STATUTORY INSTRUMENTS

1983 No. 1470

MERCHANT SHIPPING

The Merchant Shipping (Small Ships Register) Regulations 1983

Made - - - -	*29th September* 1983
Laid before Parliament	*10th October* 1983
Coming into Operation	*1st November* 1983

The Secretary of State for Transport, in exercise of powers conferred by section 5(1) and (8) of, and paragraphs 2, 3 and 4 of the Schedule to, the Merchant Shipping Act 1983 (a) 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 (Small Ships Register) Regulations 1983 and shall come into operation on 1st November 1983.

(2) In these Regulations—

"overall length" means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

"owner" means any person who holds a legal interest in a ship by way of ownership thereof or of a share therein, provided that a mortgagor shall not by reason of the mortgage cease to be an owner;

"small ship" means a ship less than 24 metres in length (and in this definition "length" has the same meaning as in the tonnage regulations of the 1894 Act) (b);

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

"submersible vessel" means any vessel used or designed for use under the surface of any waters.

Application

2. These Regulations apply to small ships which are wholly owned by individuals each of whom is a Commonwealth citizen ordinarily resident in the United Kingdom other than—

(a) fishing vessels;

(b) submersible vessels; or

(c) any ship registered under Part I of the 1894 Act if not so registered in the United Kingdom.

(a) 1983 c. 13.

(b) The current Regulations are the Merchant Shipping (Tonnage) Regulations 1982 (S.I. 1982/841).

(c) 1894 c. 60.

Registration of Small Ships

3.—(1) The Secretary of State shall maintain a register of small ships to which these Regulations apply, and any function in relation to the register which, under these Regulations other than paragraph (9) of this regulation, is to be discharged by the Secretary of State may be discharged by persons appointed by such organisations as may be authorised in that behalf by the Secretary of State.

(2) Applications for registration shall be made in writing and shall specify such particulars relating to the ship and its ownership as will show that the ship is one to which these Regulations apply and the following details:

(a) a description of the ship;

(b) the overall length of the ship;

(c) the name of the ship; and

(d) the name and address of every owner of the ship or if paragraph (6) of this Regulation is applicable of every person who will be an owner of the ship when the registration takes effect.

(3) Applications for registration shall be signed by one of the persons specified in paragraph (2)*(d)* of this regulation.

(4) Such supplementary information and evidence relating to the ship and the ownership thereof shall be provided as the Secretary of State may require to determine whether the ship may properly be registered.

(5) Upon receiving an application for registration and being satisfied that the ship may properly be registered and that the name of the ship does not appear to him to be undesirable, the Secretary of State shall register the ship and shall record in the register the following details:

(a) the number of the registration of the ship;

(b) the date of registration;

(c) the date of expiration of registration determined in accordance with regulation 5;

(d) the details specified in paragraph (2)*(a), (b), (c)* and *(d)* of this regulation.

(6) When an application for the registration under section 5 of the Merchant Shipping Act 1983 of a ship registered under Part I of the 1894 Act is granted, then the registration of the ship under that Part may be closed if the application was made by—

(a) the owner registered under that Part, or

(b) individuals who state that they are together entitled to the entire beneficial ownership of the ship,

and in either case there is no registered mortgage or certificate of mortgage or sale affecting the ship or a share in the ship.

(7) When the registration under section 5 takes effect, the Secretary of State shall furnish to the person registered as owner of the ship a certificate which shall include the details recorded in the register in accordance with paragraph (5) of this regulation, save for the address of any owner.

(8) In the event of—

(a) a ship registered under section 5 ceasing to be a ship to which these Regulations apply, or

(b) a change in the details included on the certificate of registration pursuant to paragraph (7) of this regulation,

the registration of the ship under section 5 shall forthwith terminate.

(9) Where it appears to the Secretary of State that there is any doubt as to the right of any ship registered under section 5 to be so registered, he may require the person registered as owner to give evidence to his satisfaction that the ship is entitled to be so registered and such evidence may include the production of the ship for inspection at a place and under such conditions as he requires; and if the evidence required is not given to his satisfaction within 3 months of being so required, he may terminate the registration of the ship.

(10) The Secretary of State may wherever it appears necessary or appropriate to do so for giving effect to these Regulations or for bringing up to date or otherwise correcting particulars on the register, amend the register and issue an amended certificate of registration.

Marking

4. The person registered as owner of the ship under section 5 shall ensure that:—

(a) within one month of the date on which the registration of that ship takes effect there is clearly painted or affixed to an external surface of the ship the number of its registration preceded by the letters SSR;

(b) such marking is effectively maintained and renewed when necessary during the period of registration of the ship.

Period of Registration

5.—(1) Registration under section 5 shall, subject to termination under the provisions of these Regulations, be for a period of five years from the date of registration and unless renewed by the Secretary of State before the date of expiration shall expire on that date.

(2) Upon receipt of an application for renewal of registration by the person registered as owner of the ship during the period of six months prior to the date of expiration, the Secretary of State shall, if satisfied that the registration of the ship has not terminated and may properly be continued, and that he has been informed of any change in any address on the register, renew the registration for a period of five years from the date of expiration of the current period; and shall issue to the person registered as owner of the ship a certificate of registration which shall include the details recorded in the register in accordance with regulation 3(5), save for the address of any owner and save that the date of registration shall be the date of renewal of registration.

Loss of Certificate

6. When it is shown to the satisfaction of the Secretary of State that the certificate of registration of a ship registered under section 5 has been mislaid, lost or destroyed, he may issue to the person registered as owner of the ship a duplicate copy of the certificate.

Effect of Termination of Registration

7. Whenever the registration of a ship under section 5 is terminated, the certificate of registration shall thereupon cease to have effect and shall be surrendered by the person registered prior to termination as owner of the ship or if he has died his legal personal representative to the Secretary of State within one month.

Registration Number

8. Whenever the registration of a ship is renewed in accordance with regulation 5(2) of these Regulations, or within 3 months of the expiration or termination of registration the ship is registered anew in accordance with regulation 3(5) of these Regulations, the number of the registration of the ship shall be the same as that applicable before the renewal, expiration or termination of registration.

Offences

9.—(1) Any person who, with intent to deceive, uses, or lends to or allows to be used by another, a certificate of registration under section 5 which has ceased to have effect shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) Any person who, for the purposes of registration under section 5, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3) Any person who, being required by regulation 4 to ensure that any requirement of that regulation as to the marking of a ship is met fails to ensure that that requirement is met, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200; save that it shall be a defence for such a person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Any person who, being required by these Regulations to surrender a certificate of registration, fails without reasonable excuse to surrender the certificate shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Tom King,
Secretary of State for Transport.

29th September 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the registration of specified small ships (i.e. less than 24 metres in length) which are wholly owned by Commonwealth citizens ordinarily resident in the United Kingdom. The register will be maintained by the Secretary of State and provision is made for functions under the Regulations to be discharged by persons appointed by authorised organisations (regulation 3(1)).

The requirements for closing the registration of a ship under Part I of the Merchant Shipping Act 1894 which is registered in the small ships register are set out (regulation 3(6)).

Provision is made for the termination of registration (regulation 3(8) and (9)) and surrender of certificates in specified circumstances (regulation 7), and for the marking of registered ships (regulation 4). The Regulations make it an offence to use a certificate of registration which has ceased to have effect, to make a false statement for the purposes of registration, to fail to comply with marking requirements and to fail to surrender a certificate of registration (regulation 9).

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