



Merchant Shipping Act 1983

1983 CHAPTER 13

An Act to make further provision in respect of the registration of small ships and the appointment of registrars at ports. [11th April 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Measurement for length

1 Measurement of small ships for length instead of tonnage

- (1) This section applies to any small ship of a class prescribed by regulations made by the Secretary of State.
- (2) Where a ship to which this section applies is to be registered under Part I of the 1894 Act in the United Kingdom, the ship may, instead of having her tonnage ascertained in accordance with the tonnage regulations of that Act, be measured for length in accordance with regulations under this section.
- (3) If the ship is so measured, the requirements of that Act preliminary to registry shall have effect with the following modifications—
 - (a) the certificate required by section 6 to be granted on survey must specify the ship's length instead of her tonnage;
 - (b) so much of section 7(1)(b) as requires the number denoting her registered tonnage to be cut in on her main beam does not apply; and
 - (c) the builder's certificate produced under section 10(1)(a) must contain a true account of the length of the ship, as estimated by him.
- (4) In this Act, " registered ship measured for length " means a ship registered under Part I of the 1894 Act in the United Kingdom the registered particulars of which do not include particulars relating to her tonnage.

- (5) Regulations under this section may provide for the survey and measurement for length of ships to which this section applies to be undertaken, in such circumstances as may be specified in the regulations and notwithstanding sections 6 and 86 of that Act, by persons appointed by such organisations as may be authorised in that behalf by the Secretary of State.
- (6) Regulations under this section may, in the case of ships measured for length in accordance with the regulations, provide—
- (a) for the marking of ships with their length; and
 - (b) for the alteration of the particulars relating to their length;
- and the references in section 7(5) of the 1894 Act (offence of neglecting to mark a ship as required by that section) to the requirements of that section as to the marking of ships include a reference to the requirements of regulations under this section for the marking of ships with their length.
- (7) Where a ship to which this section applies is registered under Part I of the 1894 Act in the United Kingdom and is required to be remeasured by virtue of section 82 of that Act (alteration in tonnage of ship or error in computing it) then, instead of having her tonnage determined and registered, she may be measured for length in accordance with regulations under this section and, if she is so measured, her length shall be registered instead of her tonnage.
- (8) Regulations under this section—
- (a) may provide for the payment of fees in connection with the measurement of ships for length or registered ships measured for length, being fees determined with the approval of the Treasury ; and
 - (b) may make different provision for different classes or descriptions of ships and for different circumstances.

2 Alteration of ships measured for length

- (1) Where a registered ship measured for length ceases by alteration to be a ship to which section 1 of this Act applies (without becoming exempt from registry) subsections (2) to (5) below shall apply instead of section 48 of the 1894 Act (registry of alterations).
- (2) The ship must be registered anew or her tonnage (ascertained in accordance with the tonnage regulations of the 1894 Act) must be registered.
- (3) Where, on an application to the registrar of the appropriate port—
- (a) there is delivered to him a certificate granted by a surveyor of ships or a person appointed in pursuance of section 1(4) of the Merchant Shipping Act 1965 specifying the tonnage of the ship ascertained in accordance with the tonnage regulations of the 1894 Act, and
 - (b) the registrar is satisfied that the number denoting her registered tonnage has been cut in on her main beam,
- he shall either cause the details comprised in the certificate to be registered or direct that the ship be registered anew.

In this subsection, " appropriate port" means—

- (i) where the alteration is made at a port having a registrar, that port; and
- (ii) in any other case, the first port having a registrar at which the ship arrives after the alteration.

- (4) If subsection (2) above is not complied with in the case of any ship, the owner of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding—
- (a) in England and Wales and Scotland, level 3 on the standard scale (which has the meaning given by section 75 of the Criminal Justice Act 1982); and
 - (b) in Northern Ireland, £200 ;
- and, in addition, to a fine not exceeding £20 for any day during which the offence continues after conviction.
- (5) It shall be a defence for a person charged with an offence under subsection (4) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (6) Where a certificate under subsection (3)(a) above is delivered to the registrar, sections 49 and 50 of the 1894 Act (registry or provisional certification of alterations) shall apply as if the references to alterations made in a ship included a reference to the details of the ship comprised in the certificate.

3 Transfer abroad of registry of ships measured for length

- (1) In the case of a registered ship measured for length, the registry of the ship may not be transferred under section 53 of the 1894 Act from a port in the United Kingdom to a port at which her tonnage would require to be registered unless, on the application under subsection (1) of that section—
- (a) there is delivered to the registrar a certificate granted by a surveyor of ships or a person appointed in pursuance of section 1(4) of the Merchant Shipping Act 1965 specifying the tonnage of the ship ascertained in accordance with the tonnage regulations of the 1894 Act; and
 - (b) the registrar is satisfied that the number denoting her registered tonnage has been cut in on her main beam.
- (2) If the requirements of subsection (1)(a) and (b) above are met, the registrar shall, before transmitting notice of the application to the registrar of the intended port of registry under section 53(2) of the 1894 Act, cause the details comprised in the certificate to be registered; and section 49 of that Act (regulations for registry of alterations) shall apply as if the references to alterations made in the ship were references to the details of the ship comprised in the certificate.

Exemption from registry

4 Exemption of certain small ships from registry

In section 3 of the 1894 Act (exemptions from registry), in paragraph (1) (exemption for ships not exceeding fifteen tons burden employed in coastal navigation) for the words " not exceeding fifteen tons burden " there are substituted the words " less than 13.7 metres in length " ; and at the end of that section there are inserted the following words—

“For the purposes of this section, the length of a ship is her length determined in accordance with regulations under section 1 of the Merchant Shipping Act 1983.”

*Small ships register***5 Separate register for small ships**

- (1) The Secretary of State may by regulations make provision for the registration in the United Kingdom of small ships, being ships which—
 - (a) are owned wholly by persons qualified to be owners of British ships;
 - (b) are not fishing vessels ; and
 - (c) if registered under Part I of the 1894 Act, are so registered in the United Kingdom.
- (2) A ship registered under this section is exempt from registry under Part I of the 1894 Act.
- (3) Subject to the exceptions mentioned in subsection (4) below, references (however phrased) in any enactment to ships registered under Part I of the 1894 Act in the United Kingdom or to the registered owners of such ships include a reference to ships registered under this section or, as the case may be, to owners registered under this section of such ships; and connected phrases shall be interpreted accordingly.
- (4) Those exceptions are—
 - (a) references in Part I of the 1894 Act and in this Act; and
 - (b) references in any enactment prescribed by regulations under this section.
- (5) Where an application for the registration under this section of a ship registered under Part I of the 1894 Act is granted—
 - (a) the registrar of the ship's port of registry may, if the requirements of regulations under this section as to the closure of registration under that Part are met, close the registration of the ship under that Part by entering the closure in the register book ; and
 - (b) the registration under this section shall not take effect unless the registration under that Part is closed under paragraph (a) above and, if it is so closed, shall take effect at the time of closure.
- (6) Regulations under this section may provide for the payment of fees determined with the approval of the Treasury in connection with the closure under this section of registration under Part I of the 1894 Act.
- (7) The registration of a ship under this section shall, if she is subsequently registered under Part I of the 1894 Act, terminate by virtue of the subsequent registration.
- (8) The Schedule to this Act shall have effect for supplementing the provisions of this section.
- (9) In this section and the Schedule—
 - " enactment " includes an enactment comprised in subordinate legislation;
 - " fishing vessel " has the same meaning as in the Fishing Vessels (Safety Provisions) Act 1970.

Registrars

6 Registrars at ports

In section 4(1)(a) of the 1894 Act (at ports in the United Kingdom approved for the registry of ships, the registrar is the chief officer of customs at that port) for the words " the chief officer of customs " there are substituted the words " any officer (whether at that port or elsewhere) appointed for the purpose by the Commissioners " .

Miscellaneous and supplemental

7 Regulations

Any power conferred by this Act to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8 Extension to British possessions, etc.

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act and regulations under it shall extend, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, to any of the following countries—
 - (a) the Isle of Man ;
 - (b) any of the Channel Islands ;
 - (c) any colony ; and
 - (d) any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom.
- (2) Her Majesty may by Order in Council specifying any country referred to in subsection (1) above direct that, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, any of those provisions shall have effect as if references in them to the United Kingdom included a reference to that country.
- (3) An Order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

9 Small ships: amendments of Merchant Shipping Acts

- (1) Section 74(1)(c) of the 1894 Act (certain ships of 50 tons or more to show colours on entering or leaving British port) does not apply to any registered ship measured for length or any ship registered under section 5 of this Act.
- (2) For the purposes of section 503 of the 1894 Act and section 4 of the Merchant Shipping (Oil Pollution) Act 1971 (limitation of owner's liability by reference to tonnage), the tonnage of a registered ship measured for length or a ship registered under section 5 of this Act is her register tonnage ascertained in accordance with the tonnage regulations of the 1894 Act, but without making any deduction required by those regulations of any tonnage allowance for propelling machinery space.
- (3) If the tonnage referred to in subsection (2) above cannot be so ascertained, a surveyor of ships shall, if so directed by the court, certify what on the evidence specified in the direction would in his opinion be that tonnage as so ascertained, and the tonnage

stated in his certificate shall be taken for the purposes referred to in that subsection to be the tonnage of the ship.

10 Construction and interpretation

- (1) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1981.
- (2) In this Act—
 - " 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); and
 - " the 1894 Act" means the Merchant Shipping Act 1894.
- (3) In this Act, until the commencement of the provisions referred to in section 75 of the Criminal Justice Act 1982 (construction of references to the standard scale)—
 - " level 5 on the standard scale " means £1,000 ; and
 - " level 3 on the standard scale " means £200.

11 Short title, commencement and extent

- (1) This Act may be cited as the Merchant Shipping Act 1983.
- (2) This Act and the Merchant Shipping Acts 1894 to 1981 may be cited together as the Merchant Shipping Acts 1894 to 1983.
- (3) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (4) This Act extends to Northern Ireland.

SCHEDULE

Section 5.

REGULATIONS RELATING TO REGISTRATION OF SMALL SHIPS

- 1 In this Schedule—
 - " registered " and " registration " mean registered under section 5 of this Act or, as the case may be, registration under that section;
 - " regulations " means regulations made under that section ; and
 - " specified " means specified in regulations.
- 2 Regulations may make provision—
 - (a) for the persons by whom and the manner in which applications in connection with registration are to be made (including provision limiting the persons who may apply for registration, whether by reference to residence or place of business or otherwise);
 - (b) for the information and evidence to be provided in connection with such applications and for such supplementary information or evidence as may be required by any authority specified for the purpose to be so provided ;
 - (c) for the issue of certificates of registration, their production and surrender;
 - (d) for the marking of registered ships ;
 - (e) for the period for which any registration is to remain effective without renewal;
 - (f) for the refusal of registration where the name of the ship proposed to be registered appears to any authority specified for the purpose to be undesirable ;
 - (g) for the termination of registration in specified circumstances (including failure to comply with requirements imposed by or under regulations and circumstances in which any of the requirements applicable to new registrations imposed by or under section 5 of this Act are no longer met) ;
 - (h) for matters arising out of the expiration or termination of registration (including the removal of marks and the cancellation of certificates);
 - (i) for the inspection of ships registered or to be registered ;
 - (j) for the payment of fees in connection with registration or registered ships, being fees determined with the approval of the Treasury;
 - (k) for the discharge of functions under the regulations by persons appointed by such organisations as may be authorised in that behalf by the Secretary of State ;
 - (l) excluding from registration specified classes or descriptions of ships ; and
 - (m) for any other matters relating to the maintenance of a register of small ships (including its inspection)
- 3 (1) Regulations may provide for the creation of offences and their punishment on summary conviction in any of the following cases—
 - (a) where a person with intent to deceive uses, or lends to or allows to be used by another, a certificate of registration which has ceased to have effect;
 - (b) where a person for purposes of registration 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;
 - (c) where a person required by regulations to ensure that any requirement of the regulations as to the marking of a ship is met fails to ensure that that requirement is met;

Status: This is the original version (as it was originally enacted).

- (d) where a person required by regulations to surrender a certificate of registration fails without reasonable excuse to surrender the certificate.
- (2) Regulations providing for the creation of an offence by virtue of sub-paragraph (1) (c) above shall provide that it shall be a defence for a person charged with the offence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (3) Regulations providing for the creation of an offence by virtue of sub-paragraph (1) (a) or (b) above shall provide for it to be punishable—
 - (a) in England and Wales and Scotland, with a fine not exceeding level 5 on the standard scale (which has the meaning given by section 75 of the Criminal Justice Act 1982);
 - (b) in Northern Ireland, with a fine not exceeding £1,000.
- (4) Regulations providing for the creation of an offence by virtue of sub-paragraph (1) (c) or (d) above shall provide for it to be punishable—
 - (a) in England and Wales and Scotland, with a fine not exceeding level 3 on the standard scale (which has the meaning given by section 75 of the Criminal Justice Act 1982) ;
 - (b) in Northern Ireland, with a fine not exceeding £200.
- 4 (1) Regulations may make different provision for different classes or descriptions of ships and for different circumstances.
- (2) Regulations may contain such supplemental and incidental provisions as appear to the Secretary of State to be necessary or expedient.
- 5 Regulations may provide for their operation within territorial waters adjacent to the United Kingdom.
- 6 No provision of this Schedule is to be taken to prejudice the generality of section 5 of this Act.