



Merchant Shipping (Registration, etc.) Act 1993

1993 CHAPTER 22

Registration of British ships

1 Central register of British ships

- (1) There shall be established, for all registrations of ships in the United Kingdom under this Act, a register of British ships which shall be available for public inspection.
- (2) The register shall be maintained by the Registrar General of Shipping and Seamen as registrar.
- (3) The Secretary of State may designate any person to discharge, on behalf of the registrar, all his functions or such of them as the Secretary of State may direct.
- (4) The Secretary of State may give to the registrar directions of a general nature as to the discharge of any of his functions.
- (5) The register shall be so constituted as to distinguish, in a separate part, registrations of fishing vessels and may be otherwise divided into parts so as to distinguish between classes or descriptions of ships.
- (6) The register shall be maintained in accordance with registration regulations and the private law provisions for registered ships and any directions given by the Secretary of State under subsection (4) above.
- (7) On the appointed day for the opening of the new register established under subsection (1) above the following existing registers shall close, that is to say—
 - (a) the register of British ships maintained under Part I of the Merchant Shipping Act 1894;
 - (b) the register of small British ships maintained under section 5 of the Merchant Shipping Act 1983; and
 - (c) the register of British fishing vessels maintained under section 13 of the Merchant Shipping Act 1988;

and all registrations in those registers in force on that day shall become registrations in the new register.

2 Registration of ships: basic provisions

- (1) A ship is entitled to be registered if—
 - (a) it is owned, to the prescribed extent, by persons qualified to own British ships; and
 - (b) such other conditions are satisfied as are prescribed under subsection (2)(b) below;(and any application for registration is duly made).
- (2) It shall be for registration regulations—
 - (a) to determine the persons who are qualified to be owners of British ships, or British ships of any class or description, and to prescribe the extent of the ownership required for compliance with subsection (1)(a) above;
 - (b) to prescribe other requirements designed to secure that, taken in conjunction with the requisite ownership, only ships having a British connection are registered.
- (3) The registrar may, if registration regulations so provide, refuse to register a ship or terminate the registration of a ship if, having regard to any relevant requirements of the Merchant Shipping Acts he considers it would be inappropriate for the ship to be or, as the case may be, to remain registered.
- (4) The registrar may, if registration regulations so provide, register a fishing vessel notwithstanding that the requirement of subsection (1)(a) above is not satisfied in relation to a particular owner of a share in the vessel if the vessel otherwise has a British connection.
- (5) Where a ship becomes registered at a time when it is already registered under the law of a country other than the United Kingdom, the owner of the ship shall take all reasonable steps to secure the termination of the ship's registration under the law of that country.
- (6) Subsection (5) above does not apply to a ship which becomes registered on a transfer of registration to the register from a relevant British possession.
- (7) Any person who contravenes subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In subsection (3) above “the relevant requirements of the Merchant Shipping Acts” means the requirements of those Acts (including requirements falling to be complied with after registration) relating to—
 - (a) the condition of ships or their equipment so far as relevant to their safety or any risk of pollution; and
 - (b) the safety, health and welfare of persons employed or engaged in them.
- (9) In this Act references to a ship's having a British connection are references to compliance with the conditions of entitlement imposed by subsection (1)(a) and (b) above and “declaration of British connection” is to be construed accordingly.

3 Registration regulations

- (1) The Secretary of State shall by regulations (to be known as “registration regulations”) make provision for and in connection with the registration of ships as British ships.
- (2) Without prejudice to the generality of subsection (1) above, registration regulations may, in particular, make provision with respect to any of the following matters—
 - (a) the persons by whom and the manner in which applications in connection with registration are to be made;
 - (b) the information and evidence (including declarations of British connection) to be provided in connection with such applications and such supplementary information or evidence as may be required by any specified authority;
 - (c) the shares in the property in, and the number of owners (including joint owners) of, a ship permitted for the purposes of registration and the persons required or permitted to be registered in respect of a ship or to be so registered in specified circumstances;
 - (d) the issue of certificates (including provisional certificates) of registration, their production and surrender;
 - (e) restricting and regulating the names of ships registered or to be registered;
 - (f) the marking of ships registered or to be registered, including marks for identifying the port to which a ship is to be treated as belonging;
 - (g) the period for which registration is to remain effective without renewal;
 - (h) the production to the registrar of declarations of British connection or other information relating thereto, as respects registered ships, at specified intervals or at his request;
 - (i) the survey and inspection of ships registered or to be registered and the recording of their tonnage as ascertained (or re-ascertained) under the tonnage regulations;
 - (j) the refusal, suspension and termination of registration in specified circumstances;
 - (k) matters arising out of the expiration, suspension or termination of registration (including the removal of marks and the cancellation of certificates);
 - (l) the charging of fees in connection with registration or registered ships;
 - (m) the transfer of the registration of ships to and from the register from and to registers or corresponding records in countries other than the United Kingdom;
 - (n) inspection of the register;
 - (o) any other matter which is authorised or required by this Act to be prescribed in registration regulations;

but no provision determining, or providing for determining, the fees to be charged or prescribing any arrangements for their determination by other persons shall be made without the approval of the Treasury.

- (3) Registration regulations may—
 - (a) make different provision for different classes or descriptions of ships and for different circumstances;
 - (b) without prejudice to paragraph (a) above, make provision for the granting of exemptions or dispensations by the Secretary of State from specified requirements of the regulations, subject to such conditions (if any) as he thinks fit to impose; and

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- (c) make such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or expedient, including provision authorising investigations and conferring powers of inspection for verifying the British connection of a ship.
- (4) Registration regulations—
- (a) may make provision for the registration of any class or description of ships to be such as to exclude the application of the private law provisions for registered ships and, if they do, may regulate the transfer, transmission or mortgaging of ships of the class or description so excluded;
 - (b) may make provision for any matter which is authorised or required by those provisions to be prescribed by registration regulations; and
 - (c) shall make provision precluding notice of any trust being entered in the register or being receivable by the registrar except as respects specified classes or descriptions of ships or in specified circumstances.
- (5) Registration regulations may create offences subject to the limitation that no offence shall be punishable with imprisonment or punishable on summary conviction with a fine exceeding level 5 on the standard scale.
- (6) Registration regulations may provide for—
- (a) the approval of forms by the Secretary of State; and
 - (b) the discharge of specified functions by specified authorities or persons.
- (7) Registration regulations may provide for any of their provisions to extend to places outside the United Kingdom.
- (8) The power to make registration regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Any document purporting to be a copy of any information contained in an entry in the register and to be certified as a true copy by the registrar shall be evidence (and, in Scotland, sufficient evidence) of the matters stated in the document.
- (10) Any fees received by the Secretary of State in pursuance of registration regulations shall be paid into the Consolidated Fund.

4 Offences relating to a ship's British connection

- (1) Any person who, in relation to any matter relevant to the British connection of a ship—
- (a) makes to the registrar a statement which he knows to be false or recklessly makes a statement which is false; or
 - (b) furnishes to the registrar information which is false,
- shall be guilty of an offence.
- (2) If at any time there occurs, in relation to a registered ship, any change affecting the British connection of the ship the owner of the ship shall, as soon as practicable after the change occurs, notify the registrar of that change; and if he fails to do so he shall be guilty of an offence.
- (3) Any person who intentionally alters, suppresses, conceals or destroys a document which contains information relating to the British connection of a ship and which he

has been required to produce to the registrar in pursuance of registration regulations shall be guilty of an offence.

- (4) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (5) This section applies to things done outside, as well as to things done within, the United Kingdom.

5 Supplementary provisions as respects fishing vessels

- (1) Subject to subsection (2) below, if a fishing vessel which—
 - (a) is either—
 - (i) entitled to be registered, or
 - (ii) wholly owned by persons qualified to be owners of British ships, but
 - (b) is registered neither under this Act in the part of the register relating to fishing vessels nor under the law of any country outside the United Kingdom,fishes for profit the vessel shall be liable to forfeiture and the skipper, the owner and the charterer of the vessel shall each be guilty of an offence.
- (2) Subsection (1) above does not apply to fishing vessels of such classes or descriptions or in such circumstances as may be specified in regulations made by the Secretary of State by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) If the skipper or owner of a fishing vessel which is not registered in the United Kingdom does anything, or permits anything to be done, for the purpose of causing the vessel to appear to be a vessel registered in the United Kingdom, then, subject to subsection (4) below, the vessel shall be liable to forfeiture and the skipper, the owner and any charterer of the vessel shall each be guilty of an offence.
- (4) Where the registration of a fishing vessel has terminated by virtue of any provision of registration regulations, any marks prescribed by registration regulations displayed on the fishing vessel within the period of 14 days beginning with the date of termination of that registration shall be disregarded for the purposes of subsection (3) above.
- (5) Any person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding £50,000;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (6) Proceedings for an offence under this section shall not be instituted—
 - (a) in England and Wales, except by or with the consent of the Attorney General, the Secretary of State or the Minister; or
 - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland, the Secretary of State or the Minister.
- (7) In subsection (6) above “the Minister”—
 - (a) in relation to England and Wales, means the Minister of Agriculture, Fisheries and Food; and

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- (b) in relation to Northern Ireland, means the Secretary of State concerned with sea fishing in Northern Ireland.
- (8) This section applies to things done outside, as well as to things done within, the United Kingdom.
- (9) Sections 8 and 9 of the Sea Fisheries Act 1968 (general powers of British sea-fishery officers and powers of sea-fishery officers to enforce conventions) shall apply in relation to any provision of this section or of registration regulations in their application to fishing vessels or fishing vessels of any class or description as they apply in relation to any order mentioned in section 8 of that Act and in relation to any convention mentioned in section 9 of that Act respectively; and sections 10 to 12 and 14 of that Act (offences and supplemental proceedings as to legal proceedings) shall apply accordingly.

6 Private law provisions for registered ships and liability as owner

- (1) Schedule 1 (which makes provision relating to the title to, and the registration of mortgages over, ships) shall have effect.
- (2) Schedule 1 does not apply in relation to ships which are excluded from its application by registration regulations under section 3(4)(a).
- (3) Where any person is beneficially interested, otherwise than as mortgagee, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be liable to any pecuniary penalties imposed by or under the Merchant Shipping Acts or any other Act on the owners of registered ships.
- (4) Where the registration of any ship terminates by virtue of any provision of registration regulations, the termination of that registration shall not affect any entry made in the register so far as relating to any undischarged registered mortgage of that ship or of any share in it.
- (5) In subsection (4) above “registered mortgage” has the same meaning as in that Schedule.
- (6) In this Act “the private law provisions for registered ships” means the provisions of Schedule 1 and registration regulations made for the purposes of that Schedule or the provisions of registration regulations made under section 3(4)(a).

Special provisions for ships on bareboat charter

7 Ships bareboat chartered-in by British charterers

- (1) This section applies to any ship which—
 - (a) is registered under the law of a country other than the United Kingdom (“the country of original registration”),
 - (b) is chartered on bareboat charter terms to a charterer who is a person qualified to own British ships, and
 - (c) is so chartered in circumstances where the conditions of entitlement to registration prescribed under section 2(2)(b), read with the requisite modifications, are satisfied as respects the charterer and the ship.

- (2) The “requisite modifications” of those conditions are the substitution for any requirement to be satisfied by or as respects the owner of a ship of a corresponding requirement to be satisfied by or as respects the charterer of the ship.
- (3) A ship to which this section applies is entitled to be registered if an application for registration is duly made, but section 2(3) applies also in relation to registration by virtue of this section.
- (4) The registration of a ship registered by virtue of this section shall remain in force (unless terminated earlier by virtue of registration regulations and subject to any suspension thereunder) until the end of the charter period and shall then terminate by virtue of this subsection.
- (5) Section 2(5) does not apply to a ship registered by virtue of this section but registration regulations shall include provision for securing that the authority responsible for the registration of ships in the country of original registration is notified of the registration of the ship and of the termination of its registration whether by virtue of subsection (4) above or registration regulations.
- (6) Accordingly, throughout the period for which a ship is registered by virtue of this section—
 - (a) the ship shall, as a British ship, be entitled to fly the British flag;
 - (b) the Merchant Shipping Acts shall, subject to subsections (7) and (8) below, apply to the ship as a British ship or as a registered ship as those Acts apply to other British ships and to registered ships; and
 - (c) any other enactment applicable to British ships or ships registered under those Acts shall, subject to subsection (8) below, apply to the ship as a British ship or as a registered ship.
- (7) The private law provisions for registered ships shall not apply to a ship registered by virtue of this section and any matters or questions corresponding to those for which the private law provisions for registered ships make provision shall be determined by reference to the law of the country of original registration.
- (8) Her Majesty may, subject to subsection (9) below, by Order in Council, provide that any enactment falling within subsection (6)(b) or (c) above—
 - (a) shall not have effect in accordance with that subsection in relation to a ship registered by virtue of this section, or
 - (b) shall so have effect subject to such modifications (if any) as may be specified in the Order.
- (9) No provision shall be made by an Order in Council under subsection (8) above which would have the effect of relaxing the relevant requirements of the Merchant Shipping Acts (within the meaning of section 2(3)) in their application to a ship to which this section applies.
- (10) An Order in Council under subsection (8) above—
 - (a) may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient (including provision divesting or providing for the divestment of ownership in the ship); and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—

“bareboat charter terms”, in relation to a ship, means the hiring of the ship for a stipulated period on terms which give the charterer possession and control of the ship, including the right to appoint the master and crew; and
“the charter period” means the period during which the ship is chartered on bareboat charter terms.

Supplementary and pre-consolidation provisions

8 Amendments and repeals including those for purposes of consolidation

- (1) Schedule 2 to this Act shall have effect for making amendments consequential on the provisions of this Act.
- (2) Schedule 3 to this Act (which substantially re-enacts certain provisions of the Merchant Shipping Acts relating to British ships and the British flag) shall have effect.
- (3) Schedule 4 to this Act shall have effect for making amendments designed to facilitate, or otherwise desirable in connection with, the consolidation of the enactments relating to merchant shipping.
- (4) The enactments mentioned in Schedule 5 to this Act (which include enactments which are spent or are of no practical utility) are hereby repealed to the extent specified in the third column of that Schedule, subject, however, to the saving at the end of the Schedule.

9 Interpretation, etc

- (1) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1988.
- (2) In this Act—
 - “British connection” and “declaration of British connection” have the meaning given in section 2(9);
 - “the Merchant Shipping Acts” means the Merchant Shipping Acts 1894 to 1988 and this Act;
 - “the private law provisions for registered ships” has the meaning given in section 6;
 - “the register” means the register maintained for the United Kingdom under section 1 and “registered” (except with reference to the law of another country) is to be construed accordingly;
 - “the registrar” means the Registrar General of Shipping and Seamen in his capacity as registrar or, as respects functions of his being discharged by another authority or person, that authority or person;
 - “registration regulations” means regulations under section 3;
 - “relevant British possession” means—
 - (a) the Isle of Man,
 - (b) the Channel Islands, or
 - (c) any colony; and
 - “the tonnage regulations” means regulations under section 1 of the Merchant Shipping Act 1965.

- (3) Where, for the purposes of any enactment, the question arises whether a ship is owned by persons qualified to own British ships, the question shall be determined by reference to registration regulations made under section 2(2)(a).
- (4) Any reference in any other Act or in any instrument made under any other Act to the registration of a ship (or fishing vessel) under any of the enactments mentioned in section 1(7) shall be construed, unless the context otherwise requires, as, or as including, a reference to registration under this Act; and connected phrases shall be construed accordingly.
- (5) Registration regulations may provide that any reference in any other Act or in any instrument made under any other Act to the port of registry of a ship or the port to which a ship belongs shall be construed as a reference to the port identified by the marks required for the purpose by registration regulations.
- (6) The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, make such amendments of any local Act or instrument so far as it provides for the registration of ships in local registers as appear to him to be appropriate in view of the provision made by section 1.

10 Short title, commencement and extent

- (1) This Act may be cited as the Merchant Shipping (Registration, etc.) Act 1993; and this Act and the Merchant Shipping Acts 1894 to 1988 may be cited together as the Merchant Shipping Acts 1894 to 1993.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or different purposes.
- (3) An order under subsection (2) above may include such transitional, saving and supplementary provision (including modifications of any enactment) as appear to the Secretary of State to be appropriate in connection with the transition to the new register or the partial operation of section 1 or in connection with the amendments made by Schedule 4 to this Act.
- (4) This Act extends to England and Wales, Scotland and Northern Ireland.