STATUTORY INSTRUMENTS

1972 No. 1523

MERCHANT SHIPPING
MASTERS AND SEAMEN
The Merchant Shipping (Returns of Births and Deaths) Regulations 1972

Made - - -	*9th October* 1972
Laid before Parliament	*18th October* 1972
Coming into Operation	*1st January* 1973

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(**a**), in exercise of powers conferred by sections 72 and 92 of that Act and now vested in him(**b**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Returns of Births and Deaths) Regulations 1972 and shall come into operation on 1st January 1973.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Birth in ship registered in the United Kingdom

2. Where a child is born in a ship registered in the United Kingdom the master of the ship shall make a return of the birth in accordance with regulations 5 and 6.

Death in ship registered in the United Kingdom and death of person employed in such a ship

3. Where—

(*a*) any person dies in a ship registered in the United Kingdom; or

(*b*) any person employed in any such ship dies outside the United Kingdom;

the master of the ship shall—

(i) make a return of the death in accordance with regulations 5 and 6; and

(ii) as soon as practicable but not more than 3 days after the death, notify the death to such person (if any) as the deceased may have named to him as his next of kin.

(**a**) 1970 c. 36.
(**b**) See the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p. 5293)).
(**c**) 52 & 53 Vict. c. 63.

Birth and death in ship not registered in the United Kingdom

4. Where—

(*a*) a citizen of the United Kingdom and Colonies is born or dies in a ship not registered in the United Kingdom; and

(*b*) the ship thereafter calls at a port in the United Kingdom in the course of or at the end of the voyage during which the birth or death occurs;

the master of the ship shall make a return of the birth or of the death in accordance with regulations 5 and 6.

Returns of births and deaths

5.—(1) Any return of a birth or of a death required to be made under regulation 2 or 3 shall be made by the master of the ship as soon as practicable after (but within 6 months after) the birth or death to which it relates and—

(*a*) in the case of a birth or of a death which occurs in the ship, shall be made to a superintendent or proper officer for the place where the ship is at the time of the birth or of the death, as the case may be, or at which it next calls thereafter; and

(*b*) in the case of a death which occurs elsewhere than in the ship, shall be made to a superintendent or proper officer for the place where the ship is when the master first becomes aware of the death or at which it next calls thereafter.

(2) Any return of a birth or of a death required to be made under regulation 4 shall be made by the master of the ship to a superintendent for the port referred to in paragraph (*b*) of that regulation before the ship leaves that port.

(3) Without prejudice to the preceding provisions of this regulation and to the provisions of regulation 11, a return of a birth or of a death required to be made under regulation 2, 3 or 4 which is not made within the period prescribed for the making thereof by the preceding provisions of this regulation shall not be invalid by reason only that it is not made within that period.

Contents of returns

6. A return of a birth or of a death required to be made under these Regulations—

(*a*) shall be in writing;

(*b*) shall be signed by the master of the ship as informant; and

(*c*) shall contain—

(i) (in the case of a birth) the particulars specified in Schedule 1 to these Regulations; or

(ii) (in the case of a death) the particulars specified in Schedule 2 to these Regulations;

or so many of those particulars as the master may reasonably be able to obtain, having regard to the circumstances of the birth or of the death.

Certified copies of returns to be sent to the Registrar General

7. When a return made in accordance with regulations 5 and 6 has been transmitted to him, the Registrar General of Shipping and Seamen shall send a copy, certified by him or by a person authorised by him for that purpose

to be a true copy of that return, to the appropriate Registrar General ascertained under the provisions of regulation 9.

Other births and deaths outside the United Kingdom

8.—(1) This regulation applies to the following births and deaths occurring outside the United Kingdom in circumstances where no return is required to be made under the preceding provisions of these Regulations—

(*a*) any birth or death of a citizen of the United Kingdom and Colonies which occurs in a ship not registered in the United Kingdom;

(*b*) any death of a citizen of the United Kingdom and Colonies who has been employed in such a ship which occurs elsewhere than in the ship; and

(*c*) any death of a person who has been employed in a ship registered in the United Kingdom which occurs elsewhere than in the ship.

(2) If he is satisfied that a birth or a death to which this regulation applies has occurred, the appropriate Registrar General ascertained under the provisions of regulation 9 may record in the marine register—

(*a*) (in the case of a birth) such of the particulars specified in Schedule 1 to these Regulations; or

(*b*) (in the case of a death) such of the particulars specified in Schedule 2 to these Regulations;

as he thinks fit.

Rules for ascertaining appropriate Registrar General

9. The appropriate Registrar General for the purposes of regulations 7 and 8 is—

(*a*) (i) in the case of the birth of a child the father of whom or, if the child is illegitimate, the mother of whom was at the time of the birth usually resident in Scotland or Northern Ireland; or

(ii) in the case of the death of a person who at the date of his death was usually resident in Scotland or in Northern Ireland;

the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may require; and

(*b*) in any other case, the Registrar General for England and Wales.

Extensions to unregistered British ships

10.—(1) It is hereby directed that the provisions of section 72 of the Merchant Shipping Act 1970 and of these Regulations (except regulations 4 and 8(1)(*a*) and (*b*)) shall extend to British ships (which are not registered in the United Kingdom or elsewhere) of the following description, that is to say, sea-going ships which are owned by a person resident in, or by a body corporate having a principal place of business in the United Kingdom, and to masters and seamen employed in them.

(2) Paragraph 1 of Schedule 1 and Paragraph 1 of Schedule 2 to these Regulations as extended by paragraph (1) of this regulation shall have effect with the modification that for sub-paragraphs (*a*) and (*b*) of each of those regulations there shall be substituted—

"(*a*) name of the ship and sufficient description to identify the ship;

(*b*) name of the owner; and

(*c*) the address of his residence in the United Kingdom, or, if the owner is a body corporate having a principal place of business in the United Kingdom, the address of that place of business".

Offences

11.—(1) The master of a ship who fails to comply with any provision of regulation 2, 3, 4, 5, or 6 or of regulation 2, 3, 5 or 6 as extended by regulation 10 shall be guilty of an offence.

(2) Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding £20.

Michael Heseltine,
Minister for Aerospace,
Department of Trade and Industry.

9th October 1972.

SCHEDULE 1

Particulars required to be contained in returns of births under regulations 2, 4, 5 *and* 6 *or authorised to be recorded in the marine register under regulation* 8

1. *Ship in which birth occurred*

(*a*) name of the ship;

(*b*) (i) wherever it is registered, its port of registry and official number or, in the case of a fishing vessel, letters and number; and

(ii) if it is not registered in the United Kingdom, the name of its owner and his address.

2. *Child*

(*a*) date of birth;

(*b*) (i) if the birth takes place at sea, the position of the ship by latitude and longitude at the time of the birth; and

(ii) in any other case, the place of birth;

(*c*) name (if any) and surname; and

(*d*) sex.

3. *Father*

(*a*) name and surname;

(*b*) usual residence;

(*c*) nationality; and

(*d*) occupation, rank or profession;

but, if the child is illegitimate, no particulars of the father shall be given except at the joint request of the mother and of the person acknowledging himself to be the father, given to the informant in writing and signed by both the mother and that person.

4. *Mother*

(*a*) name and surname;

(*b*) (i) maiden surname (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);

(ii) surname at marriage, if different from maiden surname;

(*c*) usual residence; and

(*d*) nationality

5. *Informant*

(*a*) name and surname of master; or

(*b*) in the case of a birth authorised to be recorded in the marine register under regulation 8—

(i) name and surname;

(ii) usual address; and

(iii) qualification.

SCHEDULE 2

Particulars required to be contained in returns of deaths under regulation 3, 4, 5 *and* 6 *or authorised to be recorded in the marine register under regulation* 8

1. *Ship in which death occurred or in which the deceased was employed*

(*a*) name of ship;

(*b*) (i) wherever it is registered, its port of registry and official number or, in the case of a fishing vessel, letters and number; and

(ii) if it is not registered in the United Kingdom, the name of its owner and his address

2. *The deceased*

(*a*) date of death or loss;

(*b*) (i) if the death takes place in the ship or in a ship's boat or if the deceased is lost from the ship or a ship's boat, the place of death or, if at sea, the position of the ship or ship's boat by latitude and longitude at the time of the death or loss (as the case may require); and

(ii) in any other case, the place of death;

(*c*) name and surname;

(*d*) sex;

(*e*) date of birth (if known) or age;

(*f*) (if known) maiden surname of woman who has been married (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);

(*g*) occupation, rank or profession;

(*h*) usual residence at time of death or loss;

(*i*) nationality; and

(*j*) cause of death or loss (certified if possible by ship's doctor or other medical practitioner).

3. *Informant*

(*a*) name and surname of master; or

(*b*) in the case of a death authorised to be recorded in the marine register under regulation 8—

(i) name and surname;

(ii) usual address; and

(iii) qualification.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which supersede existing provisions, make provision for the making of returns of births and deaths taking place in ships registered in the United Kingdom, unregistered British ships owned by persons resident in or by bodies corporate having a principal place of business in the United Kingdom and in other ships which call at a port in the United Kingdom in the course of or at the end of the voyage during which the birth or death occurs, and for their registration in the marine registers kept by the Registrars General. Similar provisions are also made in respect of the deaths of certain persons who are or have been employed in ships registered in the United Kingdom and which do not occur in the ship.

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