
STATUTORY INSTRUMENTS

1993 No. 3137

**The Merchant Shipping (Registration, etc.) Act 1993
(Commencement No. 1 and Transitional Provisions) Order 1993**

Citation

1. This Order may be cited as the Merchant Shipping (Registration, etc.) Act 1993 (Commencement No. 1 and Transitional Provisions) Order 1993.

Interpretation

2. In this Order—

“the 1894 Act” means the Merchant Shipping Act 1894⁽¹⁾;

“the 1949 Act” means the Merchant Shipping (Safety Convention) Act 1949⁽²⁾;

“the 1993 Act” means the Merchant Shipping (Registration, etc.) Act 1993.

Commencement

3.—(1) The provisions of the 1993 Act specified in Schedule 1 to this Order (provisions relating to registration of ships) shall come into force on 21st March 1994.

(2) The provisions of the 1993 Act specified in Schedule 2 to this Order (amendments to facilitate consolidation) shall come into force on 1st May 1994.

Qualification as owner to continue for certain purposes

4.—(1) Where any person—

(a) was immediately before 21st March 1994 qualified to be an owner of a British ship and, as such, was the owner or one of the owners of, or of a majority interest in, a ship registered under Part I of the 1894 Act or under section 5 of the Merchant Shipping Act 1983⁽³⁾ (registration of small ships); but

(b) as from that date is, in consequence of regulations made under sections 2 and 3 of the 1993 Act, no longer a person qualified to be an owner of a British ship,

he shall nevertheless be treated as a person so qualified for the purposes specified in subparagraph (2) below.

(2) Those purposes are—

(a) the continuation in force and renewal of the ship’s registration under registration regulations made under the 1993 Act;

(b) so long as that registration continues in force, any other purposes of any statutory provision so far as having effect in relation to the ship.

(1) 1894 c. 60.
(2) 1949 c. 43.
(3) 1983 c. 13.

No representative person for ship of under 24 metres

5. Where a ship was registered immediately before 21st March 1994, and the person or (as the case may be) each of the persons by whom the majority interest is owned, was not resident in the United Kingdom but by reason of the ship's being less than 24 metres in length the ship is entitled to be registered without a representative person being appointed in relation to the ship then notwithstanding anything contained in regulations made under section 3 of the 1993 Act it shall not be necessary for a representative person to be appointed in relation to the ship, for so long as the registered owners remain those on the register immediately before 21st March 1994.

Construction of pre-commencement references to 1894 Act

6. Any reference, however worded, in any mortgage or document by which immediately before 21st March 1994 a ship is made security for the repayment of a loan or discharge of other obligation, to registration of the ship under Part I or IV of the 1894 Act or under the Merchant Shipping Act 1988(4) shall be construed as a reference to registration of the ship under the 1993 Act.

Savings for pre-commencement instruments

7.—(1) Notwithstanding—

- (a) the coming into force of paragraphs 4, 5 and 79 of Schedule 4 to the 1993 Act (provisions providing generalised powers to make subordinate legislation); and
- (b) the consequential repeal by Schedule 5 to the 1993 Act of existing empowering provisions;

an instrument made under an empowering provision specified in column 3 of Schedule 3 to this Order and in force immediately before the date of such coming into force shall continue in force until superseded by an instrument made under the paragraph of Schedule 4 to the 1993 Act specified in column 1 in relation to that empowering provision.

(2) Notwithstanding paragraph 13(2) of Schedule 4 to the 1993 Act (repeal of section 418, 419 and 421 of the 1894 Act), any instrument in force immediately before that repeal made under the said section 418 or subsection (2) of the said section 421(2) shall continue in force until superseded by regulations under section 21 of the Merchant Shipping Act 1979(5), and section 419 shall continue in force for the purposes of those instruments.

Signed by authority of the Secretary of State for Transport

14th December 1993

Caithness
Minister of State
Department of Transport

(4) 1988 c. 12.

(5) 1979 c. 39.