

This leaflet covers the requirement to register your boat, the effect of registration, and examines the differences between the two registers available in the UK, namely the Part I Register and the Part III Register (Small Ships Register: SSR).

HISTORY:

Under Merchant Shipping Law, the concept of ownership is inextricably linked with the requirement of registration. Also, registration confers flag state on a boat. The importance of this came about because merchant ships are large, mobile and often valuable and their use involves potentially massive liabilities to others. It was therefore internationally recognised that they should each have a national identity or flag state, so that rights and obligations could be identified and regulated. The notion of a 'British ship' extends, by definition in the Merchant Shipping Act, to any British boat of any size, even down to a small sailing dinghy. By registering your boat you are then bound by your flag state's rules and regulations.

DO I NEED TO REGISTER:

Whilst a boat remains in UK territorial waters there is currently no compulsory requirement for her to be registered.

The 1982 United Nations Convention on the Law of the Sea ('UNCLOS') provides a framework for the use of the oceans. Pursuant to UNCLOS the freedom of the high seas is open to all states, rather than to individuals, and thus every state has the right to sail ships flying its flag on the high seas. In order to enjoy the freedom of the high seas, therefore, a boat must be granted the nationality of a signatory state to UNCLOS.

The Merchant Shipping Act 1995 specifies which boats are British and therefore entitled to fly the British flag. Unregistered small ships (of less than 24 metres length) are entitled to fly the British flag if they are owned by qualifying owners (i.e. individuals or companies that would be entitled to register a British boat).

However, once a British boat leaves UK territorial waters and wishes to exercise the freedom of the high seas, it might be called upon by the warships of any nation to demonstrate its right to fly the British flag and, for all practical purposes, this means that the boat needs to be registered and to carry on board the appropriate certificate.

A boat's registration normally comes from either the nationality of the owner, or the country of residency of the owner and once a boat is registered she becomes a floating part of her flag state, and therefore she has to comply with the national requirements regarding training, safety equipment etc.

In the UK we do not have compulsory training or minimum safety requirements on private pleasure boats. However, if an unregistered boat goes abroad, and local Customs realise that the boat is not registered then the owner may be fined, or it may be inferred, if he has

been in the country long enough, that the boat comes under the jurisdiction of that country and the owner should therefore sit all the relevant training exams, in the local language, and fit the boat out according to the local safety standard.

UK REGISTER:

The register of British Shipping is divided into four parts.

- Part I is the traditional Register of British Ships, which originated in the sixteenth century. By the end of the nineteenth century each of the 110 significant ports in the UK had its own register. By 1986 the administration of the register was drawn into 17 regional centres and by 1994 the entire operation was centralised at the office of the Registrar General of Shipping in Cardiff.
- Part II is the Register of Fishing Vessels.
- Part III is the Small Ships Register (SSR) which was originally set up under the 1983 Merchant Shipping Act in response to the demand for a cheap and simple means of registering a boat to sail abroad. From 1983 to 1991 the SSR was managed by the RYA, from 1991 to 1996 by the DVLA at Swansea and since 1996 by the Registrar General at Cardiff.
- Part IV was created by the 1993 Merchant Shipping Act to enable foreign owned ships used as bare-boat charters by British companies to be British registered and fly the British flag for the duration of the charter.

British pleasure boats are eligible to register on either Part I or on Part III (SSR).

A boat may only be on one Register at a time, regardless of whether it is on the British Register or under foreign registration.

WHAT IS THE DIFFERENCE BETWEEN THE PART I AND THE PART III (SSR):

The main differences between the two registers are the eligibility requirements and the proof needed to register. Part I of the Register is more of a title register and proof of ownership, which can also record details of any mortgages on the boat, whereas the SSR is more of a passport for your boat to enable you to go overseas.

ELIGIBILITY TO REGISTER:

Part I Registration is available to British nationals, non UK nationals exercising their right of freedom of movement of workers or right of establishment. If you do not meet these criteria then you may still be able to register on Part I; for further details contact the Registry at the address listed below.

Part I Registration is the **only** option if the boat is over 24 metres, or company owned, or if you have taken out a marine mortgage and as a condition of the mortgage you are required to go on the Part I. It is also the only option if you wish to register on the British Register but you are resident abroad. If this is the case, you would not be able to register on the Small Ships Register, as that has a residency requirement. If you are not ordinarily resident in the UK, in order to register on Part I you will need to appoint a representative person, who may

be either an individual resident in the UK, or a company who is based in the UK. All correspondence relating to the registration of the boat will be sent to the representative person.

Part I Registration is the only option available if:

- The boat is over 24 metres, or
- The boat is company owned, or
- A person or company lending money on the security of the boat requires a marine mortgage to be registered against it.

Entitlement to Part I registration is limited to ships owned by one of the following:

- (a) British citizens or persons who are nationals of an EU state who are *established in the UK. (*established - it is not sufficient to live or even be an employee in the UK to be 'established' in accordance with Article 52 of the EEC Treaty. To be 'established' a person must make an economic contribution to the UK e.g. by having a business, including being self-employed. If you have any doubts about your 'establishment' you should consult the Registry).
- (b) Bodies corporate incorporated in any EU state.
- (c) Bodies corporate incorporated in any relevant British possession and having their principal place of business in the UK or in any such possessions.
- (d) Citizens of British Dependent Territories, British Overseas Citizens and British Nationals (Overseas).

In addition, an unqualified person may be one of the owners of a registered ship if a majority interest in the ship is owned by qualified persons.

Where the owner or owners are not registered in the UK, the boat may only be registered if a representative person, or company resident or incorporated in the UK is appointed.

The main advantage that a person has if their boat is on the Part I Register, is that it makes it easier to sell the boat. The two main concerns of any buyer are “does the seller own the boat?” and “is the boat subject to a marine mortgage?” These two crucial points are fairly easy to check if a boat is on the Part I Register - you simply send a cheque for the appropriate fee off to the Registry and ask for a transcript of the boat.

If a boat is of a significant value then it is worth considering registering on the Part I; it is asking a huge leap of faith on behalf of any buyer to part with a significant amount of money with no proof of title or mortgages! Registration currently costs in the region of £124, plus you need a tonnage and measurement survey. It lasts for 5 years.

SSR:

The Small Ships Register is an inexpensive alternative to the Part I Register, and provides yachtsmen with the necessary documentation to prove nationality when going overseas.

To be eligible to register on the SSR your boat must be under 24 metres and privately owned. You must either be a British citizen; a non-UK citizen exercising your EU right of freedom of movement or worker's right for establishment; British Dependant Territories citizens; British Overseas citizens; British subjects under the British Nationality Act 1981; British Nationals (overseas) under Hong Kong (British Nationality) Order 1986 or Commonwealth citizens not falling within this paragraph.

You must also be ordinarily resident in the UK (which means living in the UK for periods which add up to 185 days or more in a 12 month period).

Registration on the SSR is normally a simple procedure; you fill out an application form, which you get from the Registry, you can now even complete the application form online, (see contact details below) it costs in the region of £25 and lasts for 5 years.

The registration papers issued for both the SSR and the Part I are of equal legal effect throughout the world. There is nothing in the Merchant Shipping Act that limits the scope of the SSR to Europe, it has the same legal effect as the Part I.

If you are planning on travelling to somewhere which is really out of the way then you may find it useful to contact the UK Ship Register (RSS) on 02920 448800 to check whether or not that country is familiar with the SSR paperwork. Some countries are more familiar with the Part I paperwork, simply because the Part I has been around for longer. However, the SSR is legally valid world-wide.

HOW DO I PUT MY BOAT ON PART I OF THE REGISTER:

To register on the Part I you need to prove the chain of ownership going back 5 years or, if the boat has been Part I registered within the last five years, you will need to provide the bills of sale showing all transfers of ownership during the period since it was last registered.

In the case of a new boat you will need to provide the builders certificate. A tonnage and measurement survey will be required prior to registration.

To download the forms that you need to register your boat on the Part I, visit the UK Ship Register (RSS) website: <https://www.gov.uk/owning-yacht-sail-boat-motorboat> then follow the link for online registration.

Applications can be made to the UK Ship Register (RSS) on Tel: 029 20 448800.

An application will require:

- (a) A declaration of ownership and eligibility
- (b) Evidence of title going back at least five years, including all relevant Bills of Sale and builder's certificate
- (c) The proposed name, which may not duplicate any name already on Part I of the Register
- (d) The proposed Port of Choice selected from the list of previous ports of registry. This information is supplied with the application form.
- (e) Full details of the boat and owner

The application must be accompanied by a measurement report, certifying the boat's tonnage, general description and specification. For boats under 13.7 metres (45 feet) a

simplified form of measurement is permitted, which can be carried out by RYA appointed tonnage measurers (details of which can be obtained from the Technical Department).

Following receipt of all relevant documentation and the appropriate fee, the Registrar will issue a carving and marking note to the owner. In the case of a private boat under 24 metres the owner is required to arrange for the newly issued Official Number and registered tonnage to be marked on the main beam or on a readily accessible visible permanent part of the boat. The name and Port of Choice must be marked conspicuously on the stern.

For craft under 24 metres, the owner is required to certify to the Registrar that the boat has been properly marked by returning the certified carving and marking note within 3 months.

Prior to 1994, registration on Part I was valid indefinitely. However, this resulted in many thousands of ships that had ceased to exist or had been sold overseas remaining on the Register. Since 1994 Part I registration has been renewable every 5 years and those ships not renewed are removed from the Register. The new system also requires those boats registered before 1994 to renew their Registration at certain dates as outlined below:

The Registrar will issue a renewal reminder three months before expiry.

MY BOAT IS ON PART I OF THE REGISTER AND IS PRE-1994. WHEN DO I HAVE TO RENEW MY REGISTRATION:

Prior to 1994, registration on Part I was valid indefinitely. However, this resulted in many thousands of ships that had ceased to exist or had been sold overseas remaining on the Register. Since 1994 Part I registration has been renewable every 5 years and those ships not renewed are removed from the Register. The new system also requires those boats registered before 1994 to renew their Registration at certain dates as outlined below:

Year of Build Before 1950 Date for Renewal 11 Jan - 31 Mar 99

Year of Build 1950-1970 Date for Renewal 1 Jan - 31 March 2000

Year of Build 1971-1975 Date for Renewal 1 Jan - 31 March 2001

Year of Build 1976-1989 Date for Renewal 1 Jan - 31 March 2002

Year of Build 1990-2000 Date for Renewal Mar 1994 1 Jan - 31 March 2003

Year of build unknown apply as soon as possible

The Registrar will issue a renewal reminder three months before expiry.

PROVISIONAL PART I REGISTRATION:

The provisional Part I Registration is only available to vessels that are currently outside of UK waters where it is intended to bring the vessel into UK waters. It is available where it is not possible to register the vessel on the Part I Register because not all of the paperwork is available, for example the tonnage measurement survey.

You may wish therefore to apply for a provisional Part I Registration, which is valid for 3 months.

In order to apply you will need to submit to the Registry:

- (a) The usual Part I application form;
- (b) Declaration of eligibility;
- (c) Letter confirming the vessel is outside the UK;
- (d) For companies, a Certificate of Incorporation; and
- (e) The appropriate fee.

Provided your vessel arrives in the UK within the 3 month timescale and you have all the necessary paperwork you can apply to upgrade your provisional Registration to a full Part I Registration. A further fee will be payable for this.

For further details contact the UK Ship Register (RSS).

HOW DO I PUT MY BOAT ON PART III OF THE REGISTER (SMALL SHIPS REGISTER):

The procedure for Part III Registration requires a simple application to the Registrar General on the appropriate form including:

- (a) A description of the boat
- (b) Overall length
- (c) Name of the boat (this is not required to be a unique name, unlike Part I Registration)
- (d) Name and address of every owner
- (e) Declaration that the owners are eligible to be owners of British Ship and that the ship is entitled to registration.

The application form should be sent to the Registrar with the current fee for a 5 year certificate.

A registration certificate will normally be issued with no further formality required. The owner must paint or fix on a visible external surface of the boat the number of registration with the prefix 'SSR'. The exact detail of how this must be done is laid down by the Registrar and details are available from the UK Ship Register (RSS).

As with Part I, the registration is for a 5-year period and if not renewed, the boat will be removed from the Register after that time.

NAMING YOUR BOAT:

You will need to decide on a name by which your boat is to be known. For boats on the Part I Register, the proposed name should not already be the name of a ship on the Part I Register or be similar to such a name.

General restrictions for both registers are that; the proposed name should not be similar to a distress signal, likely to cause offence or embarrassment, have a clear connection with the Royal Family, or have a port as part of its name if that is not the boat's port of choice.

BRITISH REGISTERED BOATS ABROAD:

It must be remembered that British Registration does not provide you with an exemption from having to comply with the national laws of the country you visit with your boat.

UNCLOS provides a framework for the use of the oceans; it specifies the territorial limits of a country and defines whether a boat is under the laws of its flag state or those of the state in whose waters it is lying.

The authority of a state over foreign boats in its internal waters is the same as those over a foreigner on its soil. All boats entering the territorial waters of another country must abide by international conventions such as Safety of Life at Sea (SOLAS) and the International Regulations for Preventing Collisions at Sea (COLREGS) and the coastal state has the jurisdiction to ensure that they do.

The coastal state may also impose national laws and regulations on visiting yachtsmen, these may include navigational safety, maritime traffic schemes, protection of navigational aids and the environment and the prevention of infringement of customs, fiscal and immigration laws.

The coastal state, whilst having the authority to demand that visiting boats comply with local regulations, usually refrains from interfering with the internal affairs of foreign flagged boats as a matter of comity – courteous recognition accorded by one nation to the laws and institutions of another.

However, it is worthwhile bearing in mind that if you take a long term berth, have both property and your boat in a foreign country or become resident you are likely to become subject to the national laws of that country.

CONTACTS:

For further information and an application form you can contact the UK Ship Register (RSS) in Cardiff:

UK Ship Register (RSS)
Anchor Court
Keen Road
Cardiff
CF24 5JW

Tel. No. 02920 448800

Fax No. 02920 448820

Web: <https://www.gov.uk/owning-yacht-sail-boat-motorboat>

For further information contact the RYA Legal Team on:

Tel: 023 8060 4223 email: legal@rya.org.uk

RYA Responsibility Statement:

The RYA Legal Team provides generic legal advice for RYA members, affiliated clubs and Recognised Training Centres. The information contained in this Guidance represents the RYA's interpretation of the law as at the date of this edition. The RYA takes all reasonable care to ensure that the information contained in this Guidance is accurate and that any opinions, interpretations and guidance expressed have been carefully considered in the context in which they are expressed. However, before taking any action based on the contents of this Guidance, readers are advised to confirm the up to date position and to take appropriate professional advice specific to their individual circumstances.