STATUTORY INSTRUMENTS

1988 No. 1910

MERCHANT SHIPPING

The Merchant Shipping (Tonnage) (Amendment) Regulations 1988

Made - - - -	*2nd November 1988*
Laid before Parliament	*10th November 1988*
Coming into force	*1st December 1988*

The Secretary of State for Transport, in exercise of the powers conferred by section 1 of the Merchant Shipping Act 1965(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 (Tonnage) (Amendment) Regulations 1988 and shall come into force on 1st December 1988.

2. The Merchant Shipping (Tonnage) Regulations 1982(c) shall be amended as follows:–

3. In regulation 2, after the definition of "existing ship" the following definition shall be inserted:

" "fishing vessel" means a vessel for the time being used (or in the context of an application for registration, intended to be used) for or in connection with fishing for sea fish, other than a vessel used (or intended to be used) for fishing otherwise than for profit but excluding any vessel for the time being used (or intended to be used) wholly for the purpose of conveying persons wishing to fish for pleasure;".

4. Regulation 3.—(1) shall be replaced by the following:

"(1) This Part of these Regulations (except paragraph (1A) of this regulation) and Schedules 2, 3 and 4 hereto shall apply to the following ships registered or to be registered in the United Kingdom under Part I of the principal Act being ships of 24 metres in length or over and not being fishing vessels:

(a) new ships;

(b) existing ships to which regulation 13(1) of these Regulations would otherwise apply but which undergo alterations or modifications which result in a substantial variation in their existing gross tonnage;

(c) existing ships, if the owner so requests;

(d) all ships with effect from 18th July 1994.

(1A) This Part of these Regulations (except paragraph (1) of this regulation) and Schedules 2, 3 and 4 hereto shall also apply to all fishing vessels of 24 metres in length or over registered or to be registered under Part II of the Merchant Shipping Act 1988;

(a) 1965 c.47; section 1 was amended by section 91 of the Merchant Shipping Act 1970 (c.36) and by paragraph 6 of Part VI of the Merchant Shipping Act 1979 (c.39).
(b) See S.I. 1970/1537.
(c) S.I. 1982/841.

Provided that where a fishing vessel was, immediately before 1st December 1988, registered under Part I or Part IV of the principal Act and its tonnage as recorded in the register was determined in accordance with Schedule 5 hereto or Schedule 4 to the Merchant Shipping (Fishing Boats Registry) Order 1981(a) the tonnage of that vessel shall continue to be so determined until–

(i) the vessel undergoes alterations or modifications which result in a substantial alteration to its existing gross tonnage; or

(ii) the owner requests that the vessel's tonnage be determined in accordance with Schedules 2, 3 and 4 hereto; or

(iii) 18th July 1994

whichever first occurs:".

5. In regulation 9, after the words "the principal Act" there shall be inserted the words "or Part II of the Merchant Shipping Act 1988".

6. In paragraph (1) of regulation 12, the words from and including "and fishing boats" to the end shall be replaced by the words "of the principal Act but excluding fishing vessels".

7. Paragraph 2 of regulation 12 shall be deleted.

8. In regulation 13–

(i) at the end of paragraph (1) the following words shall be added:
", other than fishing vessels registered or to be registered under Part II of the Merchant Shipping Act 1988.".

(ii) in paragraph (2) the words from and including "or to existing British fishing boats" to the end shall be deleted.

Signed by authority of
the Secretary of State
2nd November 1988

Michael Portillo
Minister of State,
Department of Transport

(a) S.I. 1981/740, to which there is an amendment not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Tonnage) Regulations 1982 ("the 1982 Regulations") which give effect to the International Tonnage Convention 1969.

The amendments only concern fishing vessels and are consequential upon the coming into force of Part II of the Merchant Shipping Act 1988 (c.12) (registration of fishing vessels). On and after 1st December 1988 all fishing vessels of 24 metres in length or over are to be measured for tonnage in accordance with the 1982 Regulations; but the tonnage of any existing vessel of 24 metres or over which was measured before 1st December 1988 in accordance with other tonnage measurement systems then applicable will continue to be recognised until 18th July 1994 or, if the owner requests re-measurement at an earlier date or the vessel is substantially altered at an earlier date, until that earlier date.

The tonnage of fishing vessels of less than 24 metres will be measured in accordance with the Merchant Shipping (Fishing Vessels)—(Tonnage) Regulations 1988 (S.I. 1988/1909).