



**MERCHANT SHIPPING REGISTRATION ACT 1991**

**MERCHANT SHIPPING (DEMISE CHARTER REGISTER)  
REGULATIONS 1991**

**TABLE OF CONTENTS**

**PART I - INTRODUCTION**

1. Citation and commencement
2. Interpretation

**PART II - MANX REGISTRY**

3. The Demise Charter Register
4. Eligibility for registration
5. Applications for registration
6. Ascertainment of Tonnage
7. Name of ship and official number
8. Marking
9. Carving and Marking Note
- 9A. Cancellation of carving and marking note
10. Registration
11. Documents to be retained by the Department
12. Certificate of Demise Charter Registry
13. Production of Certificate of Registry to the Department
14. Ownership of ship
- 14A. Change in registered particulars of ship
15. Period of registration and renewal of registration
16. Termination of registration
17. Effect of Termination of Registration



## PART I - INTRODUCTION

In exercise of the powers conferred on the Department of Highways, Ports and Properties<sup>1</sup> by section 60 and 76 of, and Schedule 4 to, the Merchant Shipping Registration Act 1991<sup>2</sup> and of all other powers enabling it in that behalf, the following regulations are hereby made:-

### Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Demise Charter Register) Regulations 1991 and shall come into operation on 1<sup>st</sup> December 1991.

### Interpretation

2. In these Regulations -

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

**“British registry” means registration in the United Kingdom, any of the Channel Islands or any colony;**

“Certificate of demise charter registration” means a certificate issued by the Department under regulation 12;

**“colony” means any part of Her Majesty’s dominions outside the British Islands except -**

**(a) countries having full responsible status within the Commonwealth;**

**(b) territories for whose external relations a country other than the United Kingdom is responsible;**

**(c) associated states;**

**and where part of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony;**

“compatible registry” means a ship registry of a country the law of which permits demise charter registration in a manner consistent with these Regulations and the Act;

“Demise Charter Register” means the Register established and maintained by the Department in accordance with regulation 3;

“Department” means the **Department of Trade and Industry**<sup>3</sup>;

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<sup>1</sup> Functions now transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 SD 51/97.

<sup>2</sup> 1991 c.15

<sup>3</sup> The functions in these Regulations have been transferred by SD155/10 to the Department of Economic Development and then to the Department for Enterprise by SD2017/0325 the Transfer of Functions (Economic Development and Education) Order 2017 with effect from 24 November 2017.

“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;

“underlying registry” means the registry of the state in which the owner of the ship is registered as owner and to which jurisdiction and control will revert upon termination of the demise charter registration, and “underlying register” and “underlying registration” shall be construed accordingly.

## **PART II - MANX REGISTRY**

### **The Demise Charter Register**

3. (1) The Department shall establish and maintain a register, which may be in a documentary or non-documentary form, to be known as the Demise Charter Register.

(2) Douglas shall be deemed to be the port of registry for ships registered in the demise charter register.

(3) Notwithstanding the provisions of section 62 of the Act, a ship registered in the demise charter register shall wear the red ensign and not the ensign of the underlying registry.

### **Eligibility for Registration**

4. A ship shall only be eligible to be entered in the demise charter register if -

- (a) the ship is not a fishing vessel or is not a ship of less than 24 metres in length;
- (b) the ship is registered in a compatible register;
- (c) the ship is chartered by demise to a person qualified to be the owner of a Manx ship for the purposes of Part I of the Act, and
- (d) the charterer appoints a body corporate registered in the Island to undertake the principal functions of management of the ship from within the Island. Such body corporate shall be responsible for the following matters -
  - (i) the statutory certification of the ship;
  - (ii) the operational safety of the ship;
  - (iii) the manning of the ship and
  - (iv) anti-pollution measures.

### **Applications for registration**

5. (1) Applications for registration shall be made in writing by the charterer or his agent (in this regulation referred to as “the applicant”). If the charterer is a body corporate the application shall be made by an authorised officer appointed in writing by that body.

(2) Every application 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 name of the ship; and
- (c) the name and address of every owner of the ship;
- (d) the name and address of the charterer by demise of the ship.

(3) The applicant for registration shall provide -

- (a) a certified copy of the agreement under which the ship is chartered by demise to the charterer;
- (b) a certified copy of the entries in the underlying registry including details of ownership and any mortgages, charges or liens registered against the ship;
- (c) the written consent of the appropriate maritime authorities of the country of registry to demise charter registration;
- (d) the current international tonnage certificate relating to the ship and the certificate of survey referred to in regulation 6;
- (e) the written consent of the mortgagees if any), and the written consent of every owner to demise charter registration;
- (f) the name and address of the manager appointed under regulation 4(d); and
- (g) 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.

### **Ascertainment of Tonnage**

6. (1) Subject to paragraph (3), the tonnage of a ship to be registered in the demise charter register shall be ascertained in accordance with the Merchant Shipping (Tonnage) (Isle of Man) Regulations 1984<sup>4</sup>.

(2) A certificate of survey shall be issued specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Department.

(3) At the request of the charterer, the Department may accept the tonnage of such ship to be that registered in the underlying registry if it is satisfied the provisions of the International Convention on Tonnage Measurement of Ships signed in London on 23rd June 1969, if applicable to such ship and unless such ship has been exempted from them, have been adhered to, and the certificate of survey referred to in paragraph (2) shall be that issued by the underlying registry.

(4) Such certificate of survey shall be delivered to the Department before registry.

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<sup>4</sup> GC 234/84. Now superseded by SD 513/98

## **Name of ship and official number**

7. (1) A ship which is registered in the demise charter register shall retain the name assigned to it under the underlying registry unless that name is the same as the name of a ship which is -

- (a) already registered on the demise charter register; or
- (b) *is registered as a Manx ship under Part I of the Act.*

(2) If on receipt of an application for registration, the Department is satisfied that the ship in respect of which application has been made is eligible to be registered in the demise charter register, the Department shall allocate to the ship a registration number and shall issue to the owner a Carving and Marking Note.

## **Marking**

8. (1) The charterer shall cause the name of the ship to be marked on each of her bows, and her name and the port of registry to be marked on her stern. In both cases the markings shall comply with paragraph (2).

(2) The markings shall be cut in or raised up. The colour of the markings shall contrast with the colour of the ground on which they are located. The letters shall not be less than 1 decimetre in height and 2-5 centimetres in breadth.

(3) The charterer shall cause the registration number of the ship to be cut into the main beam of the vessel or otherwise marked or fixed thereon to the satisfaction of the Department in such a way that it cannot be readily effaced.

## **Carving and Marking Note**

9. An Inspector, duly authorised by the Department for the purpose, shall satisfy himself that the ship has been marked and carved in the manner required by regulation 8, certify the Carving and Marking Note to that effect and return it to the Department.

## ***Cancellation of carving and marking note***

***9A. If a carving and marking note issued under regulation 7 is not duly completed and returned to the Department within 3 months of its issue, the Department may cancel it and the application shall be treated as having been withdrawn.***

## **Registration**

10. (1) Upon receiving an application for registration in the demise charter register and being satisfied that :-

- (a) the ship may properly be registered;

- (b) that the name does not appear to it to be undesirable; and
- (c) having received the carving and marking note certifying that the ship has been marked and carved in accordance with regulation 8,

the Department shall register the ship and record the following details in the demise charter register -

- (i) the name and registration number of the ship;
- (ii) the date of registration;
- (iii) the date of expiration of registration determined in accordance with regulation 15;
- (iv) the descriptive particulars and tonnage details of the ship;
- (v) the name and address of every owner of the ship;
- (vi) the name and address of the charterer of the ship;
- (vii) the name and address of the manager of the ship.

(2) After registering the ship, the Department shall inform the appropriate authorities of the underlying registry of the registration of the ship in the demise charter register.

### **Documents to be Retained by the Department**

11. On registering a vessel the Department shall retain in its possession the documents produced to it in accordance with regulation 5(3).

### **Certificate of Demise Charter Registry**

12. (1) Upon registering a vessel, the Department shall issue and send to the charterer a Certificate of Demise Charter Registry containing the particulars set out in Schedule 1.

(2) If it is shown to the satisfaction of the Department that the Certificate of demise charter Registry of a ship chartered by demise has been lost, stolen or destroyed or has become illegible it may issue to the charterer or master of the ship a duplicate of that certificate and that duplicate, which shall be marked as such, shall be of the same effect as the original.

(3) Where a duplicate certificate is issued the original if then available or if subsequently found shall be forthwith surrendered to the Department.

(4) Upon the issue of the Certificate of Demise Charter Registry the charterer shall surrender to the appropriate authorities of the underlying registry such documents issued to the ship as may be required by those authorities and, within 30 days of the issue of the Certificate of Demise Charter Registry, the charterer shall make and deliver to the Department a declaration to that effect.

### **Production of Certificate of Registry to the Department**

13. The charterer of a ship recorded in the demise charter register shall produce the Certificate of Demise Charter Registry of his ship to the Department on demand.

### **Ownership of ship**

14. (1) These Regulations shall not assert any ownership rights over a ship registered on the demise charter register and it shall have no effect with regards to title and transfer and transmission of such ship or shares therein.

(2) The charterer shall report any transfer of ownership of the ship or other changes or alterations respecting the ship, to the Department within seven days of such changes or alterations taking place.

(3) The registration of the ship on the demise charter register shall be closed unless the new owners, within seven days, have informed the Department that they have no objection to the registration of the ship on the demise charter register continuing, and, within 30 days of having made such declaration, delivered to the Department their consent in writing to such registration.

### ***Change in registered particulars of ship***

**14A. (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);***

***application shall be made as soon as practicable to the Department for the change to be recorded in the Register.***

**(2) *Such application shall be in writing and shall be accompanied by the certificate of demise charter registration and such evidence as to the change as may be required by the Department.***

**(3) *Where there is a change in the tonnage of a ship, it shall be resurveyed or remeasured in accordance with regulation 6 (Ascertainment of tonnage). Thereafter 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 certificate of demise charter registration.***

**(4) *On recording the change in the registered particulars the Department shall cancel the existing certificate of demise charter registration and issue to the charterer a new certificate expiring on the same date as the existing one.***



## **Period of registration and renewal of registration**

15. (1) Subject to termination under the provisions of these Regulations, the duration of the registration of a ship in the demise charter register shall be for a period not exceeding the duration of the demise charter agreement or the expiry of the underlying registration, whichever is the shorter period, but in no case for a period exceeding five years.

(2) Upon receipt of an application for renewal of registration by the person registered as charterer 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 for a further period, and that it has been informed of any change in address on the register and has not received any objections from the appropriate authorities of the underlying registry, the owners or the mortgagees (if any), renew the registration for a further period not exceeding the duration of the demise charter agreement or the expiry of the underlying registration, whichever is the shorter period, but in no case for a period exceeding five years.

(3) Upon the grant of a renewal in terms of paragraph (2), the Department shall -

- (a) enter the new date of expiry in the register of the ship;
- (b) issue to the charterer of the ship a certificate of demise charter registration which shall include the details recorded in the register in accordance with regulation 10, save that the date of registration shall be the date of renewal of registration.
- (c) inform the appropriate authorities of the underlying registry.

## **Termination of registration**

16. (1) The registration of a ship in the demise charter register shall forthwith terminate in the following cases -

- (a) where the appropriate authorities of the underlying registry revoke their consent for the ship to be recorded in the Register;
- (b) if the registration in the underlying registry has for any reason been terminated;
- (c) if a voluntary closure of registry has been requested by the charterer;
- (d) where the charter lapses or is terminated by any of the parties to it;
- (e) at the end of the period referred to in regulation 15 unless renewed;
- (f) where a ship recorded in the Register ceases to be a ship to which these Regulations apply; or
- (g) if the ship no longer complies with the requirements of the statutory provisions specified in Schedule 2;
- (h) if the charterer assigns or otherwise transfers his interest in the charter.

(2) Where it appears to the Department that there is any doubt as to the right of any ship to be recorded in the Register, it may require the person registered as charterer 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.

(3) 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 Demise Charter Registration.

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

17. Whenever the registration of a ship in the Demise Charter Register is terminated, the certificate of Demise Charter Registry shall thereupon cease to have effect and shall be surrendered by the person registered prior to termination as charterer of the ship to the Department within one month.

## **PART III**

### ***REGISTRATION OF MANX SHIPS IN A COMPATIBLE REGISTRY***

#### **Registration in a *compatible registry***

18. Notwithstanding any provision of the Act a Manx ship registered under Part I of the Act may be demise charter registered for a period not exceeding 5 years in accordance with the following Regulations in a *compatible registry* if the Department gives consent in writing thereto in terms of regulation 19 below.

#### **Consent of Department**

19. (1) The Department may, under such conditions as may be deemed fit to impose, give consent referred to in regulation 18 above if -

- (a) the ship is registered as a Manx ship under Part I of the Act;
- (b) the demise charter registry where the ship is to be registered is a *compatible registry*; and
- (c) the following documents are submitted to it:-
  - (i) an application for demise charter registration in a *compatible registry* made by all owners containing such information as may be required by the Department;
  - (ii) the consent in writing to such registration of all registered mortgagees, if any;
  - (iii) a written undertaking by the owners to surrender the certificate of registry issued under the Act within thirty days from entry into the *compatible registry*;
  - (iv) *except in the case where the compatible registry is a British registry, a written undertaking by the charterer that the red*

*ensign, with or without any defacement, shall not be worn during the period of registration in the compatible registry; and*

- (v) a copy of the demise charter.

(2). The owners shall produce to the Department any amendments or modifications to the demise charter within thirty days of such amendments or modifications being effected.

### **Name of ship**

20. (1) Subject to the provisions of subsection (2) of this section a ship registered under Part I of the Act shall be demise charter registered in a *compatible registry* by the name under which it is registered under the Act.

(2) The name of a Manx ship demise charter registered in a *compatible registry* may be changed with the written permission of the Department in terms of section 33 of the Act only if such change is being effected also in the *compatible registry*.

### **Registration of a Manx ship in a compatible registry**

21. (1) Upon the demise charter registration of a Manx ship in a *compatible registry* :-

- (a) the owners shall immediately notify the Department of such registration, and within thirty days surrender to the Department the certificate of registry issued to the ship under the Act and deliver to the Department a transcript or an extract of *registration in the compatible register*; and
- (b) the Department, if satisfied that such registration has been effected according to the provisions of the Act, shall make an entry thereof in the register of the said ship.

(2) The owners shall immediately notify the Department of the closure or lapse of the demise charter registration in a *compatible registry*, and shall within thirty days of the closure of such registry, deliver to the Department a transcript or an extract of the *registration in the compatible registry* showing such closure.

### **Obligations while ship is in a compatible registry**

22. (1) Unless otherwise provided for in these Regulations, the owners of a Manx ship demise charter registered in a *compatible registry* shall comply with all the provisions of the Act as if the ship were not so registered in the *compatible registry*.

(2) During the time a Manx ship is demise charter registered in a *compatible registry* in terms of the provisions of these regulations:-

- (a) ***except in the case where the compatible registry is a British registry, and*** notwithstanding the provisions of section 63 of the Act, such ship shall not wear the red ensign, defaced or undefaced; and
- (b) notwithstanding the provisions of section 14 of the Act, the home port of such ship shall be that of the ***compatible registry***.

(3) The owners shall, within fifteen days from the entry into the ***compatible registry***, make and deliver to the Department a declaration to the effect that the name of the ***compatible registry*** home port has been marked on the stern of the ship in lieu of the name of the Isle of Man port of registry.

#### **Payment of fees while ship is in *compatible registry***

23. A Manx ship demise charter registered in a ***compatible registry*** shall, notwithstanding such registration, continue to be subject to the payment of all the fees set out in the Act, or in any regulations made thereunder, in respect of Manx ships.

#### **International convention certificates of ship registered in a *compatible registry***

24. (1) A Manx ship demise charter registered in a ***compatible registry*** required to be issued with international convention certificates in terms of an international convention to which the Isle of Man is a party shall be issued with such certificates under the authority of the Government of the ***compatible registry***.

(2) The Government of the ***compatible registry*** is recognised as being the competent authority to exercise exclusive jurisdiction and control over the vessel in accordance with applicable International Conventions.

#### **Title mortgages and encumbrances of ship registered in a *compatible registry***

25. No law which relates to -

- (a) title to a ship or any interest in a ship; or
- (b) ship mortgages, liens and other encumbrances,

shall be affected by these Regulations or by the demise charter registration of a Manx ship in a ***compatible registry***.

#### **Termination of demise charter registration in *compatible registry***

26. (1) The Department may withdraw the consent referred to in regulation 19, if any of the applicable provisions of that regulation, are not complied with:

Provided that the Department shall withdraw such consent, if:-

- (a) the Department, in the national interest or in the interest of Manx shipping and after giving the owners and the charterers of the ship a reasonable opportunity to make representations, shall withdraw its consent;

- (b) any of the conditions required to be fulfilled in terms of regulation 19 is not so fulfilled; or
  - (c) the charter terminates or is terminated by any of the parties to it.
  - (d) the registration in a *compatible registry* of a ship registered under the Act is not made in accordance with the provisions of these Regulations.
- (1) - (2) Upon the withdrawal of the consent of the Department in terms of paragraph
- (a) the Department shall inform the appropriate authorities of the *compatible registry*, the owners, the charterers, and the mortgagees, if any, of such withdrawal; and
  - (b) the charterer shall cause the *registration in the compatible registry* to be terminated.
- (3) Upon the termination of the *registration in the compatible registry*:-
- (a) the Department shall make an entry thereof in the register;
  - (b) within thirty days from the termination of such registration the owners shall make and deliver a declaration to the Department that the certificate of demise charter registration has been surrendered to the *compatible demise charter registry*, and thereupon the Department, unless the registry of the ship under Part I of this Act is also being closed, shall again deliver to the owners the certificate of registry which had been surrendered to him in terms of regulation 21(1)(a); and
  - (c) within thirty days from the termination of such registration the owners shall deliver to the Department a transcript or an extract of register showing that the *registration in the compatible registry* has been cancelled.

## **PART IV - GENERAL**

### **Certification of documents**

27. All documents required by the Department for the purposes of the Act shall be certified as required by the Department.

### **Extension of certain statutory provisions to ships entered in the register.**

28. (1) It is hereby directed that:-
- (a) the provisions of the Acts of Tynwald and of Parliament, specified in Part I of Schedule 2, and
  - (b) the provisions of the subordinate legislation specified in Part II of Schedule 2

shall have effect to ships in relation to which are entered in the Register as if the ships were registered under part I of the Act.

***(1A) In any statutory provision applicable to Manx ships any reference, (however phrased) to the owner of a Manx ship or a ship registered in the Island, shall mean, in relation to a ship entered in the demise charter register, the person registered as the charterer.***

(2) It is further directed that:-

- (a) the provisions of the Acts of Tynwald and Parliament, specified in Part I of Schedule 2 (with the exception of the entry relating to the Merchant Shipping Registration Act 1991), and
- (b) the provisions of the subordinate legislation specified in Part II of Schedule 2,

shall cease to have effect in relation to Manx ships which are demise charter registered in a ***compatible registry***.

## **Offences**

29. (1) Any person who, with intent to deceive, uses, or lends to or allows to be used by another, a certificate of Demise Charter Registration under regulation 12 which has ceased to have effect shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£5,000<sup>5</sup>**.

(2) Any person who, for the purposes of registration in the Demise Charter Register, 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 **£5,000<sup>6</sup>**.

(3) Any person who, being required by regulation 8 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 **£2,000<sup>7</sup>**; 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 any certificate, fails without reasonable excuse to surrender that certificate shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£2,000<sup>8</sup>**.

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<sup>5</sup> Increased to a fine not exceeding £5,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

<sup>6</sup> Increased to a fine not exceeding £5,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

<sup>7</sup> Increased to a fine not exceeding £2,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

<sup>8</sup> Increased to a fine not exceeding £2,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

## **SCHEDULE 1**

Regulation 12

### **PARTICULARS TO BE RECORDED ON A CERTIFICATE OF DEMISE CHARTER REGISTRY -**

1. Ship's Registration number;
2. Name of ship;
3. Number, year and Port of demise charter registry;
4. Number, year and Port of underlying registry (if any);
5. Whether a sailing, steam or motor ship and how propelled;
6. Place of build;
7. Year of build;
8. Name and address of builders;
9. Descriptive particulars of the ship;
10. Measurement of length, depth and breadth;
11. Particulars of engines (including boilers if fitted) and Engine power in kilowatts or Brake Horse Power;
12. Particulars of Gross and Register Tonnages:
13. Number of seamen for whom accommodation is certified:
14. Name and address of each owner who is an individual;
15. Name and registered office of each owner which is a company;
16. The number of sixty-fourth shares held by each owner:
17. Name and address of the charterer:
18. Date of issue of the Certificate of registry;
19. Date of termination of the Certificate of registry;
20. Whether an original or duplicate certificate.

**SCHEDULE 2***[Substituted by SD 552/99]***PART I****APPLICATION OF THE PROVISIONS OF ACTS OF TYNWALD AND OF  
PARLIAMENT**

<i>Chapter No</i>	<i>Title</i>	<i>Extent of Application</i>
1925 c. 42	Merchant Shipping (International Labour Conventions) Act 1925 (an Act of Parliament)	The whole Act
1974 c. 26	Carriage of Goods by Sea Act 1974	The whole Act
1979 c.20	Anchors and Chain Cables Act 1979	The whole Act
1979 c. 13	Merchant Shipping (Detention of Ships) Act 1979	The whole Act
1979 c. 14	Merchant Shipping (Masters and Seamen) Act 1979	The whole Act
1979 c. 11	Merchant Shipping (Passenger Ships' Survey) Act 1979	The whole Act
1979 c. 18	Shipping Casualties (Inquiries, Investigations and Reports) Act 1979	The whole Act
1981 c. 28	Carriage of Goods by Sea (Amendment) Act 1981	The whole Act



<i>Chapter No</i>	<i>Title</i>	<i>Extent of Application</i>
.....	<b><i>Reference to Merchant Shipping (Load Lines) Act 1981 c.24 omitted by SD2020/0552</i></b>	.....
1985 c. 3	Merchant Shipping Act 1985	The whole Act
1986 c. 12	Oil Pollution Act 1986	The whole Act
1991 c. 15	Merchant Shipping Registration Act 1991	Sections 1; 6; 15; 16; 18; 19; 41; 61 to 63; 65; 66; 68; 72; and 74.
1993 c. 14	Water Pollution Act 1993	Part II
1995 c. 5	Maritime Security Act 1995	The whole Act
1995 c. 21	Merchant Shipping Act 1995 (an Act of Parliament )	The whole Act to the extent that it applies or extends to the Island
1996 c. 20	Merchant Shipping (Miscellaneous Provisions) Act 1996	The whole Act

## PART II

### APPLICATION OF SUBORDINATE LEGISLATION

<i>G.C. Number</i>	<i>Title</i>	<i>Extent of Application</i>
92/70	Anchors and Chain Cables Order 1970.	The whole Order
152/77	Carriage of Goods by Sea (Sterling Equivalents) Order 1977.	The whole Order
107/80	Carriage of Goods by Sea (Sterling Equivalents) Order 1980.	The whole Order
168/80	Merchant Shipping (Masters and Seamen) (Application) Order 1980.	The whole Order
169/80	Merchant Shipping (Masters and Seamen) Act (Amendment) Order 1980.	The whole Order
49/81	Merchant Shipping (Sterling Equivalents) (Various Enactments) Order 1981.	The whole Order
243/82	Food and Hygiene (Ships) Regulations 1982	The whole Regulations
147/83	Carriage of Goods by Sea (Sterling Equivalents) (No.2) Order 1983.	The whole Order
.....	<b><i>SD 176/83 omitted by SD 816/01 MS (Safety Officials, General Duties and Protective Equipment) Regulations 2001</i></b>	

<i>G.C. Number</i>	<i>Title</i>	<i>Extent of Application</i>
8/84	Merchant Shipping (Masters and Seamen) (Application No.2) Order 1983	The whole Order
152/84	Merchant Shipping (Masters and Seamen) (Application and Amendment) Order 1984.	The whole Order
	<b><i>Reference to 232/84 omitted by SD2020/0552</i></b>	
277/84	Merchant Shipping (Deck Cargo) (Tonnage) Regulations 1984.	The whole Regulations
18/85	Merchant Shipping (Masters and Seamen) (Application No.2) Order 1984	The whole Order
38/85	Merchant Shipping (Safety Provisions) (Application) Order 1985 <sup>9</sup>	The whole Order
.....	<b><i>SD 39/85 omitted by SD 269/04 Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004</i></b>	
112/85	Carriage of Goods by Sea (Parties to Convention) Order 1985.	The whole Order
357/85	Merchant Shipping (Safety Provisions) (Application) (No.2) Order 1985.	The whole Order
195/86	Merchant Shipping (Prevention of Oil Pollution) Order 1986.	The whole Order

<sup>9</sup> Note: Schedule 1 of SD38/85 applies UK Regulations to the Island. The following entries of SD 38/85 have been revoked: 3, 5 -7, 10, 12 - 40, 43 - 48 and section L This note is not part of the regulations.

<i>G.C. Number</i>	<i>Title</i>	<i>Extent of Application</i>
.....	<b><i>Reference to GC214/86 omitted by SD818/06</i></b>	....
215/86	Merchant Shipping (Prevention of Oil Pollution) (Reception Facilities) Order 1986.	The whole Order
216/86	Merchant Shipping (Prevention of Oil Pollution) (Records) Regulations 1986.	The whole Regulations
.....	<b><i>Reference to GC218/86 omitted by SD2014/0238.</i></b>	.....
264/86	Shipping Casualties (Formal Investigations) (Application) Order 1986.	The whole Order
334/86	Merchant Shipping (Safety Provisions) (Application) (No.2) Order 1986.	The whole Order
336/86	Merchant Shipping (Liability of Shipowners and Others) (Calculation of Tonnage) Order 1986.	The whole Order
.....	<b><i>Reference to 132/87 omitted by SD2020/0231</i></b>	.....
.....	<b><i>Reference to 147/87 omitted by SD2020/0231</i></b>	.....

<i>G.C. Number</i>	<i>Title</i>	<i>Extent of Application</i>
.....	<b><i>Reference to 148/87 omitted by SD2022/0294</i></b>	.....
.....	<b><i>Reference to 149/87 omitted by SD2022/0294</i></b>	.....
288/87	Carriage of Passengers and their Luggage by Sea (Notice) Order 1987.	The whole Order
333/87	Merchant Shipping (Carriage of Passengers and their Luggage by Sea) (Application) Order 1987.	The whole Order
21/88	Merchant Shipping (Safety Provisions) (Application) Order 1988.	The whole Order
22/88	Deposits in the Sea (Exemptions) Order 1988.	The whole Order
151/88	Merchant Shipping (Pilot Ladders and Hoists) Regulations 1988 <sup>10</sup>	The whole Regulations
.....	<b><i>Reference to 316/88 omitted by SD2020/0231</i></b>	.....
332/88	Merchant Shipping (Masters and Seamen) (Application) Order 1988	The whole Order
362/88	Merchant Shipping (Closing of Openings in Hulls and Superstructures) Regulations 1989.	The whole Regulations

<sup>10</sup> Note: SD 151/88 revoked by SD 729/99 MS (Pilot Transfer Arrangements) Regulations 1999. This note is not part of the regulations.

<i>G.C. Number</i>	<i>Title</i>	<i>Extent of Application</i>
.....	<b><i>Reference to GCI/89 Omitted by Merchant Shipping (MARPOL Annex V) Order 2014 (SD2014/0065)</i></b>	.....
152/89	Merchant Shipping (Code of Safe Working Practices) Regulations 1989.	The whole Regulations
279/89	Merchant Shipping (Hatches, Hold Access and Lifting Plant) Regulations 1989.	The whole Regulations
280/89	Merchant Shipping (Means of Access) Regulations 1989.	The whole Regulations
421/89	Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1989.	The whole Regulations
34/90	Merchant Shipping (Provisions and Water) Regulations 1990.	The whole Regulations
38/90	Merchant Shipping (Masters and Seamen) (Application) Order 1990.	The whole Order
151/90	Merchant Shipping (Safety Provisions) (Application) Order 1990 <sup>11</sup> .	The whole Order
210/90	Payment of Seamen's Wages (Rate of Interest) Order 1990.	The whole Order
233/90	Merchant Shipping (Weighing of Goods Vehicles and Other Cargo) Regulations 1990 <sup>12</sup> .	The whole Regulations

<sup>11</sup> Note: SD 151/90 revoked by SD492/00 MS (Load Line) Regulations 2000. This note is not part of the regulations

<sup>12</sup> Note: SD233/90 revoked by SD 813/01 MS (Weighing of Goods Vehicles and Other Cargo) Regulations 2001. This note is for information only and is not part of the regulations

<i>G.C. Number</i>	<i>Title</i>	<i>Extent of Application</i>
.....	<b><i>Reference to 469/90 omitted by SD2020/0231</i></b>	.....
18/91	Merchant Shipping (Masters and Seamen) Act (Amendment) Order 1991.	The whole Order
71/91	Merchant Shipping (Passenger Counting and Recording Systems) Regulations 1991 <sup>13</sup> .	The whole Regulations
.....	<b><i>Reference to 160/91 omitted by SD2020/0231</i></b>	.....
.....	<b><i>Reference to 161/91 omitted by SD2022/0294</i></b>	.....
	<b><i>Reference to GC 273/91 omitted by Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2017 SD 2017/0185</i></b>	
215/92	Merchant Shipping (Masters and Seamen) (Application) Order 1992	The whole Order.
361/92	Merchant Shipping (Safety Provisions)(Application)Order 1992	The whole Order.
.....	<b><i>Reference to SD363/92 omitted by SD2015/0387</i></b>	.....

<sup>13</sup> Note: SD 71/91 revoked by SD613/91 MS (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999. This note is for information only and is not part of the regulations

<i>G.C. or S.D. Number</i>	<i>Title</i>	<i>Extent of Application</i>
369/92	SD369/92 omitted by SD 269/04 Merchant Shipping(Safety of Navigation - SOLAS Chapter V) Regulations 2004	
392/92	Merchant Shipping (Safety Provisions) (Amendment) Regulations	The whole Regulations
....	<b><i>Reference to SD182/93 Omitted by Merchant Shipping (MARPOL Annex V) Order 2014 (SD2014/0065)</i></b>	....
183/93	Merchant Shipping (Prevention of Oil Pollution) (Amendment) Order 1993	The whole Order
.....	<b><i>Reference to SD408/93 omitted by SD818/06</i></b>	.....
117/94	Merchant Shipping (Pilot Ladders and Hoists) (Amendment )Regulations 1994 <sup>14</sup>	The whole Regulations
244/94	Merchant Shipping (Masters and Seamen) (Application) Order 1994	The whole Order
464/94	Merchant Shipping (Safety Provisions) (Application) Order 1994	The whole Order
536/94	Public Health (Ships) Regulations 1995	The whole Regulations
128/95	Merchant Shipping (Reporting Requirements For Ships Carrying Dangerous or Polluting Goods) Regulations 1995	The whole Regulations

<sup>14</sup> Note SD117/94 revoked by SD 729/99 MS (Pilot Transfer Arrangements) Regulations 1999  
This note is not part of the regulations.



<i>S.D. Number</i>	<i>Title</i>	<i>Extent Of Application</i>
.....	<b>Reference to 465/95 omitted by SD2020/0231</b>	
466/95	Merchant Shipping (Gas Carriers) Regulations 1995	The whole Regulations
171/96	Merchant Shipping (Standby Vessels) Regulations 1996	The whole Regulations
172/96	SD172/96 omitted by SD269/04 Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004	
388/96	SD 388/96 omitted by SD269/04 Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004	
389/96	Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996	The whole Regulations
722/96	Merchant Shipping (Masters and Seamen) (Revocation) Order 1996	The whole Order
723/96	Merchant Shipping (Manning and Training) Regulations 1996	The whole Regulations
274/97	Merchant Shipping (MODU Code) Regulations 1997	The whole Regulations
344/97	Merchant Shipping (Fees) Regulations 1997 <sup>15</sup>	The whole Regulations

<sup>15</sup> Note: SD344/97 revoked by SD662/99 MS (Fees) Regulations 1999. This note is not part of the regulations.

<i>S.D. Number</i>	<i>Title</i>	<i>Extent Of Application</i>
.....	SD489/97 omitted by SD 269/04 Merchant Shipping(Safety of Navigation - SOLAS Chapter V) Regulations 2004	
553/97	Merchant Shipping Act 1995 (Application) Order 1997	The whole Order
.....	SD 625/97 omitted by SD269/04 Merchant Shipping(Safety of Navigation - SOLAS Chapter V) Regulations 2004	
.....	SD626/97 omitted by SD269/04 Merchant Shipping(Safety of Navigation - SOLAS Chapter V) Regulations 2004	
666/97	Merchant Shipping (Fees) (Amendment) Regulations 1997 <sup>16</sup>	The whole Regulations
.....	<b>SD 667/97 omitted by SD 276/06 Merchant Shipping (Carriage of Cargoes) Regulations 2006</b>	
668/97	Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997	The whole Regulations
260/98	Merchant Shipping (High-Speed Craft) Regulations 1998	The whole Regulations
331/98	Oil Pollution (Compulsory Insurance) Regulations 1998	The whole Regulations
386/98	Merchant Shipping (Masters and Seamen) Act 1979 (Amendment) Order 1998	The whole Order

<sup>16</sup> Note: - SD666/97 revoked by SD662/99 MS(Fees) Regulations 1999. This note is not part of the regulations

<i>S.D. Number</i>	<i>Title</i>	<i>Extent Of Application</i>
401/98	Merchant Shipping (Manning and Training) (Amendment) Regulations 1998	The whole Regulations
421/98	Merchant Shipping (ISM Code) Regulations 1998	The whole Regulations
.....	SD422/98 omitted by SD269/04 Merchant Shipping(Safety of Navigation - SOLAS Chapter V) Regulations 2004	
562/98	Merchant Shipping (Liability of Shipowners and Others) (Rate of Interest) Order 1998.	The whole Order
603/98	Merchant Shipping (Cargo Ship Construction) Regulations 1998	The whole Regulations
686/98	Merchant Shipping (Prevention of Pollution) (Amendment) Order 1998	The whole Order
23/99	Merchant Shipping Act 1995 (Application) Order 1999	The whole Order
50/99	Merchant Shipping (Radio Installations) Regulations 1999	The whole Regulations
.....	<b><i>Reference to SD79/99 Omitted by Merchant Shipping (MARPOL Annex V) Order 2014 (SD2014/0065)</i></b>	
.....	SD 181/99 omitted by SD269/04 Merchant Shipping(Safety of Navigation - SOLAS Chapter V) Regulations 2004	
299/99	Merchant Shipping (Masters and Seamen) (Application and Amendment) Order 1999	The whole Order

<i>S.D. Number</i>	<i>Title</i>	<i>Extent Of Application</i>
	<b><i>Reference to SD352/99 omitted by SD2018/0088 Merchant Shipping (Survey and Certification) Regulations 2018</i></b>	
372/99	Carriage of Passengers and their Luggage by Sea (Manx Carriers) Order 1999	The whole Order
	<b><i>Reference to SD431/99 omitted by Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2017 SD 2017/0185</i></b>	
....	<b><i>Reference to SD523/04 Omitted by Merchant Shipping (ISPS Code) Regulations 2018 (SD2018/0278)</i></b>	

Made this 13<sup>th</sup> day of November, 1991.

*A. Arnold Callin,*

MINISTER for  
Highways, Ports and Properties

## EXPLANATORY NOTE

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

The Regulations establish a registration system whereby a vessel which is owned by a **compatible** shipowner and chartered by demise to a person qualified to be the owner of a Manx ship, may be registered in the Isle of Man. The Regulations provide that applications for registry shall be made by the charterer, and the following documentation be submitted to the Department:-

- (a) A copy of the Charter Party;
- (b) the Agreement of the Marine Administration of the Country of underlying registration.
- (c) the consent of the shipowner and if the ship is subject to mortgages, the consent of the mortgagees.
- (d) A transcript of the underlying registration details.
- (e) The ship's tonnage will be measured in accordance with the 1969 International Tonnage Convention if the ship is not already so measured.
- (f) A manager based in the Island will be required.

The ship retains its original name unless there is a clash with an existing ship's name. It would fly the red ensign, as if it were a British Ship, and "DOUGLAS" will be the port of registry.

The regulations provide for the issue of a Certificate of Registry and also for termination of the registry.

Registration will be for a fixed period of either 5 years or the period of the charter, whichever is the shorter period.

Safety, manning and anti-pollution measures will apply to ships under these Regulations and ship's radio licences and signal letters issued.

The Regulations also contain provisions permitting the chartering out to states with compatible registries, of Manx ships which are chartered by demise to a **compatible** operator.

### ***Amendments***

This text includes those amendments and revocations (***indicated by bold italics***) made to the Regulations by:

- (1) Merchant Shipping (Masters and Seamen) (Application) Order 1992(GC 215/92)
- (2) Merchant Shipping (Safe Manning Document) Regulations 1992(GC 299/92)
- (3) Merchant Shipping (Safety Provisions) (Application) Order 1992(GC 361/92)
- (4) Merchant Shipping (Official Logbooks) Regulations 1992 (GC 363/92)
- (5) Merchant Shipping (Navigational Equipment) Regulations 1992 (GC 369/92)

- (6) Criminal Justice (Penalties Etc.) Act 1993 [c. 18]
- (7) Merchant Shipping Registration Regulations 1996 (SD 689/96)
- (8) Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)
- (9) Merchant Shipping (Demise Charter Register) (Amendment) Regulations (SD 552/99)
- (10) Merchant Shipping (ISPS Code) Regulations 2004 (SD523/04)
- (11) Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004 (SD269/04)
- (12) Merchant Shipping (Carriage of Cargoes) Regulations 2006 (SD 276/06)
- (13) Merchant Shipping (MARPOL Annex I – Prevention of Pollution by Oil) Regulations 2006 (SD818/06)
- (14) Merchant Shipping (MARPOL Annex V) Order 2014 (SD2014/0065)
- (15) Merchant Shipping (Manning and STCW) Regulations 2014 (SD2014/0238)
- (16) Merchant Shipping (Official Log Book and List of Crew) Regulations 2015 (SD2015/0387)
- (17) Merchant Shipping (SOLAS Chapter III)(Life-Saving Appliances and Arrangements) Regulations 2017 (SD2017/0185)
- (18) Merchant Shipping (Survey and Certification) Regulations 2018 (2018/0088)
- (19) Section 55 Interpretation Act 2015 increases fines with effect from 1 January 2018
- (20) Merchant Shipping (ISPS Code) Regulations 2018 (SD2018/0278)
- (21) Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020 (SD2020/0231)
- (22) Merchant Shipping (Load Lines) Regulations 2020 (SD2020/0552)
- (23) Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022 (SD2022/0294)

The functions in these Regulations have been transferred by SD155/10 to the Department of Economic Development and then to the Department for Enterprise by SD2017/0325 the Transfer of Functions (Economic Development and Education) Order 2017 with effect from 24 November 2017.