

Transport, Ministry of (a)

ORDER IN COUNCIL UNDER SECTION 80 OF THE MERCHANT SHIPPING ACT, 1906 (6 EDW. 7, C. 48) MAKING REGULATIONS AS TO REGISTRATION AS BRITISH SHIPS OF VESSELS IN THE SERVICE OF THE BOARD OF TRADE.

1921 No. 1211

At the Court at Buckingham Palace, the 14th day of July, 1921.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by Section 80 of the Merchant Shipping Act, 1906, power is given to His Majesty by Order in Council to make regulations as to the manner in which Government ships may be registered as British ships under the Merchant Shipping Acts :

And whereas by the said section it is provided that those Acts shall, subject to any exceptions or modifications which may be made by Order in Council, either generally or as respects any special class of such ships, apply to such ships when registered in accordance with such Regulations :

56 & 57 Vict.
c. 66.

And whereas the provisions of Section 1 of the Rules Publication Act, 1893, have been complied with :

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said Act, or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following Regulations shall have effect as regards any Government ships in the service of the Board of Trade :—

1. An application for registry of a Government ship in the service of the Board of Trade shall be made in writing under the hand of a Secretary or Assistant Secretary to the Board of Trade. Such application shall contain the following particulars :—

- (i) A statement of the name and description of the ship :
- (ii) A statement of the time when and place where the ship was built ; or, if the ship was foreign built and the time and place of building are unknown, a statement to that effect and of her foreign name :
- (iii) A statement of the nature of the title to the said ship, whether by original construction by or for the Board of Trade, or by purchase, capture, condemnation, or otherwise, and a list of the documents of title, if any, in case she was not originally constructed by or for the Board of Trade :
- (iv) A statement of the name of the Master.

2. The Registrar, on receiving such application in respect of a Government ship in the service of the Board of Trade, shall—

(a) See Note as to Transfer of Powers of the Board of Trade, at p. 1 above.

- (i) enter the ship in the Register Book as belonging to " His Majesty, represented by the Board of Trade," and shall also enter therein :—
- (ii) the name of the port to which she belongs ;
- (iii) the particulars stated in the application for registration ;
- (iv) the details comprised in the Surveyor's Certificate.

3. On the registry of a Government ship in the service of the Board of Trade the Registrar shall retain in his possession the Surveyor's Certificate and the application for registry and any documents of title mentioned in such application.

4. Upon the transfer of a registered Government ship in the service of the Board of Trade by Bill of Sale, the Board of Trade shall be the transferors, and the Bill of Sale shall be in Form A in the proper form prescribed under the Merchant Shipping Act, 1894, hereinafter called the principal Act, omitting the covenant therein contained. Any such Bill of Sale shall be signed by a Secretary or Assistant Secretary to the Board of Trade on behalf of the Board of Trade.

57 & 58 Vict.
c. 60.

5. The application for a Certificate of Sale referred to in Sections 39 to 42 and Sections 44 to 46 of the Principal Act, may be made in respect of a Government ship in the service of the Board of Trade by a Secretary or Assistant Secretary to the Board of Trade on their behalf.

6. The person to whom the management of any Government ship in the service of the Board of Trade is entrusted by the Board of Trade shall be registered as provided by Section 59 (2) of the principal Act.

7. Where any section of the Merchant Shipping Acts which by virtue of the Merchant Shipping Act, 1906, and this Order in Council is applicable to Government ships in the service of the Board of Trade imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship such duty, liability, right, or power shall, subject always to the other provisions of this Order in Council be carried out, borne, or exercised by the Board of Trade on behalf of His Majesty.

8. In this Order in Council the term Merchant Shipping Acts shall mean and include any of the Merchant Shipping Acts, any provision of which is by virtue of the Merchant Shipping Act, 1906, and this Order applicable to Government ships.

9. Section 1 and Sections 8 to 12 of the Merchant Shipping Act, 1894, and Sections 3 and 5 of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, shall not apply to Government ships in the service of the Board of Trade registered in pursuance of this Order.

61 & 62 Vict.
c. 44.

Provided always that no provision of the Merchant Shipping Acts which, according to a reasonable construction, would not apply in the case of Government ships in the service of the Board of Trade, shall be deemed to apply to such ships by reason only that its application is not hereby expressly excluded.

10. Anything required or authorized by this Order in Council to be done by the Board of Trade may be done by the President or a Secretary or Assistant Secretary of the Board or any other person authorized in that behalf by the President of the Board.

Almeric FitzRoy.