secretary of State.

7. The Secretary of State shall be deemed to be the managing owner of a Government ship within the meaning of Section 59 of the principal Act and shall be registered as provided by subsection (1) of that Section.

8. Where any provision of the Merchant Shipping Acts which, by virtue of the Merchant Shipping Act, 1906, and this Order, is applicable to a Government ship, imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship, such duty, liability, right or power shall, subject always to the other provisions of this Order, be carried out, borne or exercised by the Secretary of State.

9. The powers conferred by Sections 530 to 534 of the principal Act shall not be exercised in the case of a Government ship without the consent of the Secretary of State except in regard to lights, buoys and other matters or things necessary for the immediate protection of traffic.

10. No provision contained in the Merchant Shipping Acts providing for the forfeiture or detention of a ship by reason of non-compliance with an enactment therein contained shall have any application to a Government ship.

11. Notwithstanding anything contained in the Merchant Shipping Acts and this Order the Master of a Government 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 Secretary of State.

12. In the application of subsection (6) of Section 115 and subsection (7) of Section 115A of the principal Act to a Government ship, for the references to a period of six months there shall be substituted references to a period of twelve months.

13. The following provisions of the Merchant Shipping Acts shall not apply to a Government ship registered in pursuance of the provisions of this Order, namely :—

(i) the principal Act, Sections 1, 2, 7 (3) and (5), 8 to 12, 16, 27 to 38; 39 to 46 (so far as relating to mortgages), 58, 69, 71, 72, 74, 76, 103 (4); 118 (2), 118 (3), 118A (1) and (2), 119 (2) (so far as these provisions relate to the production of certificates to the Officer of Customs); 131 to 147, 155 to 158, 162 to 171, 174 to 181, 224 (2),

240 (9), 253 (1) (vi), 692, 693; 729 (1) (*d*) and (3) (so far as relating to any papers or documents belonging to or in the possession of the Crown).

(ii) the Merchant Shipping Act, 1906, Sections 28, 34 (4), 37 to 39, 42 (4), 60 to 63.

(iii) the Merchant Shipping (Seamen's Allotment) Act, 1911(a)—the whole Act:

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

14.—(1) This Order may be cited as the Merchant Shipping (Registration of Scottish Fishery Cruisers, Research Ships etc.) Order, 1960, and shall come into operation on the 19th day of December, 1960.

(2) The Order in Council made on 9th February, 1920, making Regulations as to registration as British ships of vessels in the service of the Fishery Board for Scotland(b), is hereby revoked.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes provision for the registration for the purposes of the Merchant Shipping Acts of the fishery cruisers, research ships, dredgers and fishing boats owned by and in the service of the Secretary of State for Scotland.

(a) 1 & 2 Geo. 5. c. 8. (b) S.R. & O. 1920/261 (Rev. XIV, p. 62: 1920 I, p. 1146).