
Merchant Shipping (Registration, etc) Act 1993 Instructions to Surveyors Tonnage Measurement of Ships Revised Chapter 11 -Registration

Notice to Shipowners, Masters, Port and Harbour Authorities, Owners and Skippers of Fishing Vessels, Owners and Skippers of Yachts, Shipbuilders and Ship Repairers, Classification Societies, HM Customs, Pilot Authorities.

This notice supersedes Notices Nos. M1499 and M1550

The Merchant Shipping (Registration, etc) Act 1993 came into force on 21 March 1994 and was replaced on 1st January 1996 by the Merchant Shipping Act 1995, which consolidates for the United Kingdom all previous Merchant Shipping Acts.

The associated Statutory Instrument 1993 No. 3138 (Registration of Ships) Regulations 1993 sets out the revised procedures involved in the registration of British ships.

Further guidance is available in Chapter 11 (Registration) of the "Instructions for the Guidance of Surveyors, Measurement of British Tonnage". This has been re-written to reflect these revised procedures, and includes instructions on the registration of those ships built from a combination of structures taken from two or more ships.

The replacement Chapter 11 is appended to this notice.

MSASa
Marine Safety Agency
Department of Transport
Spring Place
Southampton

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Safe Ships Clean Seas

Chapter 11 Registration

11.1 Statutory and Legislative Background

The provisions relating to the registration of British ships are now to be found in the Merchant Shipping (Registration of Ships) Regulations 1993 (SI 1993 No. 3138). These Regulations are made under the Merchant Shipping (Registration, etc.) Act 1993, which came into force on 21 March 1994 and which repealed in the United Kingdom the relevant sections of the Merchant Shipping Act 1894 and the Act of 1988 in so far as it related to registration. Ports in the relevant British possessions use the Merchant Shipping Acts of 1894 and 1988 and their own local laws. Some intend to adopt the new United Kingdom legislation in due course. The 1993 Act and all other Merchant Shipping Acts have been consolidated (for the United Kingdom) into the Merchant Shipping Act 1995.

11.2 The Register

The 1993 Act (see now section 8 of the Merchant Shipping Act 1995) established a Register of British ships which is maintained by the Registrar General of Shipping and Seamen as Registrar. The Register is in four parts:

- Part I for merchant ships and pleasure craft;
- Part II for fishing vessels;
- Part III for small ships; and
- Part IV for ships which are bareboat chartered.

The Act allows the functions of the Registrar General to be delegated, and registration of commercial ships, pleasure vessels, fishing vessels (FV's) and bareboat charter ships (BCS) is now carried out by the Registry of Shipping and Seamen (RSS) on behalf of the Department of Transport. With the exception of the part of the Register which is for small ships (Part III), the Register is administered by RSS which is located at the following address:

PO Box 165
Cardiff
CF4 5FU

Tel: 01222 747333
Fax: 01222 747877.

The Register is a record of title in respect of ships on Part I and fishing vessels with "full" registration. It is a permanent public record containing descriptions of registered ships, their owners or charterers and registered mortgages. Its creation, however, has resulted in the closure of the ports of registry around the United Kingdom, and all applications for registration (and re-registration since the Regulations provide for a five year period of registration) must therefore now be made to RSS in Cardiff, although applications to register fishing vessels may still be made through the local fisheries offices.

Registration on Part III of the Register (small ships) applies to ships under 24m overall length which are not fishing vessels or submersibles. This part of the Register is administered by the Driver and Vehicle Licencing Agency (DVLA), and enquiries and applications for registration should be made to:

Driver and Vehicle Licencing Centre
Swansea
SA991BX

Tel: 01792 783355
Fax: 01792 783401

Ships marked under this part of the Register have registration numbers preceded by the letters "SSR". Registration is valid for a period of five years.

The following sections (11.3 to 11.10) apply to ships registering on Parts I, II and IV of the Register. Further information is available from the guidance booklet "Registering British Ships" which may be obtained from the Registry.

11.3 Registration Procedure

11.3.1 Application

The application should be made on form ROS10, which is obtainable from RSS. The completed form should be returned to RSS, and be accompanied by the following:

- (i) a declaration of eligibility (ROS 15),
- (ii) a certificate of survey,
- (iii) proof of title where necessary,
- (iv) a certificate of incorporation (and certificates of change of name) where the applicant is a company,
- (v) a certified extract from the Register in respect of a ship which, at the time the application is made, is on a foreign register, and
- (vi) the appropriate fee.

With the closure of the ports of registry around the country, owners will be asked to choose a port with which they want their ship to be associated (a port of choice). This will be marked on the ship in place of the port of registry, and owners may change a port of choice in the same way as they may change a ship's name.

11.3.2 Surveys

Before it can be registered every ship must be surveyed for measurement of tonnage in accordance with the Merchant Shipping (Tonnage) Regulations 1982, as amended, by a measurer or surveyor who is authorised to carry out this work. The owner should therefore arrange for the ship to be so surveyed prior to application. Details of authorised measurers can be obtained from RSS. Having measured the ship, the surveyor will complete a certificate of survey (ROS65, ROS70, or ROS75 depending on the type of ship), and forward it to RSS.

11.3.3 Issue of Official Number and Carving and Marking Note

Once the Registry is satisfied that all of the documents produced are acceptable, it will issue an Official Number (which has to be carved into the ship), and issue a ship's Carving and Marking (C & M) Note to the owners.

The C & M Note details the markings to be made on the ship. When the markings have been completed to the satisfaction of the Inspector of Marks, who is normally the measurer or surveyor, he is to sign the C & M Note and return it to RSS confirming that the marks have been correctly made.

Where the ship is berthed at a place which is difficult for a surveyor to reach the Registrar may authorise other suitable persons to check the carving and marking and to sign the note. If the ship is abroad, a consular officer may sign it.

For pleasure vessels less than 24 metres in overall length, the owner may sign the C & M Note and return it to RSS, as verification that marking has been correctly carried out. In the case of fishing vessels, a Coastguard may certify the C & M note.

Surveyors may apply for the issue of an Official Number before the receipt of all other registration documents. In cases where a number has been so allocated and it has been carved into the ship's beam, but the ship is ultimately not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided to the Registry by the surveyor.

11.3.4 Certificate of Registry

Once the C & M Note has been returned to RSS, the ship can be formally registered and a certificate of registry issued. A certificate of registry is valid for 5 years. If the ownership of the ship changes during that 5 year period, a new certificate will be issued which will be valid for 5 years.

Owners of British ships with a certificate of registry issued under the Act of 1993 (or its replacement the Merchant Shipping Act 1995) will be advised by RSS when the registration is about to expire, and will be advised of the procedure for re-registration. Certificates issued under the 1894 Act will expire on 20 March 1999.

11.4 Time Period Required for Registration of New Ships

The period of time required for registration of a ship is about 10 days. This is required to complete the formalities of registry. This relies on all the required data being correct when supplied to RSS along with the builder's certificate on completion, but in exceptional circumstances this time may be reduced. Owners wishing to take advantage of this should contact RSS at the earliest opportunity.

11.5 Changes to Registration Details

11.5.1 Registered Particulars

Registered owners and mortgagees must write and tell the Registry if any changes occur in the registered details of the ship including the name and/or address of the owner. A fee is payable to register changes. If the changes to a ship mean that the details of tonnage shown on the certificate of registry are no longer correct, the owner should contact a surveyor and arrange for the vessel to be re-measured. A new certificate of survey should be forwarded to the Registry by the surveyor.

When other changes occur which do not affect the tonnage of the ship, the owner should notify the Registry who will advise what evidence will be required to be produced. This may include a re-survey, or a declaration by a person who has knowledge of the facts.

Once the change is registered, a new certificate of registry will be issued which expires on the day the original certificate would have expired.

11.5.2 Ownership and Eligibility

Changes to ownership or eligibility must be notified to the Registry by the registered owner. The new owner has 30 days to apply to transfer title. If he fails to do so, a full registration fee (rather than a transfer fee) is payable. All transfers of registered ships must be supported by an approved bill of sale.

A mortgage will remain on the Register until the Registry has been told that the mortgage has been discharged, even if the ship and/or shares are sold to another person.

11.6 Bareboat Charter Ships

A bareboat charter ship (Part IV of the Register) is one which is registered under the law of a country other than the UK, and which is chartered on bareboat charter terms to a charterer who is qualified to own a British ship.

The same rules apply to bareboat charter ships as to ships which are applying to be registered on Part I (merchant and pleasure) or Part II (fishing vessels). Application for registration should be made to RSS. Once the Registry is satisfied that the ship is eligible to be registered, the charterer will be sent a C & M Note; the carving and marking must be certified in the same way as for any other British ship.

A certificate of registry will be issued which is valid for the period of the charter or five years, whichever is the lesser.

During the period the ship is to be registered it will be regarded as a British ship and entitled to fly the Red Ensign. It will also be subject to the requirements of the Merchant Shipping Acts.

The Registry will notify the registration authority on which the ship has its primary registration that the ship is registered as a bareboat charter ship.

11.7 Official Numbers

11.7.1 *Ships on Part I of the Register*

The Official Numbers of British ships registered on Part I of the Register and Commonwealth ships are taken from a single series of six figure numbers controlled by RSS. This series is used at present by all Commonwealth countries except India, Sri Lanka, Sierra Leone, Kenya, Malta, Hong Kong and Trinidad and Tobago, each of which has its own series.

As a general rule, the Official Number of a ship will not change during its life unless it is sold outside the British Register. Different provisions apply when ships transfer from a Commonwealth Register and, although each case is assessed on its merits, in the normal case a UK number will be allocated. The original Official Number will be re-allocated if a ship returns to the UK register after having previously been removed from it for any reason.

11.7.2 *Fishing Vessels on Part II of the Register*

The Official Number for a fishing vessel is a six digit alpha numeric number, eg A12345 or B23456. As with Part I ships, an Official Number will be re-allocated to a fishing vessel which returns to the Register having previously been removed from it for any reason.

11.7.3 *Bareboat Charter Ships on Part IV of the Register*

Generally bareboat charter ships will retain their original national unique identifier. Only if its primary register does not allocate such numbers will the Registry issue an Official Number to a bareboat charter ship. This is normally a 4 digit number preceded by the letters "BCS". Only one number will be printed on the certificate of registry.

11.8 Reconstructed Ships

11.8.1 General

If, in measuring a ship for registration, a surveyor should have any reason to suppose that a ship has at any time been modified, rebuilt or in any way altered structurally since any earlier measurement for registration, the facts should be obtained from the owner as early as practicable in order to assess whether the ship has been built from a combination of structures taken from two or more earlier constructions. He should provide the Registry with a report of the circumstances, giving the particulars of any official number marked on the main beam in order that in all cases of re-registry the ship's original Official Number may be reallocated.

11.8.2 Requirements

The first requirement for registration is to establish the facts. To achieve this the owner should provide sufficient information to identify the constituent parts of the ship, and a General Arrangement plan of the reconstruction. Structural drawings of the original structures from each contributing ship should also be supplied. Where possible, the owner should ascribe the proportion of each constituent part, and produce the registration documents for the ship structures used.

It is in the Owner's interest to advise RSS at the earliest opportunity of his intent to reconstruct the ship. He should also advise the certifying authority, so that arrangements may be made to identify the constituent parts.

11.8.3 Survey of the ship

In some cases the separate parts of a reconstruction may not be clearly identifiable and there could be some disagreement over their origin. Such cases will demand a more thorough survey, noting discontinuities or changes in such items as :-

- rivetted or welded construction or a combination of both
- alignment of welded seams and butts
- frame spacing, frame scantlings, frame section
- fairness of shell, keel, decks
- thickness of plating, frames and other structure
- pitting, reduction in thickness or corrosion of steel which may indicate different dates of build
- different styles of outfit
- different types of fittings such as pipe joints, valves, manhole covers, vent cowls, covers etc.

11.8.4 Factors to be taken into account for registration

A reconstructed ship may have two dates of build, one being that of a previous ship and the other being the date of the reconstructed ship's rebuild. If applicable, the date of build of the previous ship will be shown together with the date of rebuild on the reconstructed ship's Certificate of Survey.

The date of rebuild of a reconstructed ship is to be taken as the date the keel is laid, or which is at a similar stage of construction. For the purposes of this definition, "a similar stage of construction" means the stage at which:

- (a) construction identifiable with the reconstructed ship begins, and
- (b) reconstruction of that ship has commenced comprising at least 50 tonnes or one percent of the estimated mass of all additional structural material, whichever is the less.

It may be difficult to assess the date the ship had reached the above state of reconstruction and the surveyor may have to seek guidance in this respect from the owner. If there is any doubt concerning the validity of the date given by the owner the surveyor should use the date of his first visit, provided the state of reconstruction at least complies with the above requirements.

Each case so reported will be considered according to its own particular circumstances in deciding whether a new Official Number will be allocated, or whether the Official Number of one of the ships forming part of the new combination should be retained. A new Official Number will not normally be issued, the reconstructed ship then retaining for Registration purposes the Official Number of one of the ships forming part of the new combination with the selection being dictated by the ship with the greatest proportion of original strength members. The circumstances may, however, be such that the owner takes a different view, and in this case the view of the owner should be submitted with the surveyor's report.

11.8.5 Application of Statutory Requirements

The reconstructed ship will be required to comply with relevant statutory requirements, and the application of some of them will depend on the ship's date of build. Although for registration purposes a reconstructed ship will not normally be considered as new, it is possible that it may need to be so considered for the proper application of statutory requirements.

11.9 Transfer to UK Flag

Once a British ship has been registered it retains its Official Number, irrespective of changes of ownership or name. Similarly in the case of a ship which is registered as a British Ship, is transferred to a foreign flag and subsequently returns to the UK flag, the original Official Number is re-allocated.

If the surveyor or Inspector of Marks, when carrying out registration work, should have any reason to suppose that the ship has previously been registered as a British ship, he should make a report of the circumstances to the Registry including the particulars of any Official Number marked on the main beam in order that in all cases of re-registration the ship's original Official Number may be re-allocated.

11.10 Removal from the Register

The Registrar may, subject to the service of notices, terminate a ship's registration in the following circumstances:

- (a) on application by the owner,
- (b) on the ship no longer being eligible to be registered,
- (c) on the ship being destroyed (by sinking, fire etc),
- (d) if he considers that the condition of the ship as it relates to safety, health and welfare or risk of pollution renders it inappropriate for the ship to remain registered,
- (e) when a fishing vessel ceases to be licenced for 6 months or more,
- (f) when a fishing vessel which requires a licence to fish but did not have a licence at the time of registration and has not acquired such a licence within 6 months of the issue of its certificate of registry,

- (g) a penalty in respect of any of the Merchant Shipping Acts remains unpaid for more than 3 months and no appeal against that penalty is pending,
- (h) when the owner does not comply with a summons for any contravention in respect of any of the above Acts, and a period of not less than 3 months has elapsed.

Surveyors should notify RSS if it is considered that (d) above applies, as this may be the only intimation RSS has as to the condition of the ship.

On termination of registration, the owner must surrender the certificate of registration to RSS for cancellation.