
STATUTORY INSTRUMENTS

1995 No. 1427

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Officer Nationality) Regulations 1995

<i>Made</i>	- - - -	<i>1st June 1995</i>
<i>Laid before Parliament</i>		<i>13th June 1995</i>
<i>Coming into force</i>	- -	<i>1st August 1995</i>

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970⁽¹⁾, in exercise of powers conferred by section 43 and 92 of that Act⁽²⁾ and now vested in him⁽³⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Officer Nationality) Regulations 1995 and shall come into force on 1st August 1995.

Interpretation

2. In these Regulations:

“cruise ship” means a passenger ship of Class I (within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984⁽⁴⁾) certified to carry more than 200 passengers;

“British registered fishing vessel” means a fishing vessel registered in the register of British ships established under section 1 of the Merchant Shipping (Registration, etc.) Act 1993⁽⁵⁾;

“length”, in relation to a British registered fishing vessel, means the register length shown on the vessel’s certificate of registry;

“product tanker” means either an oil tanker constructed for the carriage of petroleum products in bulk or a chemical tanker constructed for the carriage in bulk of any liquid chemical listed in the “International Code for the Construction and Equipment of Ships carrying Dangerous

(1) 1970 c. 36.

(2) Section 43 was amended by the Merchant Shipping Act 1979 (c. 39), section 37(2) and (3).

(3) See S.I. 1970/1537.

(4) S.I. 1984/1216 to which there are amendments not relevant to these Regulations.

(5) 1993 c. 22.

Chemicals in Bulk (IBC Code)", 1990 Edition, published by the International Maritime Organisation;

"ro-ro ship" means a ship provided with cargo or vehicle spaces in which cargo or vehicles can be loaded and unloaded in a horizontal direction;

"strategic ship" means—

- (a) a British registered fishing vessel of 24 metres or more in length; or
- (b) a United Kingdom ship of 500 tons or more which is a cruise ship, a product tanker, or a ro-ro ship;

"tons" means gross tons and the tonnage of a ship shall be—

- (a) in the case of a ship having alternative tonnages under paragraph 13 of Schedule 5 to the Merchant Shipping (Tonnage) Regulations 1982(6), the larger of those tonnages; and
- (b) in the case of a ship having its tonnage determined under both Part II and regulation 16 of those Regulations, its gross tonnage as determined under regulation 16;

"United Kingdom ship" has the same meaning as in section 21(2) of the Merchant Shipping Act 1979(7).

Strategic ships

3. Without prejudice to the Merchant Shipping (Certification of Deck Officers) Regulations 1985(8), the Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986(9) or the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984(10), the master of every strategic ship shall be:

- (a) a Commonwealth citizen; or
- (b) an EEA national; or
- (c) a national of a State (other than an EEA State) which is a member of the North Atlantic Treaty Organisation.

Signed by authority of the Secretary of State for Transport

1st June 1995

Goschen
Parliamentary Under Secretary of State,
Department of Transport

(6) S.I. 1982/841.

(7) 1979 c. 39.

(8) S.I. 1985/1306, to which there are amendments not relevant to these Regulations.

(9) S.I. 1986/1935, to which there is an amendment not relevant to these Regulations.

(10) S.I. 1984/1115.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require that certain descriptions of United Kingdom ships serving a strategic function (i.e. cruise ships, fishing vessels, product tankers and ro-ro ships) carry as master persons who are Commonwealth citizens or nationals of other EEA States or NATO states. The Regulations apply to such ships of 500 tons or more, and fishing vessels of 24 metres or more in length.

The Regulations replace the nationality restrictions in section 5 of the Aliens Restriction (Amendment) Act 1919 (c. 92), repealed by virtue of the Merchant Shipping Act 1970 (Commencement No. 12) Order 1995 (S.I. 1995 No. 1427).

The maximum penalties for breaches of the Regulations are laid down in the Merchant Shipping Act 1970.

OFFENCE	MAXIMUM FINE
Section 45: ship going to sea undermanned	The statutory maximum (presently £5,000) on summary conviction; no limit on conviction on indictment.
Section 46: unqualified person going to sea as qualified.	As under section 45.

The IBC Code referred to in the definition of “product tanker” may be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.