
STATUTORY INSTRUMENTS

1999 No. 3206

MERCHANT SHIPPING

**The Merchant Shipping (Registration of Ships,
and Tonnage) (Amendment) Regulations 1999**

Made - - - - *30th November 1999*
Laid before Parliament *8th December 1999*
Coming into force - - *10th January 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 10 and 19 of the Merchant Shipping Act 1995⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

INTRODUCTORY

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 and shall come into force on 10th January 2000.

PART I

REGISTRATION

2. The Merchant Shipping (Registration of Ships) Regulations 1993⁽²⁾ shall be amended as follows.

3. In regulation 1(2):

(a) the following definitions shall be inserted in the appropriate alphabetical positions:

““fishing vessel certificate” means a certificate of that name specified in section 123 of the Merchant Shipping Act 1995;”,

““maximum continuous engine power” has the same meaning as “engine power” in Article 5.1 of Council Regulation (EEC) No. 2930/86⁽³⁾ (defining characteristics for fishing vessels);”,

(1) 1995 c. 21.

(2) S.I. 1993/3138, amended by S.I. 1994/541, 1998/1915 and 1998/2976.

(3) OJ No. L 274, 25.9.86, p. 126.

“modification explanation” means the clear explanation, referred to in Article 3.3 of Commission Regulation (EEC) No. 1381/87⁽⁴⁾ (establishing detailed rules concerning the marking and documentation of fishing vessels), of the method by which any modification of engine power has been carried out;”

“permanently de-rated engine power” means a modification of the maximum continuous engine power referred to in Article 3.3 of Commission Regulation (EEC) No. 1381/87;” and

“port number” means the number allocated for a fishing vessel within its port of choice under regulation 31(2)(b), 53(2) or 79(2)(a);”;

(b) for the definition of “identifying number” there shall be substituted:

“identifying number” means:

(a) where the Registrar has allocated a bareboat charter ship a number under regulation 79(2)(b) or (3), that number, or

(b) in any other case, the unique number allocated to a bareboat charter ship for identification purposes by its primary register;”;

(c) for the definition of “pleasure vessel” there shall be substituted:

“pleasure vessel” means a pleasure vessel as defined in regulation 2 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998⁽⁵⁾;”;

(d) for the definition of “port letters and numbers” there shall be substituted:

“port letters” means the letters for the port of choice;”;

(e) in the definition of “port of choice”, for “owner” there shall be substituted “applicant”.

4. In regulation 28:

(a) the existing text shall be numbered (1);

(b) in the full-out part of paragraph (1)(b), “either” shall be omitted;

(c) in paragraph (1)(b)(i), for “ship other than a fishing vessel” there shall be substituted “pleasure vessel”;

(d) at the end of paragraph (1)(b)(i)(b), “or” shall be omitted;

(e) at the end of paragraph (1)(b)(ii)(c), there shall be added:

“or

(iii) in respect of a ship other than a pleasure vessel or a fishing vessel, one bill of sale showing the most recent transfer of ownership;”;

(f) in paragraph (1)(c), before “(a)” there shall be inserted “sub-paragraph”; and

(g) at the end of paragraph (1) there shall be added:

“(2) Where a ship has entered the Register by virtue of paragraph (1)(b)(iii) and subsequently becomes a pleasure vessel or a fishing vessel, the owner shall then provide the title evidence required under paragraph (1)(b)(i) or (ii) respectively or under paragraph (1)(c) for the ship to remain eligible to be registered.”.

5. At the beginning of paragraphs (1) and (2) of regulation 29 there shall be inserted “Subject to regulation 29A”.

6. After regulation 29 there shall be inserted:

(4) OJ No. L 132, 21.5.87, p. 9.

(5) S.I. 1998/2771.

“Engine power of fishing vessels registered on Part II or Part IV of the Register

29A.—(1) This regulation applies where any of the following applications is made on or after 10th January 2000:

- (a) an application under regulation 28 to register a fishing vessel (whether new or second hand);
 - (b) an application under regulation 51 to record a change in the length, breadth or engine power of a registered fishing vessel; or
 - (c) an application under regulation 50 to register a change of ownership of a registered fishing vessel or share in such vessel.
- (2) When making an application referred to in paragraph (1), the applicant shall submit:
- (a) details of the maximum continuous engine power, determined in accordance with Article 5 of Council Regulation (EEC) No. 2930/86, and
 - (b) where an engine is permanently de-rated, the modification explanation.
- (3) Any owner who contravenes paragraph (2) shall be guilty of an offence.

29B. Where the Registrar is not satisfied that the engine power details notified to him, or recorded, for any fishing vessel are correct, he may require the owner to have the engine power measured in accordance with Article 5 of Council Regulation (EEC) No. 2930/86 and to notify the details to him.”.

7. In regulation 31(2), for sub-paragraph (b) there shall be substituted:

“(b) in the case of a fishing vessel, allocate a port number.”.

8. In regulation 40:

- (a) in paragraph (1)(b) “of title” shall be omitted; and
- (b) at the end of paragraph (1) there shall be added:

“(c) On registering a fishing vessel which has had its engine power permanently de-rated the Registrar shall retain in his possession the modification explanation which has been submitted to him in accordance with regulation 29A(2).”.

9. At the end of regulation 42(1) there shall be added:

“(1A) In the case of an application for renewal made on or after 1st January 2001 in respect of a fishing vessel, the application shall in addition be accompanied by:

- (a) where an engine has been permanently de-rated, a declaration describing the method by which the engine has been permanently de-rated, or
- (b) in any other case, a declaration that the engine power recorded is the maximum continuous engine power.”.

10. At the end of regulation 50 there shall be added:

“(4) Any person who fails to notify the Registrar, to surrender the certificate of registry, or to make application as required by paragraph (1), (2) or (3) shall be guilty of an offence.”.

11. At the end of regulation 51 there shall be added:

“(5) Any person who fails to make an application as required by paragraph (1) or (3) shall be guilty of an offence.”.

12. At the end of regulation 56(1) there shall be added:

“(j) where the owner of a fishing vessel fails to respond to the Registrar within 15 days of a request from him to supply information concerning details on the Register of a fishing vessel;

- (k) where the owner of a fishing vessel supplies information requested by the Registrar, but that information is either false or incorrect, or is reasonably considered by the Registrar to be insufficient;
 - (l) where a fishing vessel certificate has expired;
 - (m) where under regulation 50 a person is required to notify the Registrar, or make an application, and has not done so; or
 - (n) where under regulation 51 a person is required to make an application, and has not done so.”.
- 13.** In regulation 77(1) “in person or by post” shall be omitted.
- 14.** In regulation 79, for paragraphs (2) and (3) there shall be substituted:
- “(2) Where the application is made in respect of a fishing vessel and the Registrar is satisfied that the vessel is eligible to be registered as a bareboat charter ship, he shall:
 - (a) allocate a port number, and
 - (b) allocate an identifying number, whether or not the vessel already has a number allocated by its primary register.
 - (3) In the case of any other ship the Registrar may allocate an identifying number, whether or not the ship already has a number allocated by its primary register.”.
- 15.** In regulation 80(2)(a)(iii), for “the allocated number in its port of choice” there shall be substituted “its port number”.
- 16.** At the end of regulation 87(1) there shall be added:
- “(f) where the charterer of a fishing vessel fails to respond to the Registrar within 15 days of a request from him to supply information concerning details on the Register;
 - (g) where the charterer of a fishing vessel supplies information requested by the Registrar, but that information is either false or incorrect or is reasonably considered by the Registrar to be insufficient;
 - (h) where under regulation 84 the charterer is required to notify the Registrar, and has not done so;
 - (i) where under regulation 51 as applied by regulation 85 a person is required to make an application, and has not done so; or
 - (j) where a fishing vessel certificate has expired.”.
- 17.** In regulation 101(1):
- (a) for “of (h)” there shall be substituted “(h), (i), (j), (k), (l), (m) or (n)”; and
 - (b) for “(d) or (e)” there shall be substituted “(d), (e), (f), (g), (h), (i) or (j)”.
- 18.** For regulation 106 there shall be substituted:
- “**106.** Where the Registrar is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration or that any of the particulars or other information supplied is correct or sufficient, he may require such supplementary information or evidence as he considers appropriate.”.
- 19.** In regulation 112, for “shall be” there shall be substituted “shall each be”.
- 20.** In regulation 114:
- (a) in paragraph (7):
 - (i) before “49” in both cases where it occurs there shall be inserted “29A,”; and
 - (ii) in sub-paragraph (a) for “(5) and (6)” there shall be substituted “(5) or (6)”; and

(b) at the end there shall be added:

“(9) The offences specified in regulations 50 and 51 (notification of changes or making of applications), including regulation 51 as applied by regulation 85, shall be punishable on summary conviction with a fine not exceeding level 5 on the standard scale.”.

21. In Schedule 2, Part 2:

(a) for “Port Code” there shall be substituted “Port letters”; and

(b) after “PE POOLE” there shall be inserted “PO PORTLAND”.

22. In Schedule 3, paragraph 5:

(a) in sub-paragraph (b), for “number of the vessel” there shall be substituted “port number”;

(b) in sub-paragraph (c), before “number” there shall be inserted “port”;

(c) in sub-paragraph (d), for “letters and numbers” there shall be substituted “port letters and port number”; and

(d) in sub-paragraph (e), for “numbers” there shall be substituted “port number”.

23. In Schedule 4, paragraph 5:

(a) in sub-paragraph (c), for “numbers” there shall be substituted “port number”;

(b) for sub-paragraph (r) there shall be substituted:

“(r) maximum continuous engine power in kilowatts, or, if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts,”; and

(c) after sub-paragraph (s) there shall be added:

“(t) number of cylinders,

(u) number of engines,

(v) number of revolutions per minute,

(w) modification explanation.”.

24. In Schedule 4, for paragraph 6(d) there shall be substituted:

“(d) the unique number allocated to the ship for identification purposes by its primary register.”.

25. In Schedule 5, paragraph 2:

(a) in sub-paragraph (d)(ii), for “number within that port” there shall be substituted “port number”;

(b) for sub-paragraph (d)(xiii) there shall be substituted:

“(xiii) maximum continuous engine power, in kilowatts, or if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts,”; and

(c) after sub-paragraph (d)(xv) there shall be added:

“(xvi) modification explanation”.

26. In Schedule 5, for paragraph 3(b) there shall be substituted:

“(b) the unique number allocated to the ship for identification purposes by its primary register.”.

PART II

TONNAGE

27. In regulation 2(1) of the Merchant Shipping (Tonnage) Regulations 1997⁽⁶⁾, in the definition of “length overall”:

- (a) for “must be fixed in place” there shall be substituted “is fixed in place”; and
- (b) after “rubbing strips and fenders” there shall be added:
“, other than where such functional arrangements are designed to replace any part of the hull that has been removed.”.

28. In regulation 2 of the Merchant Shipping (Fishing Vessels—Tonnage) Regulations 1988⁽⁷⁾, in the definition of “fixed permanent structure”:

- (a) for “must be fixed in place” there shall be substituted “is fixed in place”; and
- (b) after “rubbing strips and fenders” there shall be added:
“, other than where such functional arrangements are designed to replace any part of the hull that has been removed.”.

Signed by authority of the Secretary of State

Keith Hill
Parliamentary Under Secretary of State
Department of the Environment, Transport and
the Regions

30th November 1999

⁽⁶⁾ S.I. 1997/1510, amended by S.I. 1998/1916.
⁽⁷⁾ S.I. 1988/1909, amended by S.I. 1998/1916.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations further amend the Merchant Shipping (Registration of Ships) Regulations 1993 (“the 1993 Regulations”). Their primary purpose is to require that the engine power recorded for fishing vessels is the maximum continuous engine power, or that power as permanently de-rated, as required by Council Regulation (EEC) No. 2930/86 of 22nd September 1986 (defining characteristics for fishing vessels) and Commission Regulation (EEC) No. 1381/87 of 20th May 1987 (establishing detailed rules concerning the marking and documentation of fishing vessels).

The Regulations also make minor and drafting amendments to the 1993 Regulations.

The Regulations also further amend the Merchant Shipping (Tonnage) Regulations 1997 and the Merchant Shipping (Fishing Vessels—Tonnage) Regulations 1988, to ensure that the term “fixed permanent structure” includes all structures which are fixed in place during the normal operation of the ship. (The term is used in the definition of “length overall”, and applied both for the purposes of Council Regulation (EEC) No. 2930/86 and for the measurement of tonnage otherwise than under that Council Regulation.)

A regulatory impact assessment has been prepared and a copy has been placed in the library of each House of Parliament. Copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, Hampshire SO15 5EG (telephone number 01703 329 100).