



**MERCHANT SHIPPING REGISTRATION ACT 1991**  
**MERCHANT SHIPPING (SMALL SHIPS REGISTER)**  
**REGULATIONS 1991**

In exercise of the powers conferred on the Department of Highways, Ports and Properties<sup>(a)</sup> by sections 46 and 76 of, and Schedule 2 to, the Merchant Shipping Registration Act 1991<sup>(b)</sup>, and all other powers enabling it in that behalf, the following Regulations are hereby made:-

**Citation, commencement, interpretation and revocation**

1. (1) These Regulations may be cited as the Merchant Shipping (Small Ships Register) Regulations 1991 and shall come into operation on 1st. December, 1991.

(2) In these Regulations:-

“the Act” means the Merchant Shipping Registration Act 1991;

“Department” means the *Department of Trade and Industry*;

“overall length” means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

“owner” means any person who holds a legal interest in a ship by way of ownership thereof or of a share therein, provided that a mortgagor shall not by reason of the mortgage cease to be an owner;

“small ship” means a ship less than 24 metres in length (and in this definition “length” has the same meaning as in the tonnage regulations of the Act);

---

(a) Functions now transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97).

(b) 1991 c.15

Text revised July 2001 includes amendments indicated by *bold italics* made by -

(a) the Criminal Justice (Penalties Etc.) Act 1993 (1993 c. 18);

(b) the Merchant Shipping Registration Regulations 1996 (SD 689/96).

(c) the Fishing Vessels (Tonnage and Registration) (Amendment) Regulations 2001 (SD 288/01)

Price : £1.30. Price band “A”

“Small Ships Register” means the register established and maintained by the Department in accordance with regulation 3;

“submersible vessel” means any vessel used or designed for use under the surface of any waters.

(3) The Merchant Shipping (Small Ships Register) (Isle of Man) Regulations 1985<sup>(c)</sup> are revoked.

### **Eligibility for registration under section 46 of the Act**

2. (1) A ship which is less than 24 metres in length, other than a fishing vessel or a submersible vessel is eligible to be registered under section 46 of the Act if the vessel is Manx-owned.

(2) For the purposes of paragraph (1) a ship is Manx-owned if -

- (a) the legal title to the ship is vested wholly in one or more qualified persons or companies; and
- (b) the vessel is beneficially owned -
  - (i) as to not less than 75 per cent of the property in the vessel, by one or more qualified persons, or
  - (ii) wholly by a qualified company or companies, or
  - (iii) by one or more qualified companies and, as to not less than 75 per cent of the remainder of the property in the vessel, by one or more qualified persons.

(3) Where any share in a vessel is beneficially owned jointly by persons not all of whom are qualified persons or companies, then, for the purposes of this regulation, the whole of that share shall be treated as beneficially owned by persons who are not qualified persons or companies.

(4) In this regulation-

“qualified company” means a company which satisfies the following conditions, namely -

- (a) it is incorporated in the Island and has its principal place of business there;
- (b) at least 75 per cent of its shares (taken as a whole), and of each class of its shares, is legally and beneficially owned by one or more qualified persons or companies; and
- (c) at least 75 per cent of its directors are qualified persons;

---

(c) GC.70/85

“qualified person” means -

- (a) a person who is a British citizen resident and domiciled in the Island,
- or
- (b) a Department.

### **Registration of Small Ships**

3. (1) The Department shall maintain a register of small ships to which these Regulations apply, and any function in relation to the register which, under these Regulations other than paragraph (9) is to be discharged by the Department may be discharged by persons appointed by such organisations as may be authorised in that behalf by the Department.

(2) Applications for registration shall be made in writing and shall specify such particulars relating to the ship and its ownership as will show that the ship is one to which these Regulations apply and the following details:

- (a) a description of the ship;
- (b) the overall length of the ship;
- (c) the name of the ship; and
- (d) the name and address of every owner of the ship or if paragraph (6) is applicable of every person who will be an owner of the ship when the registration takes effect.

(3) Applications for registration shall be signed by one of the persons specified in paragraph (2)(d) of this regulation.

(4) The applicant for registration shall provide -

- (a) the document of sale or builder's certificate under which the ship, or a share therein has become vested in the applicant; and
- (b) such supplementary information and evidence relating to the ship and the ownership thereof as the Department may require to determine whether the ship may properly be registered.

(5) Upon 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 it to be undesirable, the Department shall register the ship and shall record in the register the following details:

- (a) the number of the registration of the ship;
- (b) the date of registration;
- (c) the date of expiration of registration determined in accordance with regulation 5;

- (d) the details specified in paragraph (2)(a), (b), (c) and (d) of this regulation.

(6) When an application for the registration under section 46 of the Act of a ship registered under Part I of the Act [...] is granted, then the registration of the ship under that Part may be closed if the application was made by -

- (a) the owner registered under that Part, or
- (b) individuals who state that they are together entitled to the entire beneficial ownership of the ship,
- (c) a body corporate incorporated in the Island and having its principal place of business there.

and in either case there is no registered mortgage [...] affecting the ship or a share in the ship.

(7) When the registration under section 46 of the Act takes effect, the Department shall furnish to the person registered as owner of the ship a certificate which shall include the details recorded in the register in accordance with paragraph (5) of this regulation.

(8) In the event of -

- (a) a ship registered under section 46 of the Act ceasing to be a ship to which these Regulations apply, or
- (b) a change in the details included on the certificate of registration pursuant to paragraph (7) of this regulation, the registration of the ship under section 46 of the Act may be terminated.

(9) Where it appears to the Department that there is any doubt as to the right of any ship registered under section 46 of the Act to be so registered, it may require the person registered as owner to give evidence to its satisfaction that the ship is entitled to be so registered and such evidence may include the production of the ship for inspection at a place and under such conditions as it requires; and if the evidence required is not given to its satisfaction within 3 months of being so required, it may terminate the registration of the ship.

(10) The Department may wherever it appears necessary or appropriate to do so for giving effect to these Regulations or for bringing up to date or otherwise correcting particulars on the register, amend the register and issue an amended certificate of registration.

***[Paragraph (11) is inserted by SD 689/96]***

***(11) Where the Department is not satisfied that the ship is eligible to be registered, it may, subject to paragraph (9) (Requirement for supplementary information), refuse to register the ship.***

## **Marking**

4. The person registered as owner of the ship under section 46 of the Act shall ensure that:-
- (a) within one month of the date on which the registration of that ship takes effect there is clearly painted or affixed to an external surface of the ship the number of its registration preceded by the letters SSR, and shall furnish to the Department a declaration to that effect; and
  - (b) such marking is effectively maintained and renewed when necessary during the period of registration of the ship.

## **Period of Registration**

5. (1) Registration under section 46 of the Act shall, subject to termination under the provisions of these Regulations, be for a period of five years from the date of registration and unless renewed by the Department before the date of expiration shall expire on that date.

(2) Upon receipt of an application for renewal of registration by the person registered as owner of the ship during the period of six months prior to the date of expiration, the Department shall, if satisfied that the registration of the ship has not terminated and may properly be continued, and that it has been informed of any change in address on the register, renew the registration for a period of five years from the date of expiration of the current period; and shall issue to the person registered as owner of the ship a certificate of registration which shall include the details recorded in the register in accordance with regulation 3(5), save that the date of registration shall be the date of renewal of registration.

## **Loss of Certificate**

6. When it is shown to the satisfaction of the Department that the certificate of registration of a ship registered under section 46 of the Act has been mislaid, lost or destroyed, it may issue to the person registered as owner of the ship a duplicate copy of the certificate.

*[The following regulations are inserted by SD 689/96]*

### *Notification of changes of ownership etc.*

**6A. (1) *If at any time there occurs, in relation to a ship registered under these Regulations -***

- (a) any change affecting the eligibility of the ship to be registered; or*
- (b) any change in relation to the address of the registered owner of the ship; or*

(c) *any details relating to the ship,*  
*the registered owner of the ship shall, as soon as practicable after the change occurs, notify the Department.*

(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.*

#### *Custody of certificate*

**6B.** *A certificate of registration 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, or other person to, on, or in the ship.*

#### *Termination of registration*

**6C.** *In the event of -*

- (a) *a ship ceasing to be ship to which these Regulations apply; or*
- (b) *a change in the details recorded on the certificate of registration;*

*the registration of the ship shall terminate.*

#### **Effect of Termination of Registration**

7. Whenever the registration of a ship under section 46 of the Act is terminated, the certificate of registration shall thereupon cease to have effect and shall be surrendered by the person registered prior to termination as owner of the ship or if he has died his legal personal representative to the Department within one month.

#### **Registration Number**

8. Whenever the registration of a ship is renewed in accordance with regulation 5(2) of these Regulations, or within 3 months of the expiration or termination of registration the ship is registered anew in accordance with regulation 3(5) of these Regulations, the number of the registration of the ship shall be the same as that applicable before the renewal, expiration or termination of registration.

#### **Offences**

9. (1) Any person who, with intent to deceive, uses, or lends to, or allows to be used by, another, a certificate of registration under section 5 which has ceased to have effect shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£2,500**.

(2) Any person who, for the purposes of registration under section 5, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£2,500**.

(3) Any person who, being required by regulation 4 to ensure that any requirement of that regulation as to the marking of a ship is met fails to notify the Department or to ensure that that requirement is met, shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£1,000**; save that it shall be a defence for such a person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Any person who, being required by these Regulations to surrender a certificate of registration, fails without reasonable excuse to surrender the certificate shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£1,000**.

*[The following paragraph is inserted by SD 689/96]*

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

Made this 13th. day of November, 1991.

*A. Arnold Callin*

MINISTER for  
Highways, Ports and Properties

## EXPLANATORY NOTE

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

These Regulations provide for the registration of small ships being less than 24 metres in length (other than fishing vessels or submersible vessels) which are owned by persons who are for the purposes of Part I of the Merchant Shipping Registration Act 1991, qualified to be owners of Manx Ships. The register is maintained by the **Department of Trade and Industry** however provision is also made for functions under the Regulations to be discharged by other organisations authorised by the Department (regulation 3(1)).

The requirements for closing the registration of a ship which is registered under section 46 of the Act are set out (regulation 3(6)).

Provision is made for the termination of registration (regulation 3(8) and (9) and surrender of certificates in specified circumstances (regulations 7), and for the marking of registered ships (regulation 4). The Regulations make it an offence to use a certificate of registration which has ceased to have effect, to make a false statement for the purposes of registration, to fail to comply with marking requirements and to fail to surrender a certificate of registration (regulation 9).