



Annual Report 2019

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Chapter 1 - The Registry of British Ships - Guernsey And The Red Ensign Group

1.1. Introduction

The Registry of British Ships - Guernsey is open to vessels, currently up to a limit of 150 gross tonnage (as ascertained under the Merchant Shipping (Tonnage) (Bailiwick of Guernsey) Regulations 2009, particularly pleasure yachts. Vessels intended for commercial use (up to a maximum of 24 metres loadline length - ITC69) can be registered but must fully comply with the Code of Practice for Small Commercial Vessels and manning requirements.

1.2. The Red Ensign Group (REG)

The REG is a group of British Shipping Registers. It is made up from the United Kingdom, the Crown Dependencies (Isle of Man, Guernsey and Jersey) and the British Overseas Territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and the Turks & Caicos Islands) which operate shipping registers from their jurisdiction. As a member of the REG, Guernsey can share best practice, learn from other registries, and promote its brand on the international stage.

Any vessel registered in the UK, a Crown Dependency or UK Overseas Territory, is a "British ship" and is entitled to fly the Red Ensign flag.

These registers are divided into two categories:

- Category 1 - register ships of unlimited tonnage and type. Category 1 Registers are Bermuda, British Virgin Islands (BVI), Cayman Islands, Gibraltar, Isle of Man and the United Kingdom.
- Category 2 - register commercial ships and pleasure vessels of up to 150 gross tons (GT). This limit can be extended to 400GT with an agreement in place with the UK. Category 2 Registers are Anguilla, Falkland Islands, Guernsey, Jersey, Montserrat, St Helena and the Turks & Caicos Islands.

Chapter 2 - Eligible Vessels And Requirements

2.1. Part 1 Qualification

The Registry is open to vessels, currently up to a limit of 150 gross tonnage (as ascertained under the Merchant Shipping (Tonnage) (Bailiwick of Guernsey) Regulations 2009¹, particularly pleasure yachts.

Vessels intended for commercial use (up to a maximum of 24 metres loadline length - ITC69) can be registered but must comply fully with the Code of Practice for Small Commercial Vessels and manning requirements. Further details on the Code of Practice can be obtained from the UK Maritime & Coastguard Agency.

To qualify for registration, the majority of shares in a vessel (33 of the 64) must be owned by either a British subject or a company registered in and having its principal place of business in a British Crown Dependency or Overseas Territory. Foreign nationals may own up to 31 shares in a vessel, if the remainder of the shares are in 'qualified ownership'. Any shares jointly owned by qualified and unqualified owners count as unqualified shares.

Registration of a vessel under 'Part I' of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 gives legal title to the vessel, recognition as a British ship and enables other transactions such as mortgages and Court Orders to be registered on the vessel.

When the Registry has received ALL the required documents, formal marking instructions may be issued. This will include details of the official number (issued by the Registry), the register or net tonnage and the vessel's name and port of registry, to be marked on the vessel in accordance with these instructions.

On completion of the marking of the vessel, photographic evidence, either as specified by the Registry should be submitted or, if the vessel is present in Guernsey, the Registrar will schedule an inspection. When the Registrar is satisfied, that vessel has been marked in accordance with Registry regulations, the Registrar will proceed to complete Registration and issue the Certificate of British Registry (commonly known as the 'blue book').

¹ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=74014&p=0>

2.2. Fishing Vessel Registration

The Registry of British Ships - Guernsey at the Harbour Office deals with the registration of a fishing vessel. In order to comply with the law² there are three main requirements:

- The vessel must be in use for fishing for profit. This means that any part or all of the catch is occasionally or always sold.
- The vessel is owned legally and beneficially either by a British subject living in the Bailiwick of Guernsey or a Company registered in and having its principal place of business in the Bailiwick of Guernsey.
- The vessel is fishing from a port in the Bailiwick of Guernsey.

An application will need to be made on the prescribed form and, subject to eligibility, a 'GU' number may be allocated.

When the vessel has been marked as required with its GU number, name, and port of registry, a Registry member of staff will inspect the vessel and, if necessary measure the vessel in accordance with the regulations.

When this has been completed satisfactorily and the vessel has been shown to be compliant with the Code of Practice under the Small Fishing Vessels (Safety Regulations) (Bailiwick of Guernsey) Regulations, 2007, a fishing vessel registration certificate can be issued. Only then is the vessel properly registered.

These requirements do not remove the need to register the vessel on the local register with Guernsey Harbours. Local registration may be applied for at the same time as Fishing Vessel registration but will not be processed until a GU number has been allocated.

A fishing vessel licensing system for vessels fishing for profit within Bailiwick waters is in place and owners of vessels with a Fishing Vessel Licence entitlement issued by the Committee for Economic Development's Sea Fisheries team will need to check that their entitlement is sufficient for the vessel to be licensed and registered.

Owners of vessels without the above are advised to obtain a licence or the Committee *for* Economic Development's Sea Fisheries team can issue entitlement of sufficient capacity for their vessel before a Bailiwick Fishing Vessel Licence.

² Full details of requirements can be found in the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations 2009

2.3. Fishing Vessel Safety & Training

Law requires registered fishing vessels, to have a current safety certificate. The vessel must comply fully with the Small Fishing Vessels (Safety) (Bailiwick of Guernsey) Regulations 2007³. Copies of the Code of Practice for the Safety of Small Fishing Vessels are available on request from the Registry or Guernsey Harbours. The amount of safety equipment and the complexity of the survey will be determined by the length of the vessel. Prospective fishing boat owners are advised to contact Guernsey Harbours in order to understand more fully, what will be required for their vessel.



Picture: Registry of British Ships - Guernsey

If the vessel is a 'new build' or has not previously been used as a commercial fishing vessel a SeaFish construction certificate must be provided by the builder or a survey will need to be undertaken by Guernsey Harbours approved SeaFish accredited surveyor. Prospective applicants unsure of the construction standards for their boat are strongly recommended to arrange for early inspection and assessment by the SeaFish surveyor via the Registry. All owners and crew working on a Bailiwick of Guernsey fishing vessel are required to ensure that they have undertaken the training courses required by the Code of Practice. These courses are provided periodically on Island but SeaFish approved courses held in the UK are also available more regularly and these training certificates are accepted locally.

³ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=73945&p=0>

2.4. The Small Ship Register

The Small Ship Register (SSR) provides a cheap and simple alternative to full registration under Part I of the British Register. The Certificate of British Registration provided gives evidence of the British nationality of the vessel when it is in foreign territorial waters. A Small Ship Registration Certificate may not be accepted in some foreign ports if you are using your ship for 'commercial purposes' e.g. diving or chartering. The register does not enable ownership of a vessel to be established nor can marine mortgages be recorded. A small ship is one, which is less than 24 metres (78.7 feet) in overall length). The following ships cannot be registered on the SSR:

- Those owned by a companies or organisations such as clubs and associations.
- Those over 24 metres in length.
- Fishing or submersible vessels.

A small ship may be registered if one or more of the following persons who are ordinarily resident in the Bailiwick of Guernsey own it:

- British Citizens.
- British Dependant Territories citizens; British Overseas citizens; persons who under the British Nationality Act 1961 are British subjects; persons who under the Hong Kong (British Nationality) Order are British Nationals Overseas, and Commonwealth citizens not falling within the above paragraphs.

If you are in any doubt about your own citizenship or that of any other owner of the ship please obtain advice from the Guernsey Border Agency.

For the purposes of registering a ship, it means living and sleeping in the Bailiwick for a significant part of the year. A person may be considered ordinarily resident if they live for a period of, or periods, which collectively amount to 185 days or more in a twelve-month period. If you are resident in the Bailiwick for tax purposes, you will generally be regarded as resident for the purpose of registration.

Ships cannot be on more than one part of the Register at any one time. If you have full British registration, it is to your advantage to keep your ship registered on that Part rather than transfer it to the SSR. If you wish to transfer from one Part of the Register to another, it will be necessary to close the ship's current registration before the transfer can be made. If the ship is registered on the full register at a port in the United Kingdom or the Channel Islands, you may apply to register under the SSR. However, if there is recorded a mortgage or sale affecting the ship or a share in the ship the Part 1 registry will not be closed and the application will not be proceeded with.



Picture: Registry of British Ships - Guernsey

Where the applicant's name and the name of the owner on the Part I register differ, the applicant will have to provide a statement of entitlement signed by the present beneficial owner(s), and satisfactory evidence (e.g. bills of sale or a receipted invoice) of ownership.

Registration on the SSR lasts for five years from the date of issue of the Certificate of Registry and can be renewed during the period six months prior to the date of expiry, provided no changes have occurred in the details included on the Certificate of Registry, in which case it will terminate immediately. The registration number can be retained provided application is made within three months of the expiry or termination. The application form should be used only for the first registration of a ship and for the re-registration of a ship whose registry on the SSR has terminated or expired. A separate form for renewing the registration of a ship is available from the Guernsey registrar.

Ships will not be registered if they have undesirable or offensive names or which might cause confusion; e.g. if prefixed by FV or HMS. Names such as: 'SOS', 'MAYDAY' or 'LIFEBOAT' will not be allowed. Ships must have a name before they can be registered. In most cases, the owners may measure the overall length of the ship themselves 'Overall length' is the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure of the ship.

Where the ship is found to be 24 metres or a little more in length, it may still qualify. In this case, you must have the statement of length at the end of the application form signed by a qualified surveyor stating that the ship is less than 24 metres in length when measured in accordance with the formula contained in the Merchant Shipping (Bailiwick of Guernsey) (Tonnage) Regulations 2009. Definitions can be found below.

- Sailing Cruiser - boat primarily propelled by sail (larger than a dinghy) with fixed keel or cabin.
- Motor Cruiser - large boat largely propelled with an engine, either steam or internal combustion, including cabin cruisers.
- Sailing Dinghy - all types of dinghy propelled by sail without a fixed keel or cabin
- Motor Sailer - boat propelled by engine or sail with a keel and cabin.
- Inflatable - Non-rigid inflatable boats.
- Power Boat - including speedboats, powerboats and high-speed launches.
- Dutch Barge - all types of traditional barge, but excluding narrow boats.
- Motor Dinghy - all types of rigid dinghy propelled by internal combustion engine.
- Rigid Inflatable - all types of rigid inflatable boats (RIB).
- Jet Ski - including jet skis, wet bikes etc.
- Other - any other vessel type which does not easily fit into any of the above types.

Any person who makes an application containing a statement which they know to be false or reckless, or any person who, with intent to deceive, uses or lends to or allows to be used by another, a terminated certificate of registration. Any person who fails to ensure that the requirement of ship's marking is met, or any person who fails to surrender a certificate of registration when required by the Regulations shall be guilty of an offence. In addition, where it appears that there is any doubt as to the right of any ship registered or seeking registration to be registered, the owner may be required to give additional evidence.

Chapter 3 - 2019 REG Conference

3.1. Introduction

The Registry attended the 2019 Red Ensign Group Conference that took place in the Caribbean island and British Overseas Territory of Montserrat. It was the first time the Conference had visited the island, which in the late 1990's suffered from a volcanic eruption that resulted in half of the island being declared uninhabitable. Since then, efforts have been made so parts of the island that were not affected are open again and an economic recovery is underway.



Picture: Registry of British Ships - Guernsey

3.2. Conference

The aim of the conference is to discuss matters of mutual interest among the REG registrars. For Guernsey, our current work on the introduction of a Vessel Traffic Service, or VTS in Guernsey's harbour approaches that was implemented in July 2019 was discussed. VTS is sometimes described as Air Traffic Control for ships, will use a number of sensors, including radar, AIS, direction finding, CCTV, and VHF radio to improve safety and assist navigation for vessels in local waters.

The introduction and implementation of the Small Commercial Vessels Code was discussed. The code, and the accompanying regulations, is set to come into force in Guernsey and Sark at some point in 2020.

The code prescribes standards of construction, manning and emergency equipment for small commercial vessels operating from a harbour within Guernsey and Sark. The code has been developed in consultation with local boat operators and the UK Maritime and Coastguard Agency to ensure that crew and passengers can be assured of their safety. The Conference was updated with progress on the development of Guernsey's Civil Hydrographic Programme, under which Guernsey Harbours collect and broadcast maritime safety information, and ensure that Bailiwick waters are accurately surveyed so that vessels can safely navigate through them. Some of the current UK Admiralty navigation charts use data of depths from the nineteenth century.



Picture: The Red Ensign Group

The focus of attention was the REG's ability to meet the requirements of the III Code audit that is due to be carried out by the International Maritime Organization (IMO) – the United Nations' agency responsible for global maritime affairs, in 2020. The IMO Member State Audit Scheme is intended to provide an audited Member State with a comprehensive and objective assessment of how effectively it administers and implements those mandatory IMO instruments that are covered by the Scheme at ports it has jurisdiction over.

The IMO hopes the audit scheme will bring about many benefits, such as identifying where capacity-building activities (for example, the provision of technical assistance by IMO to Member States) would have the greatest effect. Targeting of appropriate action to improve performance would be greatly improved. The IMO believes member states themselves would receive valuable feedback, intended to assist them in improving their own capacity to put the applicable instruments into practice; and generic lessons learnt from audits could be provided to all Member States so that the benefits could be widely shared.

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The results of the audits can be systematically fed back into the IMO regulatory process to help make measurable improvements in the effectiveness of the international regulatory framework of shipping. Guernsey's preparations for the IMO mock audit started immediately after the conference took place. The Registry believes this is the best way of addressing any issues that may arise in the actual audit and provide an action plan to address any issues that may arise.



Picture: Registry of British Ships - Guernsey

The next REG Conference will take place in the Falkland Islands who will host the event in 2020.

Chapter 4 - Contact Details And Accounts – Registry of British Ships - Guernsey

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The annual accounts of the Registry are available on the States of Guernsey's website, using the following weblink below:

<https://www.gov.gg/article/177763/Ports-Accounts-2019>