

PART B

CHAPTER 9

CROWN DEPENDENCIES AND OVERSEAS TERRITORIES

9.1 General comment

9.1.1 Advice and guidance in this chapter of these Instructions relates to matters concerning ships registered in the Crown Dependencies (CD) and the Overseas Territories (OT).

9.2 Categorisation of shipping registries

9.2.1 Section 18 of the 1995 Merchant Shipping Act contains provisions for regulating the registration of ships in overseas territories by Order in Council. Any order made to establish different categories of register may include restrictions according to the size and type of ships which may be registered.

9.2.2 In practice, two categories of British Registry have been recognised:

- **Category 1:** for those territories that are able to maintain internationally agreed standards, as defined in the relevant International Conventions - SOLAS, STCW, MARPOL, Load Line, Tonnage, and MLC2006;
- **Category 2:** for those territories which are generally not permitted to register passenger ships of any size or other ships of over 150 GT except pleasure vessels, which can be up to 400 GT (provided a MoU is in place, otherwise limited to pleasure vessels up to 150 GT). There is also an exception for fishing vessels, passenger ships and (occasionally) ships of local significance, where suitable arrangements for safety surveys are in place.

9.2.3 An Order in Council (The Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003; SI 2003/1248) was made in May 2003, and amended in 2008. The current position is:-

Category 1

BERMUDA
CAYMAN ISLANDS
GIBRALTAR
ISLE OF MAN
BRITISH VIRGIN ISLANDS

Category 2

ANGUILLA
FALKLAND ISLANDS
GUERNSEY
JERSEY
MONTSERRAT
ST. HELENA
TURKS & CAICOS ISLANDS

9.3 Category 1 Registries

9.3.1 Surveyors should note that while ships registered on the Category 1 registers are considered British ships they are also considered to belong to independent flag Administrations for day to day survey and certification purposes. Should MCA be asked to carry out a survey on a Category 1 registered ship then permission must be sought from that registry's Administration and any certificate issued must include the "Issued on behalf of..." text at the top.

9.3.2 Ships on these registers are British and it is the policy of the UK and other respective Governments that these registries broadly maintain the same standards as the UK. It has been agreed that surveyors from the MCA will, on request from these registries, undertake surveys on their behalf in the UK and, where practicable, in other locations.

9.3.3 Flag State legislation applies but the survey standards that are applicable to UK ships also apply to ships on the register of Category 1 Registries; surveyors can therefore use UK Statutory Instruments, SANs, Instructions to Surveyors and M Notices for guidance when undertaking surveys. Surveyors should contact the relevant CD or OT for guidance on any applicable local (to the CD/OT) Statutory Instruments or additional local guidance. Contact details may be obtained through External Improvement and Assurance Section of MCA Business Improvement and Assurance.

9.3.4 When it is known that a ship is, or is to be, registered in one of the Overseas Territories but the request for survey is made direct to MCA, the owners should be advised that the request should first go through the relevant flag Administration.

9.4 Category 2 Registries

9.4.1 Some Category 2 Registries rely on MCA to conduct surveys. If asked to conduct such a survey, please contact the relevant Administration for guidance on the applicable standards.

9.4.2 Upgrading from Category 2 to Category 1

9.4.2.1 Those Territories which have only Category 2 registers can apply to have their British Registry upgraded to Category 1. Upgrading will be dependent upon the Territory enacting safety legislation which would give effect to the international conventions applicable to larger ships. Once the legislation is in place the relevant Conventions will be extended to the Territory concerned.

9.4.2.2 In the interim period before the Category 2 Registries finalise their legislation for Category 1 status, MCA may be requested to undertake surveys of convention size vessels. In this case, a letter of compliance should

be issued indicating that the vessel has been surveyed to, and meets, Convention standards.

9.4.2.3 Alternatively, if a Territory is able to establish its own, fully-qualified, maritime administration to a standard which satisfies the Secretary of State, they may then request re-categorisation to Category 1 which would mean that, in addition to the ships currently on their register, they would be free to accept and retain any other ships, of any size or type.

9.4.3 Exemptions for other ships, in special circumstances

9.4.3.1 Regulation 6 of the Order provides for future exemptions from the limits imposed by categorisation in special circumstances and where an appropriate survey agreement with the MCA exists to ensure that the ships in question will be surveyed and maintained to appropriate international standards. Requests for exemptions under Regulation 6(iii) will be considered individually but it is important to stress that the exemption provision is only expected to be used in limited and exceptional circumstances.

Survey arrangements

9.4.3.2 Surveys will be carried out by surveyors from the MCA or nominated by the MCA. An example of this is the Falkland Islands registered British Antarctic Survey ships. The number of existing passenger ships and ships of over 150 GT which will remain on the register under the conditions described above, and hence the MCA surveyor resources required, is not expected to be large. Many of the ships currently on the register of Category 2 Registries are less than 500 GT so much of the work that is required may be delegated to classification societies.

9.4.3.3 In the case of ships registered in the Falkland Islands **all MCA surveyors have been authorised to** conduct surveys on behalf of the Falkland Islands Government under their Merchant Shipping **Ordinance 2001 section 4**.

9.4.3.4 In the case of some other Category 2 Registries, named MCA surveyors may have permanent authority to survey their ships eg. St Helena has authorised the Consultant Surveyor for Fishing Vessels based at Hull Marine Office to survey and certificate their fishing vessels.

9.4.3.5 As with ships on the register of Category 1 Registries, requests for surveys will normally be made in the first instance by the relevant Administration through Survey Operations Branch.

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