

Conditions for Defaced Ensigns

Conditions Governing the Issue of Yacht Permits to Members of Entitled Yacht Clubs in the United Kingdom and the Channel Islands

By Section 4 of the Merchant Shipping Act 1995, it is an offence to hoist on board any ship or boat belonging to any British subject certain colours, flags and pendants without a Permit from Her Majesty the Queen or from the Secretary of State for Defence. The maximum penalty is one thousand pounds for each offence. Among the prohibited flags are the Union Flag, the White Ensign, the Blue Ensign (plain or defaced) and the Red Ensign with any defacement. The prohibition applies to any ship or boat belonging to any British Subject wherever it may be, and so extends not only to tidal waters but equally to rivers, lakes and inland waters generally.

Yachts may not wear the special Ensigns prohibited above except:

1. Under a Warrant issued to the yacht owner by the Secretary of State for Defence prior to April 1st 1985 and in accordance with the conditions stated hereon, or
2. Under a Permit issued to a yacht owner by a Yacht Club from 1st April 1985 onwards and in accordance with the conditions set out below.

Conditions.

1. Permit: The Yacht must be issued with a Permit by a Yacht Club pursuant to the granting of a Warrant to that Club by the Secretary of State for Defence.
2. Registration and Measurement.
 - A. Registration.

The Yacht must be a ship registered under either:

 - i. Part I of the Register of British Ships or
 - ii. Part III of the Register of British Ships (Small Ships Register)
 - B. Measurement.

The Yacht must measure not less than:

 - i. tons gross if registered under 1(1) above
 - ii. 7 metres in length overall if registered under 1(2) above
3. Membership of Designated Yacht Club.

The Owner or Owners of the Yacht must have current membership of one of the Yacht Clubs in the United Kingdom or Channel

Islands to which a Warrant has been issued and which is designated in the Navy List.

4. Nationality.

The Owner or Owners must be British Citizens.

5. Use of Yacht.

- A. The Special Ensign may only be worn on a Yacht used exclusively for private and personal purposes of the Yachtsman to whom the the Permit is issued.
- B. The Yacht must not be used for any professional, business or commercial purpose. A Yacht whose name incorporates a name, product or trademark used for business or commercial purposes is not eligible for a permit.
- C. A Yacht which is never used for cruising, eg a Houseboat, is ineligible for a permit.

6. Limited Companies.

A Yacht which is the property of a Limited Company may be eligible for a permit provided the provisions of Condition 5 are complied with, and the user is a British Subject and a Member of a designated Yacht Club.

7. Presence of Permit Holder.

Except under the provisions of Condition 6, a Permit does not confer any authority while the Yacht is being sailed by anyone other than the Owner in person, thus a Special Ensign may not be worn unless the Owner or user (see condition 6) of the Yacht is on board, or in effective control of her when she is in Harbour or at anchor near the shore, and the Clubs Burgee, is flown at the main masthead, or other suitable position. The Permit must always be carried on board when a Special Ensign is worn.

8. Separate Authorisation from Each Club.

If the Owner or user belongs to more than one designated club, he must have on board the Permit authorising the particular Ensign, which is being worn.

Note – A member of a privileged club who shares a Yacht with joint owners ineligible of belonging to that club because of restricted membership qualifications may exceptionally apply for a permit. All applications under this exception must be supported by written confirmation that the other owners are ineligible for membership of the Yacht Club concerned. A permit issued in these circumstances is valid only when the joint owner in whose name the Permit is issued is on board or in effective control of the Yacht when at anchor or in harbour near the shore.

9. Charter or Loan of Yacht for which the Permit is Issued.
It is expressly forbidden for the person borrowing or chartering the aforesaid Yacht to wear the privilege Ensign for which a Permit has been previously issued by the owner's club.
10. Return of Permit.
When a Yacht is sold, there is a change of ownership, or the owner ceases to be a member of the Club, the Permit must at once be surrendered to the Secretary of the Club who shall forthwith cancel it.
11. Alterations to Permits.
No alterations are to be made to Permits. If the name of the Yacht is changed, or alterations are made which affect the Register, the Permit is to be withdrawn by the Secretary of the Club. A new Permit may be issued provided the provisions of these conditions are otherwise satisfied.
12. Permits Lost or Stolen.
In the event of a Permit being lost or stolen, the member must forward to the Secretary of the Club a report on the circumstances of the loss and the steps taken to recover it. The Secretary of the Club may, at his discretion, issue a fresh permit.
13. Tenders
The special Ensign may be worn by any boat which belongs to the Yacht and which can be conveniently hoisted on board.
14. Foreign Cruises.
When cruising in Foreign waters a Yacht for which a permit to wear a Special Ensign has been issued should take care to avoid any action which might result in complications with a Foreign Power.
15. A Permit for a Yacht to wear a Special Ensign becomes invalid if the provisions of the above Conditions are not met.
16. Etiquette.
Permit holders should comply with the custom, when in harbour, of hoisting the Ensign at 0800 (15 February to 31 October) otherwise at 0900 and lowering the Ensign at local Sunset (or 2100 local time if earlier).