

GUERNSEY STATUTORY INSTRUMENT

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GUERNSEY

**The Merchant Shipping (Registration of Ships)  
(Bailiwick of Guernsey) Regulations, 2009**

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GUERNSEY STATUTORY INSTRUMENT

2009 No.

**The Merchant Shipping (Registration of Ships)  
(Bailiwick of Guernsey) Regulations, 2009**

<i>Made by the Public Services Department</i>	<i>15<sup>th</sup> January, 2009</i>
<i>Made by the General Services Committee</i>	<i>31<sup>st</sup> January, 2009</i>
<i>Made by the Shipping Committee</i>	<i>22<sup>nd</sup> January, 2009</i>
<i>Coming into operation</i>	<i>1<sup>st</sup> February, 2009</i>

**THE STATES OF GUERNSEY PUBLIC SERVICES DEPARTMENT,  
THE STATES OF ALDERNEY GENERAL SERVICES COMMITTEE, and  
THE CHIEF PLEAS OF SARK SHIPPING COMMITTEE,** in exercise of the powers conferred on them by sections 10 and 289 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002<sup>a</sup>, and all other powers enabling them in that behalf, hereby make the following Regulations:-

**PART I**

**GENERAL**

**Citation, commencement and interpretation.**

1. (1) These Regulations may be cited as the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009 and shall come into force on 1<sup>st</sup> February 2009.

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<sup>a</sup> Order in Council No. VIII of 2004.

(2) In these Regulations, unless the context otherwise requires –

**"application for registration"** includes, except where otherwise stated, application for registration of a ship or share in a ship; application for registration of a small ship; application for re-registration of the same; and application for the registration of a transfer or transmission of a ship or a share in a ship; but not application for the renewal of registration;

**"appropriate person"** means in relation to a port in a country outside the British Islands –

- (a) any British consular officer within whose consular district the port lies, or
- (b) where Her Majesty's Government in the United Kingdom is represented in that country by a High Commissioner, any member of the High Commissioner's official staff nominated by him for the purposes of these Regulations, or
- (c) where that country is a British overseas territory, the Governor of the territory or any person appointed by him for those purposes,

and in this definition "High Commissioner" includes an acting High Commissioner and "Governor" includes an acting Governor,

**"appropriate attestation"** means attestation in a form approved by the Department,

**"authorised measurer"** means the Department or any person authorised under the Merchant Shipping (Tonnage) (Bailiwick of Guernsey)



Regulations 2009 to carry out the measurement of ships for the purposes of those Regulations,

**"the Bailiwick"** means the Bailiwick of Guernsey,

**"beneficial ownership"** shall be determined by reference to every beneficial interest in that vessel, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee,

**"builder's certificate"** means a certificate signed by the builder of the ship and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the date and place where it was built, and of the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered,

**"certificate of registry"** means a certificate of registration which is issued to a ship which is registered under the Law,

**"classification society"** means a person or organisation authorised to act as a "Certifying Authority" for the purposes of the Merchant Shipping (Tonnage) (Bailiwick of Guernsey) Regulations 2009,

**"closure transcript"** means a certified extract from the register showing that the entry in the register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure,

**"declaration of ownership"** means a declaration which complies with the provisions of regulation 21(1),

"**the Department**" means the Public Services Department of the States of Guernsey,

"**freeze**" means to prevent any entry (which includes a deletion of an entry) being made in the Register,

"**the Law**" means the Merchant Shipping (Bailiwick of Guernsey) Law, 2002,

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

"**modification explanation**" means the clear explanation, referred to in Article 3.3 of Commission Regulation (EEC) No. 1381/87 (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,

"**the Merchant Shipping Enactments**" means the Merchant Shipping Acts 1894 to 1988 as extended in whole or in part to the Bailiwick (or any part of it), the Merchant Shipping (Guernsey) Laws 1915 to 1970, the Merchant Shipping (Restriction on Employment of Aliens) (Bailiwick of Guernsey) Law, 1984<sup>b</sup>, and the Law,

"**officer of the Registry**" means any person who is authorised by the Registrar or the Department to perform the duties of the Registrar,

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<sup>b</sup> Ordres en Counsel Vol. XXVIII, p. 350

"overall length" for ships to be registered on Part III of the Register means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure,

"owner" means, in relation to a ship or share in a ship, the person owning the ship, or as the case may be, a share in the ship, whether or not registered as owner,

"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,

**pleasure vessel" means –**

- (a) any vessel which is –
  - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or
  - (ii) owned by a body corporate and used only for the sport or pleasure of employees or officers of the body corporate, or their immediate family or friends,

and is on a voyage or excursion which is one for which the owner is not paid for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion,  
or

(b) any vessel which is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

and no payments other than those mentioned above are made by or on behalf of the users of the vessel, other than by the owner, and in this definition, "**immediate family**" means, in relation to an individual, the spouse of the individual, and a brother, sister, ancestor or lineal descendant of that individual or of that individual's spouse,

"**port letters and numbers**" means in relation to a fishing vessel the letters for the port of Guernsey and the number within that port allocated to the vessel under regulation 32,

"**the Register**" means the Guernsey Register of British ships under section 8 of the Law,

"**the Registrar**" means the person described as "the registrar" in section 8(2) of the Law,

"**representation**" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel,

"**ship**" includes a fishing vessel but does not include a small ship except for the purposes of Part XI (Miscellaneous) and Part XII (Offences),

"**small ship**" means a ship which is less than 24 metres in overall length and is, or is applying to be, registered under Part X,

"**spouse**" includes a person's civil partner, or its equivalent, under the law of that person,

"**submersible vessel**" means any vessel used or designed to be used under the surface of any waters,

"**surveyor of ships**" means a marine surveyor nominated by the Department to undertake the surveys required by these Regulations,

"**transfer of a ship**" includes, except where the context otherwise requires, transfer of a share in a ship, and

"**the uniform scale**" means the scale of fines for offences set out in the Uniform Scale of Fines (Bailiwick of Guernsey) Law 1989<sup>c</sup>.

(3) Expressions not defined in paragraph (2) have the same meanings as in the Law.

(4) The Interpretation (Guernsey) Law, 1948<sup>d</sup> applies to the interpretation of these regulations.

## PART II

### THE REGISTER OF BRITISH SHIPS IN GUERNSEY

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<sup>c</sup> Ordres en Conseil Vol. XXXI, p. 278 (Amended by Recueil d'Ordonnances Tome XXV, p. 344 and Ordinance No. XXII of 1998).

<sup>d</sup> Ordes en Conseil Vol. XIII, p. 355.

**The Register.**

2. (1) The Register maintained by the Registrar in accordance with section 8(2) of the Law shall be divided into the following parts -

(a) Part I for ships, owned by persons qualified in accordance with these regulations, which are not:

(i) fishing vessels, or

(ii) registered on that Part which is restricted to small ships,

(b) Part II for fishing vessels, and

(c) Part III for small ships.

(2) The Register may consist of both paper and computerised records and such other records as the Department may consider to be expedient.

(3) Any person shall be entitled on application to the Registrar to obtain a transcript, certified by an officer of the Registry, of the entries in the Register.

(4) During the official opening hours of the Guernsey Registry of British Ships, any person shall be entitled on request to inspect the entries in the Register.

(5) Entries in the Register shall be made in accordance with the following provisions -

(a) the property in a ship shall be divided into sixty-four shares,

- (b) subject to the provisions of the Law and these Regulations with respect to joint owners or owners by transmission, not more than sixty-four persons shall be entitled to be registered at the same time as owners of any one ship. This rule shall not affect the beneficial title of any persons represented by or claiming under or through any registered owner or joint owner,
  - (c) a person shall not be entitled to be registered as owner of a part of a share; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares in a ship,
  - (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share in a ship in respect of which they are registered.
- (6) The Registrar shall be entitled to amend the Register where –
- (a) a clerical error has occurred, or
  - (b) sufficient evidence is produced to satisfy him that the entry is incorrect,

and on making the amendment he shall issue a new certificate of registry if necessary.

**Registration of fishing vessels to be of two kinds.**

3. Registration on Part II of the Register shall be of two kinds –

- (a) registration of vessels to which the provisions of Schedule 1 to the Law relating to transfers by bill of sale and the registration of mortgages do not apply (hereinafter called "simple registration"), and
- (b) registration of vessels to which those provisions do apply (hereinafter called "full registration").

**Fishing vessels changing from full registration to simple registration subject to conditions.**

4. A fishing vessel which has once been registered with full registration shall not thereafter be registered with simple registration unless –

- (a) it is not subject to a registered mortgage, and
- (b) the vessel has in the meantime been registered outside the Bailiwick, and
- (c) the Registrar consents.

**Registration on only one Part of the Register.**

5. No ship, including a small ship, may be registered on more than one Part of the Register at any one time.

**Trusts not to be entered.**

6. (1) Subject to paragraph (2) no trust, express, implied or constructive may be registered by the Registrar.

(2) Where, on the bankruptcy (or in Scotland, sequestration) of a registered owner or mortgagee his title is transmitted to his trustee in bankruptcy (or



in Scotland his permanent trustee), that person, if a qualified person, may be registered as the owner or mortgagee of a British ship or share in a ship.

**PART III**  
**QUALIFICATION AND ENTITLEMENT FOR REGISTRATION ON PART I OF**  
**THE REGISTER**

**Persons qualified to be owners of ships to be registered on Part I of the Register.**

7. (1) The following persons are qualified to be the owners of ships which are to be registered on Part I of the Register -

- (a) British citizens,
- (b) British overseas territories citizens,
- (c) British Overseas citizens,
- (d) persons who under the British Nationality Act 1981<sup>e</sup> are British subjects,
- (e) persons who under the Hong Kong (British Nationality) Order 1986<sup>f</sup> are British Nationals (Overseas), and
- (f) bodies corporate incorporated in any relevant British possession and having their principal place of business in the United Kingdom or in any such possession.

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<sup>e</sup> An Act of Parliament 1981 c.61

<sup>f</sup> S.I. 1986/948

(2) A person who is not qualified under paragraph (1) to be the owner of a ship registered on Part 1 of the Register may nevertheless be one of the owners of such a ship if -

(a) a majority interest in the ship (within the meaning of regulation 8) is owned by persons who are so qualified under paragraph (1), and

(b) the ship is registered on Part I of the Register.

**British connection, corporate ownership and majority interest.**

8. (1) Subject to regulation 37(4) (Refusal of registration) and paragraphs (2) to (4), a ship shall be entitled to be registered if a majority interest in the ship is owned by one or more persons qualified to be owners of British ships.

(2) Where a body corporate is the owner of a ship, or where a ship is entitled to be registered under paragraph (1) and at least one of the owners of the ship is a body corporate, then the ship shall only be registered if a manager is appointed to represent the interests of the body corporate, or of each body corporate (as applicable) in dealings with the Registrar relating to the ship.

(3) One manager may be appointed to represent the interests of more than one body corporate.

(4) Where a ship of 24 metres or more in length, or any ship other than a pleasure vessel, is -

(a) owned by a person who is not resident in the Bailiwick, or by a body corporate that does not have its principal place of business in the Bailiwick, or

- (b) is entitled to be registered under paragraph (1) and a majority interest in the ship is owned by a person or persons not resident in the Bailiwick, or by a body corporate or bodies corporate that do not have its or their principal places of business in the Bailiwick, or by any combination of such persons and bodies corporate,

then the ship shall only be registered if a representative person is appointed in relation to it.

(5) For the avoidance of doubt, the appointment of a representative person under paragraph (4) shall be in addition to the appointment of a manager or managers (as applicable) whose appointment is required under paragraph (2).

**Persons treated as owning a majority interest.**

9. For the purposes of regulation 8, one or more persons shall be treated as owning a majority interest in a ship if there is vested in that person or in those persons, taken together, the legal title to 33 or more shares in the ship (there being left out of account for this purpose any share in which any beneficial interest is owned by a person who is not entitled to be an owner of a British ship).

**Government ships.**

10. Nothing in this Part applies to a ship to which section 292 of the Law applies (Government ships).

**Fishing vessels excluded from Part I.**

11. A fishing vessel may not be registered on Part I of the Register.

**PART IV**  
**QUALIFICATION AND ENTITLEMENT FOR REGISTRATION ON PART II OF**  
**THE REGISTER**

**British connection and ownership.**

12. The following persons are qualified to be the owners of fishing vessels which are to be registered on Part II of the Register –

- (a) British citizens who are ordinarily resident in the Bailiwick,
- (b) bodies corporate incorporated in, and having a place of business in, the Bailiwick, and
- (c) the States of Guernsey and Alderney.

**Entitlement of ship to be registered.**

13. (1) Subject to regulations 14 (Bailiwick connection and representative persons for fishing vessels), 15 (Dispensations), and 37(2), (3) and (4) (Registration and refusal of registration of a ship), a ship shall be entitled to be registered on Part II of the Register only if the legal and beneficial title of the vessel are vested wholly in one or more of those persons qualified to be owners of a British fishing vessel by virtue of regulation 12.

(2) Where any share in a vessel is beneficially owned jointly by persons not all of whom are qualified to be the owners of a British fishing vessel by virtue of regulation 12, then for the purposes of this Part, the whole of the share shall be treated as beneficially owned by persons who are not qualified by virtue of that regulation.

**Bailiwick connection and representative persons for fishing vessels.**

14. (1) Notwithstanding that the requirements specified in regulation 13 are satisfied, a vessel shall not be registered unless –

- (a) it is managed, and its operations controlled and directed, from within the Bailiwick, and
- (b) any charterer, manager or operator of the vessel is a person qualified to be the owner of a British fishing vessel by virtue of regulation 12, and
- (c) it is based in a port in the Bailiwick and will be operated from a port in the Bailiwick.

(2) References in these Regulations to a ship's having a Bailiwick connection are references to compliance with the conditions of entitlement imposed by this regulation and "**declaration of Bailiwick connection**" is to be construed accordingly.

#### **Dispensations.**

15. Where in the case of any fishing vessel, the Department is satisfied that –

- (a) a fishing vessel would be eligible to be registered but for the fact that any particular individual, or (as the case may be) each of a number of particular individuals, is not a British citizen, and
- (b) it would be appropriate to dispense with the requirement of British citizenship in the case of that individual or those individuals, in view of the length of time he has or they have resided in the Bailiwick and have been involved in the fishing industry of the Bailiwick,

the Department may determine that that requirement should be so dispensed with; and if it does so, the vessel shall, so long as sub-paragraph (a) applies to it and any such determination remains in force, be treated for the purposes of registration on Part II of the Register as being eligible to be registered as a British fishing vessel.

**Exemptions from section 15(1) of the Law.**

16. Section 15(1) of the Law does not apply to vessels which are 10 metres overall length and under and which are not propelled by use of an engine.

**PART V**

**APPOINTMENT OF REPRESENTATIVE PERSONS**

**Appointment of representative persons and managers.**

17. (1) Where the entitlement of any ship to be registered is conditional upon the appointment of a representative person or manager, the owner of the ship shall –

- (a) before applying for the ship to be registered, appoint an individual or body corporate satisfying the requirements in paragraph (2) to be the representative person or manager (as applicable), and
- (b) ensure that, so long as the ship remains registered, an individual or body corporate satisfying those requirements shall be so appointed.

(2) A manager may be either an individual or a body corporate, and a representative person may be either –

- (a) an individual resident in the Bailiwick, or

(b) a body corporate incorporated in the Bailiwick and having a place of business there.

(3) The appointment of a representative person, and of a manager, shall be made in a form or forms approved by the Department and shall contain the name and address of the representative person or the manager (as applicable).

(4) The owner of any ship in relation to which a representative person or manager is for the time being appointed under this regulation shall –

(a) on applying for the ship to be registered, send to the Registrar the appointment or appointments required by paragraph (3), and

(b) in the event of any change in the identity, or in the address of the representative person or of any manager appointed, notify the Registrar of the relevant change within 7 days of the change occurring,

and the Registrar shall record the new particulars in the Register.

**Service on representative persons.**

18. Any document required or authorised to be served by or under Part II of the Law or required or authorised, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under that Part, or under any instrument in force under that Part, on the owner of a ship shall be treated as duly served on him if –

(a) delivered to any representative person for the time being appointed, or

(b) left for any such person at that address, or

(b) sent to any such person by post at the address notified (or, as the case may be, last notified) to the Registrar under regulation 17(4) in relation to that person.

## **PART VI**

### **REGISTRATION**

#### **Form of application.**

19. (1) Every application made under these Regulations shall be made to the Registrar at the Guernsey Registry of British Ships.

(2) The application shall be made in a form approved by the Department and shall contain the name and address of the applicant and sufficient information to enable the ship to be identified.

#### **The applicant.**

20. Every application made under these Regulations shall be made –

(a) in the case of individuals, by some one or more of the individuals registered or requiring to be registered as owners,  
or

(b) in the case of a body corporate, by a duly authorised officer of that body corporate.

#### **Applications for registration.**

21. (1) Subject to regulation 24, every application for registration must be supported by a declaration of ownership which shall be in a form approved by the Department and shall include –



- (a) a declaration of British connection and, in the case of an application for registration on Part II of the Register, an additional declaration of Bailiwick connection,
- (b) a declaration of eligibility by every owner setting out his qualification to own a British ship,
- (c) a statement of the number of shares in the ship the legal title of which is vested in each owner, whether alone or jointly with any other person or persons, and
- (d) in respect of an application to register a fishing vessel, a statement of the beneficial ownership of any share which is not beneficially owned by its legal owner.

(2) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register shall be accompanied by a certified extract from that register in respect of that ship.

(3) Every application for registration of a fishing vessel on Part II of the Register shall state whether the application is for full or simple registration.

**Appointment of managing owner.**

22. (1) Where application is made in respect of a ship which has more than one owner, or whose shares are owned by more than one owner, and no representative person has been appointed under Part V, one of those owners shall be nominated as the managing owner, and the Register shall be marked accordingly and all correspondence shall be sent to that person at the address recorded in the Register in respect of that owner.

(2) Where the owners determine that a different managing owner should be appointed, the Registrar shall be notified in writing and the Register noted accordingly.

(3) Any document required or authorised to be served, by or under Part II of the Law or required or authorised, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under that Part, or under any instrument in force under that Part, on the owner of a ship shall be treated as duly served on him if –

- (a) delivered to the managing owner, or
- (b) left for the managing owner at that address, or
- (c) sent to the managing owner by post at the address notified (or, as the case may be, last notified) to the Registrar under paragraph (1) or (2) in relation to that person.

**Applications by bodies corporate.**

23. Where application is made on behalf of a body corporate, the application must be accompanied by –

- (a)
  - (i) if it is a company registered in the United Kingdom, a copy of its certificate of incorporation, and, in the case of a company which has changed its name since incorporation, its certificates of change of name, or

- (ii) if it is a company incorporated in any relevant British possession, proof in accordance with the laws of the country of its incorporation that the company is an incorporated company, or
  - (iii) if it is a body corporate incorporated by virtue of an Law of Parliament, a Charter granted by Her Majesty, or an enactment of a relevant British possession, proof, sufficient to satisfy the Registrar, of its incorporation, and
- (b) details of the authorised officers appointed to act on behalf of the body corporate in the form prescribed by the Department.

**Declaration of intent.**

24. Where, at the time when the application for registration is made, the ownership of a ship has not yet passed (or fully passed) to the persons who are to be its owners when it is registered, the application shall be accompanied by a declaration of intent instead of a declaration of ownership.

**Form of declaration of intent.**

25. The declaration of intent shall consist of -

- (a) a draft declaration of ownership setting out particulars of ownership of the ship as they are intended to be when the ship is registered, and
- (b) a declaration that the ownership of the ship will, at the time when registration occurs, be as stated in the draft declaration of ownership.

**Declaration of ownership to be submitted before registration.**

26. Where an application for registration is accompanied by a declaration of intent and not by a declaration of ownership, a duly completed declaration of ownership shall be submitted to the Registrar prior to registration.

**Evidence of title on application for registration.**

27. An application to register a ship other than an application in respect of a fishing vessel requiring simple registration, must be supported by the following evidence of title -

- (1) in the case of a new ship, the builder's certificate,
- (2) in the case of a ship which is not new -
  - (a) in respect of a ship other than a fishing vessel,
    - (i) a previous bill or bills of sale showing the unbroken chain of ownership from the owner or owners shown on the builder's certificate, or
    - (ii) if the ship has been British registered with full registration at any time within the last 5 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered, or
    - (iii) if a majority interest in the ship has at any time been owned by one or more persons not qualified to be owners of British ships, a bill or bills of sale evidencing all transfers of ownership since it was so owned, or
  - (b) in respect of a fishing vessel,

- (i) a previous bill or bills of sale showing the ownership of the vessel for at least 3 years before the application is made, or
  - (ii) if the ship has been registered with full registration at any time within the last 3 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered, or
  - (iii) evidence that the vessel has been for at least 3 years continuously registered as a British fishing vessel with simple registration in the names of the owners applying to be registered and remains so registered,
- (3) where the evidence required by paragraph (2)(a) or (2)(b) is not available, other evidence of title satisfactory to the Registrar.

**Survey and measurement of ships.**

28. (1) Subject to regulation 29, every ship, other than a fishing vessel less than 24 metres in length, shall before registration be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations made under the Law.

(2) A fishing vessel of less than 24 metres shall before registration be measured by an authorised measurer and her tonnage calculated in accordance with the tonnage regulations made under the Law.

(3) After survey or measurement, the surveyor or measurer shall issue a certificate specifying the ship's tonnage and build and such other particulars describing the identity of the ship as may be required by the Department. The certificate shall be delivered to the Registrar before the ship may be registered.

(4) A ship which is being –

- (a) registered for the first time which has been surveyed or measured and its tonnage ascertained within the previous 12 months, or
- (b) re-registered within 12 months of its registration on the Register ceasing,

shall not be required to be surveyed or measured, or its tonnage ascertained, again in accordance with paragraphs (1) or (2), if a declaration is made by an authorised measurer or surveyor, confirming that the survey or measurement and tonnage details have not changed from those previously provided to the Registrar.

**Engine Power of fishing vessels registered on Part II of the Register.**

29. (1) This regulation applies where any of the following applications is made –

- (a) an application under regulation 27 to register a fishing vessel (whether new or secondhand),
- (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.

#### **Measurement of engine power.**

30. 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.

#### **Names.**

31. (1) On making an application for registration of a ship the applicant shall propose a name by which the ship is to be called.

(2) Schedule 1 (which provides for the approval of names) shall have effect.

(3) A ship shall not be described by any name other than its registered name.

(4) A change shall not be made in a registered ship's name without the prior written permission of the Registrar.

**Allocation of official number.**

32. (1) On receipt of an application for registration of a ship for the first time the Registrar, if he is satisfied that that ship is eligible to be registered, shall -

- (a) allocate to the ship a register number ("**official number**"),
- (b) allocate to a fishing vessel a port number and letters for the port of Guernsey,

and shall issue instructions for the carving and marking of the ship.

(2) The Registrar may, on request by a classification society, allocate an official number to a ship notwithstanding that he is not yet satisfied as to its ownership.

(3) Where a ship has had a number allocated under paragraph (2) and that number has been carved into the ship's beam, or has been engraved or inscribed onto a plate affixed to the permanent fixed structure of the ship, but the ship is not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided by the classification society to the Registrar.

**Marking.**

33. On receipt of carving and marking instructions on first registration the owner shall -



- (a) cause the ship to be carved and marked in accordance with Schedule 2, and
- (b) where required under regulation 34 (Inspection of marks), cause the ship's carving and marking to be inspected by the Registrar or an officer of the Registry.

**Inspection of marks.**

34. In respect of all ships, the Registrar shall satisfy himself that the ship has been carved and marked in accordance with Schedule 2 and, when so satisfied, shall complete the carving and marking note.

**Verification of measurement and carving and marking.**

35. (1) If the Registrar is not satisfied –

- (a) that the particulars of the measurement and tonnage of the ship furnished to him, or such other particulars relating to the identity of the ship as have been required by the Department, are correct, or
- (b) that the ship is carved and marked in the manner required by Schedule 2,

he may direct the owner to provide further evidence of the measurement and tonnage, and/or the carving or marking, or to rectify those particulars and/or the carving or marking.

(2) If the owner fails to comply with the direction of the Registrar, the Registrar may –

- (a) if the ship is not registered, refuse it registration until his direction has been complied with, or

(b) if the ship is registered, serve notice on the owner or managing owner, or any charterer, manager or operator of the ship requiring him to produce evidence within 30 days sufficient to satisfy him that the particulars of the measurement and tonnage are, or that the marking of the ship is, correct.

(3) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may –

(a) extend the notice and ask for further information, or

(b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.

(4) Where a ship's registration is closed under paragraph (3) the owner of the ship shall forthwith surrender its certificate of registry.

(5) Where the Registrar serves a notice under this regulation on the owner of a ship in respect of which a mortgage is registered, he shall send a copy of that notice to the mortgagee at the address recorded in the Register for the mortgagee.

**Cancellation of carving and marking instructions.**

36. If carving and marking as instructed under regulation 32 is not duly completed within 12 months of instructions being issued, the Registrar may cancel the instructions and the application shall be treated as having been withdrawn.

**Registration and refusal of registration of a ship.**

37. (1) Where the Registrar is satisfied in respect of an application that –

- (a) the ship is eligible to be registered as a British ship,
- (b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided,
- (c) the particulars of the ship furnished to him are correct,
- (d) title to the ship has been adequately proved (where necessary), and
- (e) the relevant requirements of these Regulations have been complied with,

he shall, subject to paragraphs (2), and (3) register the ship by entering in the Register the particulars of the ship and its owners specified in Schedule 4.

(2) The Registrar may refuse to register any fishing vessel if he is not satisfied that there is in force in respect of the vessel any certificate required to be so in force by virtue of section 4 of the Fishing Vessels (Safety Provisions) Act 1970 as extended to the Bailiwick by the Fishing Vessels (Safety Provisions) (Guernsey) Order 1990<sup>g</sup>.

(3) If the Registrar is not satisfied as mentioned in paragraph (1) he shall, subject to regulation 87 (Requirement for supplementary information), refuse the application.

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<sup>g</sup> S.I. 1990/2148, registered on 21<sup>st</sup> January 1991

(4) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if, taking into account any requirement of the Merchant Shipping Enactments (including any instrument made under them) relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

**Issue of certificate of registry.**

38. Upon registering a ship the Registrar shall issue and send to the owner a certificate of registry containing the particulars set out in Schedule 4.

**Period of registration.**

39. Subject to regulation 98 (validity of old certificates), unless terminated under these Regulations, the registration of –

- (a) a ship registered on Part I of the Register shall be valid for a period of 10 years, and
- (b) a fishing vessel shall be valid for a period of 5 years,

beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed in accordance with regulation 42 (Application for renewal of registration).

**Documents to be retained by the Registrar.**

40. (1) On registering a ship the Registrar shall retain in his possession any builder's certificate or bill of sale or other evidence of title produced on first registration, any certificate of measurement or survey, and all declarations of ownership.

(2) On a fishing vessel changing from simple registration to full registration the Registrar shall retain in his possession a copy of the evidence adduced for that change of title.

(3) 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 29(2).

**Renewal notices and time limit for renewal.**

41. (1) At least 3 months (but not more than 6 months) before the expiry of the registration period in the case of a ship registered under Part I of the Register, and at least one month (but not more than 6 months) before the expiry of the registration period in the case of a ship registered under Part II of the Register, the Registrar shall issue to the owner of the ship a renewal notice.

(2) Subject to paragraph (3), the owner of the ship may apply for renewal of registration at any time between the date of issue of the renewal notice and the date of expiry of the current registration period.

(3) Notwithstanding paragraph (2), an application for renewal of registration may be made prior to the last 3 months, and prior to the last one month in the case of a ship registered under Part II of the Register, of the current registration (or issue of a renewal notice), for issue of a certificate of registry commencing prior to the expiry of the current registration period. Where such a certificate is issued it shall not be valid for a period greater than 5 years or 10 years, as applicable, commencing on the date of issue and the previous certificate shall then cease to be valid.

**Application for renewal of registration.**

42. (1) An application for renewal shall be in a form approved by the Department and shall be accompanied by –

- (a) a declaration of ownership, and
- (b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar.

(2) In the case of an application for renewal made 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 it has been permanently de-rated, or
- (b) in any other case, a declaration that the engine power recorded is the maximum continuous engine power.

(3) Where no application for renewal is made the Registrar shall notify each and every mortgagee of the expiration of the ship's registration.

**Evidence of title on registration of transfer of ship.**

43. (1) On application for registration under paragraph 2(2) of Schedule 1 to the Law of a transfer of a registered ship or a share in a registered ship, other than a fishing vessel registered with simple registration, the bill of sale shall be produced to the Registrar.

(2) When an application is made for the registration of a transfer of a fishing vessel which is registered with simple registration evidence of the transfer satisfactory to the Registrar shall be produced to him.

**Form of bill of sale.**

44. Every bill of sale effecting a transfer of a registered ship or a share in a ship under the Law and these Regulations shall be in a form approved by the

Department with appropriate attestation and shall contain a description of the ship sufficient to identify it.

**Registration of transfer of ship.**

45. (1) If the application under paragraph 2(2) of Schedule 1 to the Law is granted by the Registrar, he shall –

- (a) register the bill of sale by entering the name of the new owner in the Register as owner of the ship or share in question, and
- (b) endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.

(2) If the Registrar is satisfied with the evidence under regulation 43 (Evidence of title on registration of transfer of ship) that the ship or share in a ship has been transferred, he shall enter the name of the new owner in the Register as the owner of the ship or share in question and issue a new certificate, which shall be valid for a period of 5 years for fishing vessels, and a period of 10 years for ships registered on Part 1 of the Register.

**Evidence of title on transmission of a registered ship.**

46. (1) An application for registration of a transmission of a registered ship or a share in a registered ship under paragraph 3(1) of Schedule 1 to the Law shall be made in the form approved by the Department.

(2) The following evidence shall be produced to the Registrar on an application for a transfer of a registered ship or share therein by way of transmission –

- (a) if the transmission was consequent on death, the grant of representation or an office copy thereof or of an extract therefrom,
- (b) if the transmission was consequent on bankruptcy such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy,
- (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of that court.

**Declaration of ownership on transfer or transmission.**

47. Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship shall be accompanied by a declaration of ownership and, where the application is made on behalf of a body corporate, the document or documents mentioned in regulation 23.

**Refusal of registration of transfer or transmission.**

48. (1) If on an application for transfer or transmission of a ship or shares in a ship the Registrar is not satisfied that the ship is eligible to be registered

- (a) the Registrar shall serve a notice under paragraph (2) on the owner of the ship, and
- (b) the ship's registration shall terminate by virtue of this paragraph at the end of the period of 30 days beginning with the date of the service of that notice.

(2) A notice under this paragraph shall state --



- (a) that the Registrar is not satisfied that the vessel in question is eligible to be registered, and
- (b) that the ship's registration will accordingly terminate by virtue of paragraph (1) at the end of the period referred to in that paragraph.

**Notification of changes of ownership etc.**

49. (1) If at any time there occurs, in relation to a registered ship –

- (a) any change affecting the eligibility of the ship to be registered, not being a change which affects the qualification or eligibility of the owner (as prescribed by regulations 7 and 12), or the British or Bailiwick connection of a ship, or
- (b) in respect of a fishing vessel, any change, not affecting that eligibility, in the percentage of the property in the ship beneficially owned by qualified persons or companies,

the owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) The notification referred to in paragraph (1) shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name and the official number of the ship.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

**Transfer or transmission of registered ship or share in registered ship.**

50. (1) Where there is any transfer or transmission of a registered ship or share in a registered ship –

- (a) the person ceasing to own the ship or share, or in the event of his death, his legal personal representative, shall notify the Registrar and surrender the certificate of registry, and
- (b) the Registrar shall cancel the certificate of registry and shall freeze the Register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.

(2)

- (a) Where there is a transfer of a registered ship the new owners shall within 90 days of the transfer make application in accordance with these Regulations for the transfer to be registered.
- (b) If the transfer is of all the shares in the ship, and application is not made within the 90 days, the Registrar may cancel the registration of the ship and the certificate of registry.
- (c) If the transfer is of one or some of the shares in the ship, and application is not made within the 90 days, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within 30 days of the date of the notice the

registration of the ship and the certificate of registry may be cancelled.

(3)

(a) Where there is a transmission of a registered ship the new owners shall promptly make an application in accordance with these Regulations for the transmission to be registered.

(b) If the transmission is of all the shares in the ship, and application is not made within a reasonable time, the Registrar may cancel the registration of the ship and the certificate of registry.

(c) If the transmission is of one or some of the shares in the ship, and application is not made a reasonable time, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

(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.

**Change in registered particulars of ship.**

51. (1) Where there is a change -

(a) in the registered particulars of a ship other than a change in the tonnage of the ship, or

- (b) in the name or address of an owner entered in the Register (not being a change of ownership),

an application shall be made as soon as practicable to the Registrar for the change to be recorded in the Register.

(2) Such application shall be in writing and shall, subject to regulation 92 (Dispensing with production of certificate), be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar.

(3) Where there is a change in the tonnage of a ship, it shall be resurveyed or remeasured in accordance with regulation 28 (Survey and measurement of ships). Thereafter an application in a form approved by the Department shall be made as soon as practicable for the change to be recorded in the Register. The application shall be accompanied by the certificate of survey or measurement and the certificate of registry.

(4) On recording the change in the registered particulars the Registrar shall cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.

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

#### Change of name.

52. (1) An owner of a registered ship may apply to the Registrar to change the name of the ship. The application shall be made in a form approved by the Department and shall, subject to regulation 92 (Dispensing with production of certificate), be accompanied by the certificate of registry.

(2) If it appears to the Registrar that the name complies with Schedule 1 (Approval of names) he shall issue marking instructions to the owner.

(3) On receipt of the marking instructions the owner shall cause the ship to be marked with the new name.

(4) On satisfying himself that marking instructions issued under paragraph (2) have been complied with and that the vessel has been marked with a new name, the Registrar shall re-register the ship with its new name, cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.

**Removal from the Register.**

53. (1) The Registrar may, subject to paragraph (2) and regulation 82 (Service of Notices) terminate a ship's registration in the following circumstances –

- (a) on application by the owner,
- (b) if the registered owner has not notified the Registrar that ownership of the ship has changed,
- (c) on the ship no longer being eligible to be registered,
- (d) on the ship being destroyed (which includes, but is not limited to, shipwreck, demolition, fire and sinking),
- (e) if, taking into account any requirements of the Merchant Shipping Enactments (including any instrument made under them) relating to the condition of the ship or its equipment so far as relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in

any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered,

- (f) when a registered fishing vessel which has been licensed to fish ceases to be so licensed for a continuous period of 6 months or more,
- (g) when a fishing vessel which requires a licence to fish but at the time of registration did not have such a licence and has not acquired such a licence within 6 months of the issue of its certificate of registry,
- (h) when any penalty imposed on the owner of a ship in respect of a contravention of the Merchant Shipping Enactments, or of any instrument in force under those enactments, has remained unpaid for a period of more than 3 months (and no appeal against that penalty is pending),
- (i) when any summons for any such contravention has been duly served on the owner of a ship but the owner has failed to appear at the time and place appointed for the trial of the information or complaint in question and a period of not less than 90 days has elapsed since that time,
- (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,
- (n) where under regulation 51 a person is required to make an application, and has not done so, or
- (o) where the owner of a fishing vessel of less than 15 metres overall length fails to comply within one month of its first registration with any part of the Code of Practice for the Safety of Small Fishing Vessels made under the Small Fishing Vessels (Safety) (Bailiwick of Guernsey) Regulations, 2007<sup>h</sup>.

(2) Where mortgagees of a ship have an undischarged interest in it, the Registrar shall not terminate that ship's registration without affording them 30 days' notice of the termination.

(3) Where the Registrar terminates registration under paragraphs 1(a), (c) or (d), he shall forthwith issue a closure transcript to the owner of the ship.

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<sup>h</sup> G.S.I. No. 6 of 2008

(4) On receipt of the closure transcript the owner shall immediately surrender the ship's certificate of registry to the Registrar for cancellation.

(5) Where the registration of a fishing vessel has been terminated by virtue of paragraph (1)(c), then, without prejudice to the operation of any provision of the Law or these Regulations the ship shall not again be registered as a British ship unless –

- (a) the Registrar consents to the vessel being so registered, or
- (b) the Registrar is satisfied that the vessel has been disposed of by its former registered owner by means of a transaction at arm's length and that no person who for the time being is a relevant owner of the vessel was a relevant owner of it at the time registration was terminated.

(6) For the purposes of paragraph (5) a person is a relevant owner of a vessel at any time if at that time –

- (a) the legal title to the vessel or any share in it is vested in that person, or
- (b) the vessel or any share in it is beneficially owned by that person, or
- (c) any share in a body corporate falling within paragraph (a) or (b) is legally or beneficially owned by that person,



whether vested in, or (as the case may be) owned by, that person alone or together with any other person or persons.

## **PART VII MORTGAGES**

### **Form of mortgage.**

54. The following shall be in a form approved by the Department, in each case with appropriate attestation -

- (a) a mortgage produced for registration under Schedule 1 to the Law,
- (b) a transfer of a registered mortgage, and
- (c) a discharge of a registered mortgage.

### **Registration of mortgage.**

55. Where a mortgage executed in accordance with regulation 54 (Form of mortgage) is produced to the Registrar for registration, he shall -

- (a) register the mortgage, and
- (b) endorse on it the date and time it was registered.

### **Notices by intending mortgagees: priority notices.**

56. (1) Where any person who is an intending mortgagee under a proposed mortgage of -

- (a) a registered ship, or
- (b) a share in a registered ship,

notifies the Registrar of the interest which it is intended that he should have under the proposed mortgage, the Registrar shall record that interest.

(2) For the purpose of paragraph (1) the notice to the Registrar shall be in a form approved by the Department and shall contain the name and official number of the ship, the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(3) Where any person who is an intending mortgagee under a proposed mortgage of a ship which is not for the time being registered, or a share in any such ship, notifies the Registrar in writing of the interest which it is intended that he should have under the proposed mortgage, the Registrar –

- (a) shall record that interest in the Register, and
- (b) if the ship is subsequently registered, shall register the ship subject to that interest or, if the mortgage has by then been executed in accordance with regulation 54 and produced to the Registrar, subject to that mortgage.

(4) For the purposes of paragraph (3) the notice shall be in a form approved by the Department and contain the following information –

- (a) the present name of the ship,
- (b) the intended name of the ship,
- (c) the approximate length of the ship,

- (d) where the ship is already registered other than as a British ship, a copy of its certificate of registry or other document evidencing its registration and giving its port of registration,
- (e) where the ship is a new ship, the builder's certificate or if that is not available, the name and address of the builder and the ship's yard number,
- (f) where the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified,
- (g) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(5) In a case where –

- (a) paragraph 8 of Schedule 1 to the Law operates to determine the priority between two or more mortgagees, and
- (b) any of those mortgages gave notification under paragraph (1) or (3) with respect to his mortgage,

paragraph 8 of the said Schedule shall have effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the Register under the said paragraphs (1) or (3).

(6) Any notification given by a person under paragraphs (1) or (3) (and anything done as a result of it) shall cease to have effect –

(a) if the notification is withdrawn, or

(b) at the end of the period of 30 days beginning with the date of the notification, unless the notification is renewed in accordance with paragraph (7).

(7) The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar -

(a) before the end of the period mentioned in paragraph (6)(b), or

(b) before the end of a period of renewal,

as the case may be.

(8) Any notice given under this regulation shall be in a form approved by the Department.

**Evidence of transmission of mortgage.**

57. On the application for registration of a transmission of a registered mortgage as mentioned in paragraph 12 of Schedule 1 to the Law the evidence to be produced to the Registrar shall be -

(a) a declaration of transmission of mortgage in a form approved by the Department, and

(b)

- (i) if the transmission was consequent on death, the grant of representation or an office copy thereof or an extract therefrom,
- (ii) if the transmission was consequent on bankruptcy, such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy,
- (iii) if the transmission was consequent on an order of the court, a copy of that order.

**Transfer or transmission of registered mortgage.**

58. Where a transfer or transmission of a registered mortgage is produced to the Registrar, he shall –

- (a) enter the name of the transferee, or the name of the person to whom the mortgage has been transmitted, in the Register as mortgagee of the ship or share in question, and
- (b) in respect of a transfer, endorse on the instrument the date and time the entry was made.

**Discharge of mortgages.**

59. (1) Where a registered mortgage has been discharged, the Registrar shall, on production of the mortgage deed and with such evidence of the discharge as satisfies him that the mortgage has been discharged, record in the Register that the mortgage has been discharged.

(2) If for good reason the registered mortgage cannot be produced to the Registrar, he may, on being satisfied that the mortgage has been properly discharged, record in the Register that the mortgage has been discharged.

**Effect of termination of registration on registered mortgage.**

60. Where the registration of a ship terminates by virtue of any of these Regulations, that termination shall not affect any entry in the Register of any undischarged registered mortgage of that ship or any share in it.

**PART VIII**

**PROVISIONAL REGISTRATION**

**Provisional registration.**

61. Where a ship which the owner intends should be registered on Part I of the Register is outside the British Islands the owner may apply to the Registrar for provisional registration.

**Application for provisional registration.**

62. An application for provisional registration shall be in a form approved by the Department and shall be accompanied by the particulars required by regulation 21(2) (Applications for registration) and regulation 23 (Applications by bodies corporate).

**Period of provisional registration.**

63. The Registrar, on being satisfied that the ship is eligible for registration, may proceed to register the ship provisionally for a period of 3 months.

**Certificate of provisional registration.**

64. The Registrar, or the appropriate person, shall issue to the owner of the ship a certificate of provisional registration in a form approved by the Department. The certificate shall have the effect of a certificate of registry until the

expiration of three months from its date of issue, or termination by the Registrar on request from the owner, whichever shall first occur.

**Provisional registration not to be renewed.**

65. Where a ship has been provisionally registered once, it shall not be provisionally registered again within one year of the date of the issue of the certificate of provisional registration, except with the consent of the Registrar.

**PART IX**

**TRANSFER OF REGISTRATION**

**Transfer of registration to relevant British possession.**

66. (1) Subject to paragraph (2) the registration of a ship registered on Part I of the Register may be transferred from the Register to the register of a port in a relevant British possession.

(2) Where an application is made under this regulation for the transfer of a ship's registration under paragraph (1), the Registrar shall not proceed to deal with the application unless he is satisfied that registration of the ship at the intended port of registration is not precluded by –

- (a) any Order in Council in force under section 11 of the Merchant Shipping Act 1988,<sup>i</sup> or
- (b) any provision of the law in force in the possession in question,

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<sup>i</sup> An Act of Parliament 1988 c.12

and any certificate purporting to be signed by the registrar of the intended port of registration and stating that any such provision is in force shall be conclusive evidence for the purposes of this paragraph of the matters stated in it.

(3) Where the registrar of the intended port of registration issues a certificate of registry following any such application and on notification of the transfer by the registrar of the new port of registration, the Registrar shall terminate the registration of the ship.

(4) Where the registration of a ship is transferred under this regulation the certificate of registry shall be surrendered to the Registrar for cancellation.

**Transfer of registration from relevant British possession.**

67. (1) Where a ship, excluding a fishing vessel, is registered in a relevant British possession, the registration of that ship may be transferred to Part I of the Register if -

- (a) an application to the registrar of the existing port of registration has been made for that purpose by a declaration in writing by all the persons appearing on his register to be interested in the ship as owners, and
- (b) the following documents have been transmitted to the Registrar -
  - (i) a copy of the application and declaration required by sub-paragraph (a) transmitted by the registrar at the existing port of registration,
  - (ii) a copy transmitted by him of all the registered particulars of the ship and the names of all



persons appearing on his register to be interested in the ship as owners and mortgagees, and

(iii) an extract of the Register entry for that ship.

(2) Where the ship has not previously been required by the registrar of its existing port of registration to have its name approved by the Registrar in accordance with Schedule I the applicant shall propose a name which the ship is to be called.

(3) On being satisfied that the name complies with the requirements of Schedule I, the Registrar shall issue marking instructions.

(4) On receipt of marking instructions the owner shall proceed as provided for in regulation 52 (Change of name).

(5) On receipt of the documents specified in paragraph (1) and the completed marking note the Registrar shall –

(a) enter in the Register all the particulars and names so transmitted, and

(b) issue a new certificate of registry.

(6) Where entitlement of a ship to be registered is by virtue of regulation 8 (British connection, corporate ownership and majority interest) subject to any condition specified in that regulation being satisfied, the registration of the ship shall not be transferred to the Register of British Ships in Guernsey unless it appears to the Registrar that that condition is satisfied.

(7) A transfer of registration under this regulation shall not affect the rights of any person mentioned in paragraph (1)(a) of this regulation.

(8) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if, taking into account any requirement of the Merchant Shipping Enactments (including any instrument made under them) relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

**Transfer within the Register.**

68. On application being made to him, the Registrar may, after provision of such information and evidence as he may require and if he is satisfied that the ship is eligible to be registered in the new Part, transfer the registration of the ship to a different Part of the Register. All entries in the Register relating to the ship (including any entries relating to mortgages) shall be transferred.

**PART X**

**REGISTRATION OF SMALL SHIPS**

**Qualification and entitlement to be registered as a small ship on Part III of the Register.**

69. To be eligible to be registered on Part III of the Register a ship must be a small ship other than –

(a) a fishing vessel, or

(b) a submersible vessel.

**Persons qualified to be the owners of a small ship to be registered on Part III of the Register.**

70. The following persons are entitled to be the owners of a small ship to be registered on Part III of the Register –

- (a) British citizens,
- (b) British overseas territories citizens,
- (c) British Overseas Citizens,
- (d) persons who under the British Nationality Law 1981 are British subjects,
- (e) persons who under the Hong Kong (British Nationality) Order 1986 are British Nationals (Overseas), and
- (f) Commonwealth citizens not falling within those paragraphs.

**Bailiwick connection.**

71. Subject to regulation 74(2) (Details to be registered and refusal) a small ship shall be entitled to be registered only if it is owned by one or more persons who are ordinarily resident in the Bailiwick and who are qualified to be the owners of a small ship by virtue of regulation 70 (Persons qualified to be the owners of a small ship to be registered on Part III of the Register).

**Disapplication of Schedule I to the Law in respect of small ships.**

72. Schedule I to the Law relating to the private law provisions (Transfers by bill of sale and the registration of mortgages) shall not apply to small ships.

**Applications.**

73. Applications shall be in a form approved by the Department and shall include –

- (a) a description of the ship,
- (b) the overall length of the ship,
- (c) the name of the ship,
- (d) the name, address and contact details of every owner of the ship, and
- (e) a declaration by every owner –
  - (i) that he is eligible to be the owner of a small ship under regulation 70 (Persons qualified to be the owners of a small ship to be registered on Part III of the Register), and
  - (ii) that the ship is entitled to be registered on Part III of the Register in accordance with regulation 71 (Bailiwick connection).

**Details to be registered, and refusal.**

74. (1) On receiving an application for registration and being satisfied that the ship may properly be registered and that the name of the ship does not appear to him to be undesirable, the Registrar shall register the ship and shall record in the Register the following details –

- (a) the registration number of the ship,

- (b) the date of registration,
- (c) the date of expiry of registration in accordance with regulation 77 (Period of registration), and
- (d) the details specified in regulation 73(a) to (d).

(2) Where the Registrar is not satisfied that the ship is eligible to be registered on this Part of the Register, he may, subject to regulation 87 (Requirement for supplementary information), refuse to register the ship.

**Certificate of registry.**

75. On registration the Registrar shall issue a certificate which shall contain the details recorded in the Register in accordance with regulation 74 (Details to be registered and refusal) save for the address of any owner.

**Marking.**

76. The person registered as owner of the ship shall ensure that –

- (a) within one month of the date on which the registration of the ship takes effect there is clearly painted on or affixed to a visible external surface on both sides of the ship (but not its stern or transom) the number of its registration preceded by the letters SSR,
- (b) within one month of the date on which the registration of the ship takes effect the name of the ship is clearly marked on its stern, transom or rear quarters, and
- (c) such marking is effectively maintained and renewed when necessary during the period of the registration of the ship.

**Period of registration.**

77. The registration of a ship under this Part shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed under regulation 78 (Renewal).

**Renewal.**

78. (1) Application for renewal of registration may be made during the last 3 calendar months of the current registration period.

(2) Application for renewal shall be in writing and be accompanied by a declaration as required by regulation 73(e) (Applications).

**Notification of change of ownership etc.**

79. (1) If at any time there occurs, in relation to a ship registered under this Part –

- (a) any change affecting the eligibility of the ship to be registered as a British ship, or
- (b) any change in relation to the address of the registered owner of the ship, or
- (c) any change in details relating to the ship,

the registered owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) Notification made under paragraph (1) shall be in writing, shall be signed by the registered owner and shall specify the nature of the change and the name and the number of the ship.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

**Supplementary information-production of ship.**

80. (1) Where it appears to the Registrar that there is any doubt as to the right of the ship to be registered on Part III of the Register, he may require satisfactory evidence to be produced by the person registered as the owner that the ship is entitled to be so registered.

(2) Such evidence may include the production of the ship for inspection at a place and under such conditions as the Registrar requires; and, if the necessary evidence is not provided within one month of being so required, he may terminate the registration of the ship.

**Termination of registration.**

81. (1) In the event of –

(a) a ship ceasing to be a ship to which this Part applies,  
or

(b) a change in the details recorded on the certificate of registry,

the registration of the ship shall terminate.

(2) Where the registration of a ship is terminated, the certificate of registry shall cease to have effect and shall, within one month, be surrendered to the Registrar by the person registered prior to the termination as the owner of the ship or, if he has died, by his legal personal representative.

**PART XI**

**MISCELLANEOUS**

**Service of notices.**

82. (1) Where it appears to the Registrar that regulation 53(1)(b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m) or (n) (Removal from the Register) applies he may serve notice on the owner or managing owner, or on any charterer, manager or operator of the ship requiring him to produce, within 30 days, evidence, which may include a declaration of British or Bailiwick connection, sufficient to satisfy him that the ship is eligible to remain on the Register.

(2) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may –

- (a) extend the notice and ask for further information or evidence, or
- (b) serve a final notice which closes the ship's registration, such closure to take effect 7 days after the service of that notice.

(3) Where a ship's registration is terminated under paragraph (2) the Registrar shall issue a closure transcript and the owner of the ship shall forthwith surrender its certificate of registry.

**Copy of notice to be sent to mortgagee.**

83. Where the Registrar serves a notice under regulation 82 on the owner of a vessel in respect of which a mortgage is registered, the Registrar shall send a copy of that notice to the mortgagee at the address recorded for him in the Register.

**Documents not in the English language to be accompanied by a translation.**

84. Any document which is not in the English language and is produced in support of any application under these Regulations shall, if the Registrar so



requests, be accompanied by a notarised translation of the document in the English language.

**Witnessing of documents.**

85. Where the signature on any document made under these Regulations is required to be witnessed any witness to the signature shall be 18 years of age or over and shall not be the spouse of the signatory.

**Dispensing with declarations.**

86. When under these Regulations –

- (a) any person is required to make a declaration on behalf of himself or any body corporate, but is unable to do so and can satisfy the Registrar that it is due to reasonable cause, the Registrar may on such terms as he thinks fit, dispense with the declaration, or
- (b) any evidence is required to be produced to the Registrar, but such evidence is unable to be produced and the Registrar is satisfied that it is due to reasonable cause, the Registrar may on production of such other evidence as he considers appropriate, dispense with the evidence.

**Requirement for supplementary information.**

87. 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.

**Fees.**

88. (1) The schedule of prescribed fees at Schedule 5 shall have effect.

(2) Where a fee is prescribed in respect of any service or other transaction to be carried out pursuant to these Regulations, the Registrar shall not be required to carry out the service or other transaction unless the appropriate fee has been paid.

**Duplicate certificates.**

89. (1) If it is shown to the satisfaction of the Registrar that the certificate of registry has been lost, stolen or destroyed or has become defaced or illegible ("the event"), he may issue to the owner a duplicate of that certificate, which shall be marked as such, and shall be of the same effect as the original.

(2) Where a duplicate certificate of registry is issued the original if then available or if subsequently found or recovered shall be forthwith surrendered to the Registrar.

(3) If -

- (a) the port where the ship is at the time of the event, or as the case may be, where it first arrives after the event, is not in the British Islands, and
- (b) the master of the ship or some other person having knowledge of the facts of the case makes a declaration before the appropriate person as to the loss, theft, destruction, defacement or illegibility of the certificate,

the appropriate person shall notify the Registrar.

(4) On being notified of the event and being satisfied that the ship is entitled to be issued with a duplicate certificate the Registrar shall -

(a) transmit by facsimile or electronically to the appropriate person a copy of the duplicate certificate which the appropriate person shall endorse with a statement of the circumstances under which it is granted, or

(b) where there are no suitable communication facilities, the appropriate person shall issue a provisional certificate so endorsed.

(5) The faxed duplicate or the provisional certificate shall within 10 days of the ship arriving in a port in the British Islands be surrendered to the Registrar, and a duplicate certificate shall be issued.

#### **Custody of certificate.**

90. (1) A certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest whatever had or claimed by any owner, mortgagee or other person to, on, or in the ship.

(2) If any person refuses to surrender the certificate of registry when in his possession or under this control to the person entitled to its custody for the purposes of the lawful navigation of the ship, or to the Registrar, or an officer of customs or any other person entitled by law to demand such delivery, he shall be guilty of an offence.

#### **Surrender of certificate on termination or expiry of registration.**

91. On the termination, whether by expiration of the registration period or otherwise, of a ship's registration the certificate of registry must be returned by the owner to the Registrar for cancellation.

**Dispensing with production of certificate.**

92. Where a certificate of registry is required by these Regulations to accompany any application and it is shown to the satisfaction of the Registrar that for any reasonable cause (which includes, but is not limited to, the ship being in a port outside the British Islands, or the certificate being needed for an imminent voyage, at the time the application was made) the certificate cannot be produced, the Registrar may, subject to such conditions as he thinks fit, dispense with its production.

**Status of a Part II certificate under Sea Fisheries legislation.**

93. A certificate of registry of a fishing vessel (including a valid temporary registration certificate) shall be a "document relating to a boat" for the purposes of section 8(3)(b) of the Sea Fisheries Act 1968<sup>j</sup> and as such must at all times be carried on board the vessel.

**Removal of marks on cessation of registration.**

94. (1) Subject to paragraph (2), if a ship's registration is terminated, whether by expiration of the registration period or otherwise, the marking prescribed under these Regulations must be removed from the ship and written confirmation of that removal must be sent to the Registrar.

(2) In the case of a ship registered on Part I of the Register, the requirement in paragraph (1) does not apply to its official number.

**Transfers etc where tonnage not in accordance with ITC 69.**

95. (1) Subject to paragraph (2), no transfer of ownership of a ship or shares in a ship, no renewal of registration, nor change of details of the ship or its owners shall be registered in respect of any ship which –

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<sup>j</sup> An Act of Parliament 1968 c.77; extended to Guernsey by the Sea Fisheries (Channel Islands) Order, 1973 (Ordres en Conseil XXIV, p.128), as amended by the Sea Fisheries (Channel Islands) (Amendment) Order, 1989 (Ordres en Conseil XXXII, p.23)

- (a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969, and
- (b) for which no measurement has been undertaken and registered,

until such re-measurement takes place and where necessary the certificate of survey has been lodged with the Registrar for amendment of the Register.

(2) Paragraph (1) does not apply where the transfer, or change of details, arises by reason of the death of an owner of a ship, or a share in a ship.

## **PART XII**

### **OFFENCES**

#### **Offences:**

96. (1) Any person who, with intent to deceive, uses or lends or allows to be used by another, a certificate of registry whether in force or not, commits an offence.

(2) It shall be an offence on the part of the owner or master of a registered ship if any of the marks required by these Regulations to be marked on a ship is effaced, altered, allowed to become illegible, covered or concealed.

(3) It shall be a defence for a person charged with an offence under paragraph (2) of this regulation to prove –

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, or

(b) that the effacing, alteration, covering or concealing of the marking was for the purpose of escaping capture by an enemy.

(4) Any person who fails, without reasonable cause, to surrender a certificate of registry when required to do so by regulations 89 (Duplicate certificates), 90 (Custody of certificate) or 91 (Surrender of certificate on termination or expiry of registration) commits an offence.

(5) Any person who in connection with the registration of a ship knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence.

(6) Any person who intentionally alters, suppresses, conceals or destroys a document which he has been required by these Regulations to produce to the Registrar shall be guilty of an offence.

(7) The offences specified in regulations 29, 49 and 79 (Notification of changes) and in paragraphs (1), (4), (5) and (6) of this regulation shall be punishable on summary conviction as follows -

(a) for an offence under regulations 29, 49 or 79 or paragraphs (1), (5) and (6) of this regulation, with a fine not exceeding level 4 on the uniform scale, and

(b) for an offence under paragraph (4) with a fine not exceeding level 2 on the uniform scale.

(8) An offence under paragraph (2) shall be punishable as follows

- (a) on conviction on indictment to a fine, and
- (b) on summary conviction to a fine not exceeding the statutory maximum.

(9) The offences specified in regulations 50 and 51 (notification of changes or making of applications) shall be punishable on summary conviction with a fine not exceeding level 4 on the uniform scale.

### PART XIII TRANSITIONALS

#### Definitions for this Part.

97. For the purposes of this Part -

"new certificate" means a certificate of registry issued in accordance with these Regulations,

"old certificate" means any certificate of registry, other than a provisional certificate, issued under any of the following Acts of Parliament as extended in whole or in part to the Bailiwick -

- (i) the Merchant Shipping Act 1894<sup>k</sup>,
- (ii) the Merchant Shipping Act 1983<sup>l</sup>, or
- (iii) the Merchant Shipping Act 1988, and

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<sup>k</sup> An Act of Parliament (57 & 58 Vict. c.60)

<sup>l</sup> An Act of Parliament 1983 c.13

"transitional period" in relation to a ship means the period commencing on 1<sup>st</sup> January 2009 and ending on the date of expiry of the certificate which is specified in relation to such a ship in the table in regulation 98.

**Validity of old certificates.**

98. (1) An old certificate shall remain in force until, either –

- (a) a new certificate is issued under these regulations, or
- (b) the certificate has expired, according to the following table –

<i>Date of entry on Register of last transfer of ownership</i>	<i>Date of expiry of certificate</i>
1 <sup>st</sup> January 1960	31 <sup>st</sup> December 2009
1 <sup>st</sup> January 1980	31 <sup>st</sup> December 2010
1 <sup>st</sup> January 1989	31 <sup>st</sup> December 2011
1 <sup>st</sup> January 1999	31 <sup>st</sup> December 2012
1 <sup>st</sup> January 2004	31 <sup>st</sup> December 2013

whichever shall be the earlier.

(2) A provisional certificate of registry issued under section 22 of the Merchant Shipping Act 1894 shall remain in force until the date of its expiry in accordance with that Act.



**Old certificates remaining in force.**

99. Notwithstanding regulation 98, an old certificate shall remain in force beyond the transitional period if -

- (a) an application to renew the certificate has been correctly made in accordance with regulation 42, and
- (b) the Registrar has not issued a new certificate by the date of expiry of the transitional period,

but any new certificate shall commence at that date.

**Registered information.**

100. Schedules 3 and 4 shall not apply to any ship until a new certificate of registry is issued in respect of that ship.

**Issue of new certificates of registry.**

101. (1) Notwithstanding regulations 51 (Change in registered particulars of ship) and 52(3) (Registration of changes of name), any certificate of registry of a ship registered on Part I of the Register which -

- (a) is issued during the transitional period, and
- (b) replaces an old certificate of registry

shall be valid for a period of ten years from the date of issue.

(2) Any duplicate certificate issued to a ship under regulation 89 (Duplicate certificates) during the transitional period shall be a certificate issued in accordance with these Regulations and shall be valid for a period of five years from the date of issue.

(3) The Registrar may, during the transitional period, at his discretion replace a ship's old certificate with a new certificate of registry which shall be valid for a period of five years from the date of issue.

**Applications for registration made before commencement of these Regulations.**

102. (1) Subject to paragraph (2) any application for registration of a ship which is made, but in respect of which registration was not effected, prior to the commencement of these Regulations shall be completed in accordance with these Regulations.

(2) Where –

- (a) an application for registration of a ship or small ship is made, but not completed, prior to the commencement of these Regulations, and
- (b) the provisions of these Regulations would render the ship or small ship ineligible for registration,

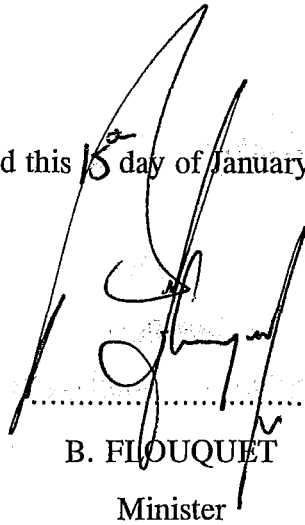
then the application shall be determined in accordance with the relevant legislation under which the application was made.

(3) An application shall be deemed to have been made when a properly completed application, accompanied by the proper fee, is received by the Registrar.

(4) Where, for any reason the fee is not a proper and valid fee, or where the cheque used to pay a fee is returned by the bank on which it is drawn, then the application shall not be deemed to have been made.

(5) Any certificate of registry which is issued in accordance with this regulation shall be valid for a period of five years and shall contain the information contained in Schedule 4.


Dated this 18 day of January, 2009.



B. FLOUQUET  
Minister

For and on behalf of the Public Services Department

Dated this day 31<sup>st</sup> of January, 2009.



W. WALDEN  
Chairman

For and on behalf of the General Services Committee of the States of Alderney.

Dated this 22 day of January, 2009.

Peter Cole

P. COLE

Chairman

For and on behalf of the Shipping Committee of the Chief Pleas of Sark.

**SCHEDULE 1**  
**APPROVAL OF NAMES**

1. Every application to the Registrar to approve a name shall specify a name which is in Roman letters; any numerals shall be in Roman or Arabic numerals.

2. In respect of an application to register a ship on Part I of the Register, the Registrar shall not approve the proposed name if it is -

- (a) already the name of a British ship registered on the Register,  
or
- (b) a name so similar to that of a British ship registered on the Register as to be calculated to deceive or likely to confuse,
- (c) a name which may be confused with a distress signal,
- (d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.

3. In respect of an application to register a fishing vessel on Part II of the Register, the Registrar shall not approve the proposed name if it is -

- (a) already the name of a vessel registered at the port of Guernsey, or

(b) a name so similar to that of a registered British fishing vessel at the port of Guernsey as to be calculated to deceive or likely to confuse,

(c) a name which may be confused with a distress signal,

(d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.

4. Subject to paragraph 5, if the Registrar is satisfied that a name does not fall within 2(a) to (d) or 3(a) to (d) he shall notify the applicant in writing that the name is approved and the ship may be registered with that name.

5. Notwithstanding that the Registrar is satisfied as to paragraphs 2 or 3 he may refuse to approve a name -

(a) which might cause offence or embarrassment,

(b) which has a clear and direct connection with the Royal family,

6. Any approval given under paragraphs 2 or 3 shall be valid only for the period of 12 months beginning with the date it is notified to the applicant.

7. If the Registrar is not so satisfied he shall notify the applicant accordingly.

8. Notwithstanding paragraph 6, the Registrar may allow the reservation of a ship's name or designation for a period of 5 years if he is satisfied that -

- (a) the ship is intended to replace another of the same name which is to be registered within 10 years of the date of the application, and
- (b) the applicant is the owner of a registered ship with the same name as that which is to be reserved and its British registration, or
- (c) the applicant is the owner of a registered ship with the same name as that which is to be reserved and it will be sold before the registration of the new vessel on condition that it changes its name and that its name is so changed.

9. Applications for a reservation under paragraph 8 must be accompanied by a full statement of the circumstances of the case.

10. Where a ship having once been registered has ceased to be registered, no person (unless ignorant of the previous registration, proof whereof will lie on him) shall apply for registration of the ship other than by the name by which it was previously registered except with the written permission of the Registrar.

## SCHEDULE 2

### CARVING AND MARKING

1. Every ship is required, before it may be registered, to be marked permanently and conspicuously to the satisfaction of the Registrar in accordance with this Schedule.
2. The Department may exempt any class of ship from all or any of the requirements of this Schedule, subject to such conditions, if any, as he thinks fit.
3. Subject to any exemption in respect of that class of ship, a ship other than a fishing vessel, and a pleasure vessel which is under 24 metres, is to be marked as follows –
  - (a) its name shall be marked on each of its bows, and its name and GUERNSEY, as its port of Registry, must be marked on its stern,
  - (b) the marking is to be of a colour which is of a conspicuous and clear contrast to the ground on which it is marked, each letter being not less than 10 centimetres high and of proportional breadth, and
  - (c) its official number and the number denoting its registered tonnage shall be cut on its main beam or if that is not possible, marked or fixed thereon in the manner prescribed in paragraph 4(a).



4. A pleasure vessel which is under 24 metres in length is to be marked as follows –

- (a) the official number and registered tonnage are –
  - (i) to be marked on the main beam or, if there is no main beam, on a readily accessible visible permanent part of the internal structure of the pleasure vessel either by cutting in, centre punching or raised lettering, or
  - (ii) to be engraved on plates of metal, wood or plastic, secured to the main beam (or, if there is no main beam, to a readily accessible visible permanent part of the internal structure) with rivets, through bolts with the ends clenched), or screws with the slots removed,
- (b) the name and port of Registry (unless an exempted ship), are to be marked on a conspicuous and permanent part of the stern; the marking is to be of a colour which is of a conspicuous and clear contrast to the ground on which it is marked, each letters being not less than 10 centimetres high and of proportionate breadth, or, where this is not possible by the alternative methods given below –
  - (i) by engraving on plates of metal or of plastic or by cutting in on a shaped wooden chock. Where a shaped wooden chock is used it should be secured to the hull through bolts, the ends being clenched, or
  - (ii) by individual glass reinforced plastic letters and numbers approximately 2mm in thickness. These to be

fixed to the hull with epoxy adhesive, and painted with suitable paint and coated with translucent epoxy resin,

- (iii) where metal or plastic plates have been used these must be fixed by the use of epoxy adhesives. Metal or plastic plates secured by adhesives should be coated with translucent epoxy resin after they have been fixed in position.

5. (1) A fishing vessel is to be marked as follows –

- (a) the name of the vessel and GUERNSEY as its port of Registry shall be painted in white on a black background or in black on a white background outside the stern of the boat in letters which shall not be less than 8 centimetres in height and 1.5 centimetres in breadth, and
- (b) the port letters and the number of the vessel shall be painted or displayed on both sides of the bow and on each quarter, as high above the water as possible so as to be clearly visible from the sea and the air, in white or yellow on a dark background or black on a light background,
- (c) for vessels under 10 metres in length, the height of the port letters and number shall be at least 20 centimetres with a line thickness of at least 3 centimetres,
- (d) for vessels of 10 metres in length or over, the height of the letters and numbers shall be at least 30 centimetres with a line thickness of at least 5 centimetres, and

- (e) the port letters and numbers shall in addition be painted or displayed on the wheel house top or some other prominent horizontal surface, to the required size.

(2) A fishing vessel based in the Islands of Alderney or Sark may, in addition to the vessel name and port of Registry, have the name of the Island in which it is based painted or displayed on the stern, below the vessel name and above the port of Registry marking.

6. A scale of decimetres, or metres and decimetres, denoting a draught of water shall be marked on a ship, other than an exempted ship, on each side of its stem and its stern post, as follows –

- (a) in figures in two-decimetre intervals, if the scale is in decimetres, and
- (b) in figures at each metre interval and at intervening two-decimetre intervals, if the scale is in metres and decimetres,

the capital letter 'M' being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of the figures, or figures and letters (as the case may be), coinciding with the draught line denoted thereby; the figures and letters being not less than one decimetre in length and being marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Secretary of State approves.

7. The name of a ship shall be marked in Roman letters and any numerals shall be in Roman or Arabic numerals.

**SCHEDULE 3**

**DETAILS TO GO ON REGISTER**

1. The following information is to be registered about each owner who is an individual –

- (a) surname, forename and title,
- (b) address,
- (c) nationality,
- (d) number of shares owned by him, and if held jointly, with whom the shares are held, and
- (e) the name of the managing owner.

2. The following information is to be registered about each owner which is a body corporate –

- (a) name of owner,
- (b) the address of its registered office,
- (c) country of incorporation,
- (d) where it is a body corporate incorporated in the Bailiwick, the United Kingdom or a relevant British possession, its principal place of business,

- (e) number of shares owned by the company, and if held jointly, with whom the shares are held, and
- (f) the full name and address of the manager appointed to represent its interests, and if the manager is a body corporate, the address of any place of business it has in the Bailiwick.

3. The following information is to be registered about any representative person –

- (a) the full name of the individual or body corporate, and
- (b) the address of the individual, or the place of business in the Bailiwick of the body corporate.

4. The following information is to be registered about ships registered or to be registered on Part I of the Register –

- (a) name,
- (b) either the IMO Number or the International Standards Organisation Hull Identification Number ("HIN") as appropriate,
- (c) radio call sign,
- (d) port of registry,
- (e) official number,
- (f) year of build,

- (g) method of propulsion e.g. whether sail, steam, motor or dumb,
- (h) where built,
- (i) name and address of builders,
- (j) date keel laid/when built,
- (k) length-metric units,
- (l) breadth - metric units,
- (m) depth - metric units,
- (n) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier,
- (o) type of bow - profile,
- (p) type of stern - profile,
- (q) material used to construct hull,
- (r) such of the following tonnages as are specified in the certificate of survey: gross, net and registered,
- (s) make and model of engine(s) and year of manufacture, and
- (t) total power of engines in kilowatts.

5. The following is to be registered about fishing vessels registered or to be registered on Part II of the Register –

- (a) official number,
- (b) IMO number,
- (b) port letters and numbers,
- (c) name,
- (d) radio call sign,
- (e) whether full or simple registration,
- (f) material used to construct hull,
- (g) name of builder,
- (h) year of build,
- (i) place and country of build,
- (j) date of entry into service,
- (k) overall length-metric units,
- (l) registered length-metric units,
- (m) breadth-metric units,
- (n) depth-metric units,

- (o) gross tonnage,
- (p) net tonnage,
- (q) total engine power in kilowatts, and
- r) maximum continuous engine power in kilowatts, or, if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts,
- (s) make and model of engine,
- (t) number of cylinders,
- (u) number of engines,
- (v) number of revolutions per minute, and
- (w) modification explanation.



**SCHEDULE 4**  
**CERTIFICATE OF REGISTRY**

1. A certificate of registry for a ship registered or to be registered on Part I of the Register shall contain –

- (a) the full name and address of the owner(s),
- (b) the number of shares owned by each owner and if any are jointly owned, with whom they are owned,
- (c) the following information about the ship –
  - (i) name,
  - (ii) either the IMO number or the HIN number, as appropriate,
  - (iii) radio call sign,
  - (iv) number in year and port of registry,
  - (v) official number,
  - (vi) year of build,
  - (vii) method of propulsion e.g. whether sail, steam, motor or dumb,

- (viii) length - metric units,
  - (ix) breadth - metric units,
  - (x) depth - metric units,
  - (xi) bow profile,
  - (xii) stern profile,
  - (xiii) material used to construct hull,
  - (xiv) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier,
  - (xv) such of the following tonnages as are specified in the certificate of survey: gross, net and registered,
  - (xvi) engine make and model and year of manufacture,
  - (xvii) engine power in kilowatts,
- (d) the date of issue of the certificate, and
- (e) the date the certificate expires, which shall be expressed as being 10 years from the date of issue, shown on the inside front cover of the certificate.

2. A certificate of registry for a fishing vessel registered or to be registered on Part II of the Register shall contain -

- (a) the name and address of each owner,

- (b) the number of shares and, if any are jointly owned, with whom they are owned,
- (c) the following details about the vessel –
  - (i) name,
  - (ii) port letters and number,
  - (iii) official number,
  - (iv) IMO number,
  - (v) radio call sign,
  - (vi) registered length,
  - (vii) overall length,
  - (viii) breadth,
  - (ix) depth,
  - (x) net tonnage,
  - (xi) gross tonnage,
  - (xii) engine make and model,

- (xiii) maximum continuous engine power, in kilowatts, or if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts,
  - (xiv) year of build,
  - (xv) date of entry into service,
  - (xvi) modification explanation
- (d) the date of the issue of the certificate,
  - (e) the date of expiry of the certificate, and
  - (f) whether it has full or simple registration.

3. A certificate of registry for a small ship registered on Part III of the Register shall contain –

- (a) the full name of each owner and
- (b) the following details about the vessel –
  - (i) name,
  - (ii) official number,
  - (iii) HIN number,
  - (iv) number of hulls,
  - (iv) overall length,
  - (v) the date of issue of the certificate, and

(vi) the date of expiry of the certificate.

**SCHEDULE 5**  
**FEES PAYABLE TO THE REGISTRAR**

<b>Fees chargeable in connection with vessels on Part I of the Register</b>	
First registration	£280
Re-registration of a vessel previously Part I registered	£280
Transfer in from another British port of registry	£280
Transfer of ownership by bill of sale	£85
Transfer by transmission	£85
Registration, transfer or discharge of a marine mortgage	£85
Renewal of Registration	£85
Replacement or Duplicate Certificate of Registry	£50
Change of Vessel Name	£50
Transfer out to another British port of Registry	£50
Certificate of provisional Registration	£25
Current Transcripts	£25
Closed Transcripts	£25
Certified copy of an original document	£25
Notice of Mortgage Intent	£25
Change of Registered Particulars of Vessel	£25
Change of Registered Particulars of Owner	£25
Inspection of Register	£10

<b>Fees chargeable in connection with vessels on Part III of the Register</b>	
First registration	£50
Renewal of registration	£50
Re-registration of a vessel previously Part III registered	£50
Re-registration on transfer of ownership	£50
Replacement or Duplicate Certificate of Registry	£25

## EXPLANATORY NOTE

*(This Note is not part of the Regulations)*

### Summary

These regulations are made under section 18 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 ("the Law"). Section 18 falls within Part II (Registration) of the Law, most of which Part, together with Part I (British Ships) and some supporting sections, was commenced by the Merchant Shipping (Bailiwick of Guernsey) (Commencement) Ordinance, 2009. Another set of regulations made under section 18 relating to the ascertainment of the tonnage of ships - the Merchant Shipping (Tonnage) (Bailiwick of Guernsey) Regulations, 2009 - is being made at the same time.

These regulations relate to the Register of British Ships in Guernsey ("the Register") and to the registration of ships on the Register, and together with the commenced sections of the Law replace the previous relevant legislative provisions.

The main practical effects of the regulations, taken together with the relevant commenced provisions of the Law, are twofold. First, they bring the registration of ships in Guernsey up to date, and consistent with modern practice in other jurisdictions, especially the UK. Second, they make the law relating to the registration of ships in Guernsey more accessible, by replacing provisions in several pieces of primary legislation, and several sets of regulations, with provisions in one Law and one set of regulations.

The regulations introduce two main changes to the current system: they change the period of registration on Part 1 of the Register from perpetuity to ten years (regulation 39), and they provide that ships may be registered on Part II with either full registration or simple registration, rather than just simple registration as previously (regulation 3). (Full registration, in the context of the Law, means that the provisions of Schedule 1 to that Law, relating to mortgages and bills of sale, apply to that ship.)

The regulations are divided into 13 Parts and five Schedules, and the provisions of each Part and Schedule are summarised below.

#### Part I

This comprises a citation, commencement and interpretation section.

#### Part II

Part II makes provision relating to the Register, including how it is structured and how entries on it shall be made; provides that the registration of fishing vessels shall be of two kinds; makes provision relating to fishing vessels changing from full to simple registration; provides that a ship shall be registered only on one Part of the Register; and provides that, generally, no trust may be registered by the Registrar.

#### Part III

This Part makes provision relating to qualification and entitlement for registration on Part I of the Register, including provisions relating to the appointment of managers to represent the interests of owners which are bodies corporate, and of representative persons in certain cases where the owners are not resident in or do not have their principal place of business in the Bailiwick. It excludes fishing vessels from being registered on Part I, and provides that nothing in this Part of the regulations applies to a government ship.

#### Part IV

This Part makes provision relating to qualification and entitlement for registration on Part II of the Register, including a requirement that a vessel may not be registered on Part II unless it has a Bailiwick connection (the requirements of which include its being managed and its operations controlled from within the Bailiwick, and its being based in and operated from a port in the Bailiwick).



## Part V

Part V relates to the appointment of representative persons and managers, including who may be representative persons and managers, and to the service of documents upon representative persons.

## Part VI

This Part deals with procedures relating to the process of registration itself. It makes provision relating to applications for registration, including the appointment of managing owners in certain cases; applications by bodies corporate; declarations of intent and ownership; evidence of title; the survey and measurement of ships; the submission of details relating to the ship's engine power; and names, official numbers, and the marking of ships.

It also makes provision relating to the issue of certificates of registry, the period of registration and documents that are to be retained by the Registrar.

It makes further provision relating to the renewal of registration, and to the transfer of ships, including the registration of the transfer of a ship, the transmission of registered ships and of shares in registered ships under Schedule 1 to the Law, the form of bills of sale, evidence of title required on the transmission of a registered ship, and declarations of ownership on transfer and transmission.

Finally it makes provision relating to changes of the registered particulars of a ship, changes of names of ships, and the removal of ships from the Register.

## Part VII

Part VII relates to mortgages of registered ships and of shares in registered ships, and to mortgages registered under Schedule 1 to the Law, including their form, registration, transfer and transmission, and discharge. It also makes provision in relation to notices to the Registrar by intending mortgagees under proposed mortgages of registered ships and shares in registered ships, and the recording of intended interests under such proposed mortgages in the Register.

### Part VIII

This Part provides for provisional registration of ships on the Register for a period of three months where a ship is outside the British Islands.

### Part IX

Part IX deals with the transfer of the registration of ships registered on Part I of the Register to the register of a port in a relevant British possession; the transfer of ships (excluding fishing vessels) registered in a relevant British possession to Part I of the Register, and the transfer of registered ships to different Parts of the Register.

### Part X

Part X makes provision in relation to the registration of small ships on Part III of the Register, including eligibility and qualification criteria for ships and ship owners, the form of applications for registration, certificates of registry, and marking. It provides that Schedule I to the Law (transfers by bill of sale and the registration of mortgages) shall not apply to small ships. It also provides that, unless terminated or renewed, the period of registration of a small ship shall be five years, and makes provision for the renewal of registration, notification of changes of ownership, the right of the Registrar to require further information on an application for registration (including the production of the ship for inspection), and the termination of registration.

### Part XI

This Part contains miscellaneous provisions. They include a power of the Registrar to require evidence, in certain circumstances, that a ship is eligible to remain on the Register; provision relating to documents not in English and the witnessing of documents; a power of the Registrar to dispense with requirements to produce declarations, evidence and certificates of registry under the Regulations; and provisions relating to the surrender and custody of certificates, and duplicate certificates. Other provisions relate to the status of a certificate of registry of a fishing vessel under the Sea Fisheries Act 1968, and impose restrictions on the

registration of transfers of ownership, changes of details and renewals of registration where the ship is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969 and has not done so. Further provisions require that marking prescribed by the Regulations must be removed (and written confirmation of the removal sent to the Registrar) if a ship's registration is terminated.

#### Part XII

Part XII creates offences relating to the deceitful use of a certificate of registry, the effacement, alteration etc of marks required to be marked on a ship, failure to surrender certificates of registry, the provision of false information in connection with the registration of a ship, and the intentional alteration etc and destruction of a document required to be produced to the Registrar. All offences are punishable on summary conviction by fines not exceeding level 4 on the uniform scale (level 2 in the case of a failure to surrender certificates of registry) except for an offence of effacing, altering etc marks required to be marked on a ship, which is punishable on conviction on indictment by a fine.

#### Part XIII

This Part makes transitional provisions, including providing for the expiry of old certificates, with the date of expiry depending on the date of entry on the Register of the last transfer of ownership. It also makes provision for applications for registration made prior to the commencement of these Regulations.

#### Schedule 1

Schedule 1 makes provision relating to the approval by the Registrar of ships' names.

#### Schedule 2

This Schedule provides details of how ships are required to be marked ("carving and marking") before registration.

Schedule 3

Schedule 3 sets out details of what information (about ships, ships' owners and representative persons) shall be registered.

Schedule 4

Schedule 4 provides details of what information certificates of registry shall contain.

Schedule 5

Schedule 5 sets out fees payable to the Registrar.