



**MERCHANT SHIPPING REGISTRATION ACT 1991**

**FISHING VESSELS (TONNAGE AND REGISTRATION)  
(AMENDMENT) REGULATIONS 2001**

*Approved by Tynwald : 19<sup>th</sup> June 2001*

*Coming into operation : 1<sup>st</sup> July 2001*

In exercise of the powers conferred on the Department of Trade and Industry by sections 44, 46, 47 of and Schedules 2 and 3 to the Merchant Shipping Registration Act 1991 <sup>(a)</sup>, and 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 Fishing Vessels (Tonnage and Registration) (Amendment) Regulations 2001 and, subject to section 76(4) of the Act, shall come into operation on the 1<sup>st</sup> July 2001.

**PART I**

**TONNAGE MEASUREMENT OF FISHING VESSELS OF UNDER 15 METRES  
LENGTH OVERALL**

**Interpretation**

2. In these Regulations -

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

“authorised measurer” means -

- (a) a surveyor of the Department, or
- (b) a measurer appointed by an organisation authorised for the purposes of these Regulations to carry out the measurement of fishing vessels by the Department ;

“break” has the same meaning as in the Merchant Shipping (Tonnage) Regulations 1998 <sup>(b)</sup> ;

“Department” means the Department of Trade and Industry;

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(a) 1991 c. 15. Functions transferred to the Department of Trade and Industry by SD 51/97

(b) SD 513/98

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“fishing vessel” has the same meaning as in section 78 of the Act.

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure” includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed.

### **Application**

3. This Part applies to fishing vessels of less than 15 metres length overall which are registered, or are to be registered, under Part III of the Act.

### **Tonnage of Fishing Vessels of less than 15 metres**

4. A fishing vessel to which this Part applies, shall be measured, and its tonnage calculated by an authorised measurer in accordance with the rules specified in Schedule 1.

### **Measurement and Issue of Certificate**

5. (1) After measurement, the authorised 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.

(2) The tonnage and other particulars stated in the certificate shall, unless any alteration is made in the particulars of the vessel, or it is shown that its tonnage or measurements have been erroneously recorded, be taken to be as recorded in the certificate.

(3) On re-measurement of a vessel any certificate of measurement in force in relation to the vessel shall be invalid and the authorised measurer shall issue a new certificate in place thereof.

## **PART II**

### **TONNAGE MEASUREMENT OF FISHING VESSELS OF 15 METRES AND OVER LENGTH OVERALL**

### **Amendment of the Merchant Shipping (Tonnage) Regulations 1998**

6. The Merchant Shipping (Tonnage) Regulations 1998 shall be amended as follows -

(1) In regulation 2(1) for the definition of “length overall” there shall be substituted -

“ “length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure” includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed.”.

(2) After regulation 12 the following new Part shall be inserted -

## **“ PART IIA**

### **MEASUREMENT OF FISHING VESSELS OF 15 METRES AND OVER LENGTH OVERALL**

12A. (1) Subject to paragraph (2), this Part applies to fishing vessels of 15 metres or more length overall but less than 24 metres registered length which are registered or are to be registered under Part III of the Act for which the ascertainment of tonnage is required by section 7 of the Act.

(2) Fishing vessels which were first registered before 1<sup>st</sup> July 2001, shall be remeasured in accordance with this Part no later than 31st December 2003.

12B. A fishing vessel shall be measured by an authorised measurer.

12C. Regulation 4(2), (3) and (4) and regulations 5, 6 and 7 shall apply for the measurement of tonnage of vessels to which this Part applies as they apply for the purposes of Part II.

12D. The authorised measurer shall, if it is in order to do so, issue a certificate in a form approved by the Department.

12E. Where alterations are made to the dimensions, arrangement, construction, capacity, use of spaces, or permitted draught of the vessel such as would cause an increase in the tonnage, the existing measurement shall cease to be valid, any certificate shall be delivered up to and cancelled by the issuer and the owner of the vessel shall make an application for it to be remeasured in accordance with regulation 12B.”.

(3) In regulation 16 (Penalties), for “or 14(9)” there shall be substituted “, 12E or 14(9)”.

## **Revocation**

6. The Merchant Shipping (Tonnage) (Isle of Man) Regulations 1988 <sup>(c)</sup> are revoked.

## **Amendments**

7. The public documents mentioned in Schedule 2 are amended to the extent specified in that Schedule.

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(c) GC 336/88

**RULES FOR THE MEASUREMENT AND CALCULATION OF TONNAGE OF  
VESSELS TO WHICH PART I APPLIES**

1. The measurements of the vessel shall be ascertained as follows:-

*Length*

- (1) The length shall be measured from the foreside of the foremost fixed permanent structure to the aftermost part of the rudder post, or in a vessel not having a rudder post, to the foreside of the rudder stock at the point where the rudder stock passes out of the hull. In vessels not having a rudder post or rudder stock, measure to the aftermost part of the stern or transom.

*Breadth*

- (2) The maximum breadth of the vessel shall be measured to the outside of the shell, planking or plating.

*Depth*

- (3) The depth amidships shall be measured in one of the following ways:-
- (i) from the underside of the upper deck on the centre line to the upperside of double bottom plating or to the top of the normal line of open floors or timbers as the case may be or, where no frames or timbers are fitted, to the inside of the hull on the centre line;
  - (ii) for open vessels, from the upper edge of the shell or the upper strake of planking or plating to the upper side of bottom frames or timbers on the centre line.

Where a ceiling or insulation is fitted on the tank top, its thickness up to a maximum of 8 cm shall be deducted from the measurement.

2. The tonnage of the vessel shall be calculated as follows -

- (1) The registered length, registered breadth and registered depth in metres shall be multiplied together and the product thereof shall be multiplied by the factor 0.16. The result shall be the registered tonnage of the vessel, except for those vessels to which paragraph (2) also applies.
- (2) For vessels with a break or breaks above the line of deck the mean length, mean breadth and mean depth in metres of the space or each of the spaces thereby formed shall be multiplied together, then the product for each space so measured shall be multiplied by the factor 0.35 and the results shall be added to the figure obtained by the calculation set out in paragraph (1). For such vessels the final result shall be the registered tonnage of the vessel.

## AMENDMENT OF ENACTMENTS

**1. Amendment of GC 392/91**

The Merchant Shipping (Registration of Fishing Vessels) Regulations 1991 <sup>(d)</sup> shall be amended as follows -

(1) The following definitions shall be inserted in the appropriate alphabetical order in Regulation 1(2) -

“maximum continuous engine power” has the same meaning as “engine power” in Article 5.1 of Council Regulation (EEC) No. 2930/86 <sup>(e)</sup> (defining characteristics for fishing vessels);

“Member State” means any State which is a member of the European Economic Community;

“modification explanation” means the clear explanation, referred to in Article 3.3 of Commission Regulation (EEC) No. 1381/87 <sup>(f)</sup> (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;

“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;

(2) After regulation 13 (Declaration of Manx Character) the following sections shall be added -

**“Survey and measurement of vessels**

13A. (1) A fishing vessel shall before registration be measured by an authorised measurer and her tonnage calculated in accordance with the tonnage regulations.

(2) After measurement the authorised measurer shall issue a certificate specifying the vessel’s tonnage and build and such other particulars describing the identity of the vessel as may be required by the Department. The certificate shall be delivered to the Department before the vessel may be registered.

(3) Subject to paragraph (4), a fishing vessel which is being :

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

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(d) GC 392/91

(e) OJ No L 274, 25.9.86, p. 126

(f) OJ No L 132, 21.5.87, p. 9.

- (c) a vessel which was previously registered in the United Kingdom and was measured in accordance with provisions equivalent to these Regulations, or
- (d) a vessel of 15 metres or over length overall which was previously registered in a Member State and was measured in accordance with the provisions of Council Regulation 2930/86 as amended by Council Regulation 3259/94 <sup>(g)</sup>,

shall not be required to be measured, and its tonnage ascertained, again in accordance with the tonnage regulations, if a declaration is made by the owner confirming that the measurement and tonnage details have not changed from those previously provided to the Department.

(4) The Department may direct, if it thinks it appropriate, that such declaration be provided by an authorised measurer.

### **Engine power of fishing vessels registered on Part III of the Act**

13B. (1) This regulation applies where any of the following applications is made on or after 1<sup>st</sup> July 2001 -

- (a) an application under regulation 5 to register a fishing vessel;
  - (b) an application under regulation 28 to record a change in the ownership of a registered fishing vessel or share in such vessel;
- or
- (c) an application under regulation 29 to record a change in the length, breadth or engine power of a registered fishing 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.

### **Remeasurement of engine power**

13C. Where the Department is not satisfied that the engine power details notified to it, or recorded, for any fishing vessel are correct, it 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 it.

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(g) OJ No L 339, 29.12.94 p. 11

## **Register entries**

13D. Where the engine power details of a vessel are submitted the Department shall record the following information in the Register -

- (a) the maximum continuous engine power in kilowatts, or, if the owner notifies the Department of a modification, permanently de-rated engine power in kilowatts,
- (b) the number of cylinders,
- (c) the number of engines,
- (d) the number of revolutions per minute,
- (e) the modification explanation.”.

(3) In regulation 46 -

(a) The following paragraph shall be inserted after (4A) -

“(4B) Any owner who contravenes paragraph 13B(2) shall be guilty of an offence.”.

(b) In paragraph (5)(c), for “paragraph (4)” substitute “paragraphs (4), (4A) and (4B)”.

(4) The following paragraphs shall be added in Schedule 2 (Certificate of Registration) -

- “20. maximum continuous engine power, in kilowatts, or if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts;
- 21. modification explanation.”.

## **2. Amendments of GC 393/91**

In regulation 3(6) of the Merchant Shipping (Small Ships Register) Regulations 1991<sup>(h)</sup>, the following words shall be deleted -

- (a) “or Part I of the Merchant Shipping Act 1894 (Act of Parliament)” and
- (b) “or certificate of mortgage or sale”.

## **3. Amendments of SD 513/98**

The Merchant Shipping (Tonnage) Regulations 1998 shall be further amended as follows -

(1) In regulation 2 for the definition of “cargo spaces” substitute -

“ “Cargo Spaces” means enclosed spaces appropriated for the transport of cargo which is to be discharged from the ship, provided that such spaces have been included in the computation of gross tonnage. Such cargo spaces shall be certified by permanent markings with the letters CC (cargo compartment) to be so positioned that they are readily visible and not to be less than 100 millimetres in height;”.

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(h) GC 393/91



(2) In regulation 7 -

(a) for the formula for the calculation of net tonnage substitute -

$$“NT = K_2 V_c \left[ \frac{4d}{3D} \right]^2 + K_3 \left[ \frac{N_1 + N_2}{10} \right] ”$$

(b) for the definition of “V<sub>c</sub>” substitute -

“V<sub>c</sub> = total volume of cargo spaces in cubic metres;”.

DATED 21<sup>st</sup> May, 2001

*David North,*

Minister for Trade and Industry

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### **EXPLANATORY NOTE**

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

These Regulations specify the new requirements for measuring the tonnage of fishing vessels and give effect to Council Regulations (EEC) No. 2930/86 and (EEC) No. 3259/94 defining the characteristics of fishing vessels -

Part I of the Regulations provides that fishing vessels of less than 15 metres length overall will continue to be measured in accordance with the existing simplified measurement system as specified in Schedule 1. Part II amends the Merchant Shipping (Tonnage) Regulations 1998 to require all fishing vessels of 15 metres or over length overall to be measured for tonnage in accordance with the 1969 Tonnage Measurement Convention.

Schedule 2 specifies the following consequential and miscellaneous amendments -

- (a) The Merchant Shipping (Registration of Fishing Vessels) Regulations 1991 are amended to introduce a requirement for the maximum continuous engine power to be recorded in the register.
- (b) In Regulation 3(6) of the Merchant Shipping (Small Ships Register) Regulations 1991 redundant references to the 1894 Act and to “certificates of mortgage” are removed.
- (c) Minor corrections are made to the Merchant Shipping (Tonnage) Regulations 1998.