STATUTORY INSTRUMENTS

1979 No. 341

MERCHANT SHIPPING

The Merchant Shipping (Ships' Names) Regulations 1979

Made - - - - 21*st March* 1979

Coming into Operation 18*th April* 1979

The Secretary of State, in conjunction with the Commissioners of Customs and Excise, in exercise of powers conferred by section 50 of the Merchant Shipping Act 1906(**a**) and now vested in him(**b**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (Ships' Names) Regulations 1979 and shall come into operation on 18th April 1979.

2. The Board of Trade Regulations dated 28th August 1907(**c**), 23rd June 1922(**d**), and 9th April 1936(**e**) are hereby revoked.

3. Any person who proposes to make application for the registry of a British ship at a port in the United Kingdom shall give notice in writing of the proposed name of the ship to the Registrar General of Shipping and Seamen at least fourteen days before the date on which it is proposed to effect the registry:

Provided that it shall not be necessary to give notice of the name by which it is proposed to register a fishing boat which is only to be entered in the fishing boat register under Part IV of the Merchant Shipping Act 1894(**f**).

4. Any person who proposes to make application for the registry of a British ship at a port in the Channel Islands, the Isle of Man or at Gibraltar shall give notice in writing of the proposed name of the ship to the Registrar at that port who shall forthwith transmit the notice to the Registrar General of Shipping and Seamen.

5. If it appears to the Registrar General of Shipping and Seamen that the proposed name is not already the name of a registered British ship, or if it is not a name so similar to that of a registered British ship as to be calculated to deceive, he shall issue a certificate to that effect to the Registrar at the port at which the ship is to be registered, and the ship shall be registered under that name provided all requirements for registry have been duly complied with.

(**a**) 1906 c. 48.
(**b**) *See* S.I. 1970/1537.
(**c**) S.R. & O. 1907/740.
(**d**) S.R. & O. 1922/729.
(**e**) S.R. & O. 1936/390.
(**f**) 1894 c. 60.

6. If the proposed name is found to be already the name of a registered British ship, or a name so similar as to be calculated to deceive, the Secretary of State, acting through the Registrar General of Shipping and Seamen, may refuse the registry of the ship by that name and the Registrar General shall intimate his decision to the Registrar at the intended port of registry and to the applicant for registry.

7. Notwithstanding anything contained in the foregoing Regulations, the Registrar General of Shipping and Seamen may allow the registry of a ship by a name or designation which is already the name or designation of a registered British ship if he is satisfied that the ship is intended to replace another of the same name which within 10 years of the date of the application belonged to the same owner when her British registry was closed, or which, within 10 years of the date of the application, was sold by the same owner on condition that her name should be changed, and her name has been changed. Applications for special consideration under the terms of this Regulation must be accompanied by a full statement of the circumstances of the case.

8. Any person who proposes to make application for the registry of a British ship at a port not situated in the United Kingdom, the Channel Islands, the Isle of Man or at Gibraltar shall give notice in writing to the Registrar at that port who may proceed with the registry of the ship if the application relates to a ship of less than 100 tons gross and the proposed name does not appear already in the register book as the name of a registered British ship and is not a name so similar to that of a registered British ship as to be calculated to deceive. In the case of a ship of 100 tons gross or over, the Registrar shall forthwith transmit the application to the Registrar General of Shipping and Seamen who shall deal with it in accordance with Regulations 5, 6 and 7 of these Regulations.

Stanley Clinton Davis,

19th March 1979. Parliamentary Under-Secretary of State, Department of Trade.

D. L. Bryars,

21st March 1979. Commissioner of Customs and Excise.

EXPLANATORY NOTE

(This Note is not part of the Order.)

These Regulations revoke the Board of Trade Regulations of 28th August 1907, 23rd June 1922 and 9th April 1936. They re-enact with some drafting amendments the provisions of those Regulations, with the exception of paragraphs (*b*) and (*c*) of Regulation 6 of the 1907 Regulations, which prescribe conditions for the registry of a ship by a name which is already the name of a registered British ship, and of Regulation 7 of the 1907 Regulations, which refers to ships appearing in the Mercantile Navy List and which has been deleted following the withdrawal of that List. Notice of proposed names of ships to be registered at a port in the United Kingdom must be given to the Registrar General of Shipping and Seamen. Notice of proposed names of ships to be registered at a port in the Channel Islands, the Isle of Man or at Gibraltar must be given to the local Registrar, who must transmit them to the Registrar General of Shipping and Seamen. In addition, notice of proposed names of ships of 100 tons gross or over to be registered at a port not situated in the United Kingdom, the Channel Islands, the Isle of Man or at Gibraltar must be given to the local Registrar, who must transmit them to the Registrar General of Shipping and Seamen; the registration of ships of less than 100 tons gross may be dealt with by the local Registrar.

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