

PART I

REGISTRATION AND ESSENTIAL FLAG ETIQUETTE

The simplest flags customarily worn by and flown by British yachts are the ensign, courtesy flag and club burgees. Details of other flags that are flown, the reasons for doing so and their meanings are given in Part II.

KEY FLAGS AND ENSIGNS

(What flags to fly and colours to wear)

UNION FLAG OR UNION JACK



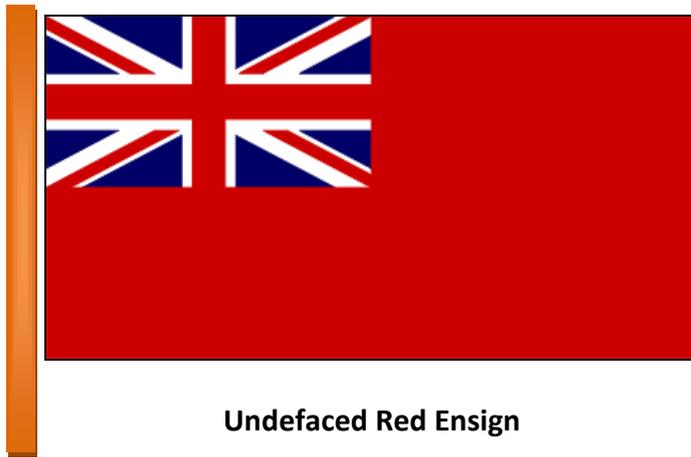
Union Flag or Union Jack

The Union Flag or 'Union Jack' is the national flag of the United Kingdom. It is never used by British merchantmen or yachts and may only be used by ships of the Royal Navy. The 'Union Jack' was officially acknowledged as an alternative name for the Union Flag by the Admiralty and Parliament in 1908.

ENSIGNS

Ensigns show the country of the registry or 'Flag State' of the yacht and, under international law, there must be a genuine link between the Flag State and yachts wearing its flag. Generally, this link will follow the nationality of the owner (this may be a company) although some Flag States, Spain for example, have rules for the registration of vessels kept in their territorial waters which are owned by resident foreigners. The use of a national ensign is governed by the laws of the relevant Flag State (Merchant Shipping Act 1995 in UK) and you should refer to the relevant maritime authority for further information.

The wearing of any other flag as an ensign, except a Special Ensign (See Part II), infringes both national and international law. In British maritime law and custom, the ensign proper to a British ship is one of several flags with a red, blue or white field, with the Union Flag in the inner upper canton (the technical terms for the parts of a flag are given in Part II). These are known as the red, blue and white ensigns respectively. There is currently no English, Scottish, Welsh or European registry and their 'Land flags' must never be worn as Ensigns.

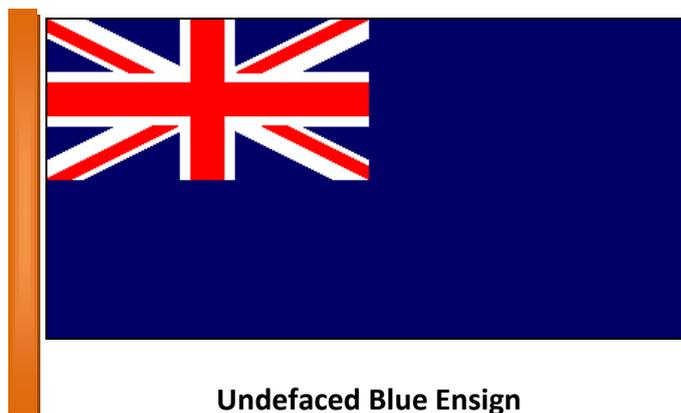


Undefaced Red Ensign

The Red Ensign (without defacement, red field with the Union Flag in the inner upper canton) is the national flag of the UK Shipping Register. All British ships (including yachts) are entitled to wear the Red Ensign, under the provisions of the Merchant Shipping Act 1995. All British ships (other than fishing vessels) must wear the Red Ensign or other proper national colours when requested to do so by one of Her Majesty's ships and when entering or leaving a foreign port. By the same Act, a vessel of 50 gross tons or more (unless less than 24 metres in length and registered on the UK Register) is required to wear colours when entering or leaving a British port.

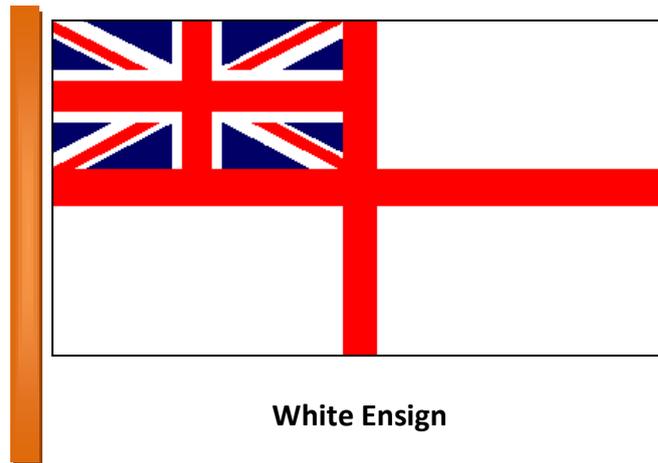
All yachts registered in the UK are British ships for the purposes of the entitlement and requirement to wear the Red Ensign (or other proper national colours). In addition, a yacht that is not registered in the UK and is less than 24 metres in length is also regarded as being a British ship under the 1995 Act, provided that it is not registered in any other country and it is wholly owned by individuals (or a company) who would be permitted to register the yacht in the UK if they chose to do so.

The Red Ensign is the correct courtesy flag for all foreign vessels visiting UK territorial waters.



Undefaced Blue Ensign

Users of the Blue Ensign (without defacement, dark blue field with the Union Flag in the inner upper canton) include the Royal Naval Reserve (RNR), The Royal Fleet Auxiliary (RFA), the Royal Research Ships and in certain very specific circumstances, British merchant vessels and fishing vessels employed in the service of a public office. In addition, certain ships masters who qualify in accordance with the rules in Queens Regulations for the Royal Navy maybe issued with warrant by the Ministry of Defence. Certain yacht clubs who fulfil the conditions governing the issue and use of special ensigns set out in Part II have been issued with warrants permitting the use of the undefaced Blue Ensign by their members.



White Ensign

The White Ensign, originally designed as the others, had the red cross of St George added after 1702 to make it more distinguishable in the smoke of battle and to avoid confusion with the then flag of France. It has been worn by the Royal Navy since termination of the squadronal system in 1864. It is also used by the Royal Marines and by the Elder Brethren of Trinity House when dressed and accompanying Her Majesty. The Royal Yacht Squadron has a warrant to wear the White Ensign.

THE CLUB BURGEE

Each yacht club or sailing club may have its own burgee; this should be triangular in shape. Yacht clubs are free to choose their own design of burgee provided that it does not contravene any Ministry regulation nor can be confused with any other flag or burgee. Burgees belong to and are controlled by the club. The motif (defacement) may be connected with their history.



Burgee of the Army Sailing Association

The wearing of a burgee denotes club membership of the owner/skipper on board the yacht. More than one burgee must not be flown at any time (see members flags, Part II) and it is normal for the owner skipper to fly the burgee of the senior (oldest) club of which he is a member.

THE COURTESY FLAG

A courtesy flag is flown as a signal. The most common of these is a small replica of the national maritime flag which it is customary but not obligatory to fly when sailing in foreign territorial waters or lying in a foreign port. It acknowledges that you will respect that country's laws and sovereignty, subject to international law and the protection of your own flag state. It is customary to take the courtesy ensign down (strike) as the same time as the yacht's own ensign.

Most countries (unlike the UK) use their national flag at sea. Quite often one sees a foreign visitor flying a union jack as a courtesy flag when visiting UK waters. This is wrong; the correct flag is always a Red Ensign.

THE FLAG STATE

The concept of 'Flag State' or a yacht's 'nationality' is important when understanding when to wear an ensign and what is and what is not acceptable. The nationality of a yacht determines which state can exercise jurisdiction over it (particularly on the High Seas); the ensign symbolises that nationality and thus jurisdiction. Once a yacht has a state's nationality it acquires a number of rights and obligations. This includes the right of protection (i.e. a flag state can take international court action on behalf of its ships against breaches by other states) in accordance with the 1982 UN Convention on the Law of the Sea (or its predecessor, the 1958 Geneva Convention on the High Seas) and an obligation to comply with the international conventions that the flag state has ratified.

The freedom of the High Seas is granted to states, rather than to individuals, and both the 1958 and the 1982 Conventions provide that signatory states have the right to have ships at sea which fly their flag. When a state grants nationality to a ship it is called allocation. Each decides what conditions must apply for a ship to be given the right to fly its flag and the process and procedure of how vessels are registered.

REGISTRATION IN THE UK

The UK operates a voluntary registration regime in which the yacht-owners are entitled, rather than obliged, to register their yachts. However, virtually all other sovereign states do require their vessels to be registered wherever they are. As such, although a yacht under 24 metres may nevertheless be a British ship even if unregistered, the authorities in other jurisdictions are entitled to demand proof of nationality and most would expect to see a Certificate of Registry. For all practical purposes, therefore it is essential to register your yacht if you intend to leave UK territorial waters.

The decision to 'go foreign' may not always be as voluntary as you might wish, particularly in bad weather with French waters only 10 miles from our shores! It is also worth remembering that some routine 'domestic' voyages, such as crossing Lyme Bay on the direct route between Start Point and Portland, may in fact take a yacht into international waters.

In the UK, the Central Register of British Ships (the Register) has a reputation for maintaining the highest international standards. It is divided into 4 parts:

- Part I is for all ships other than fishing vessels.
- Part II is for fishing vessels.
- Part III is for small ships (ships less than 24 metres in overall length).
- Part IV is for bareboat charter of foreign registered ships to persons qualified to be an owner of a British ship.

A yacht may be registered on Part I (full registration) or Part III, the Small Ships Register (SSR), but not both. Registration on either Part I or Part III is recognised worldwide.

Part I of the Register

Part I provides evidence, recorded on the Register, of title or ownership and nationality of a yacht. No two yachts on the Part I Register (as opposed to SSR) may use the same name. A mortgage or other charge can be entered on the register, protecting a lender's interest by impeding the transfer of title when the yacht changes hands, so long as the mortgage or charge remains outstanding. Guidance and application documentation is available on-line from the Maritime and Coastguard Agency (MCA) web site or the UK Ship Register web-site www.ukshipregister.co.uk

When an owner decides to sell their yacht, the advantage of Part I over SSR is that they are able to use the registration to provide evidence of good title and the new owner can establish that there are no outstanding mortgages or charges against it. Whilst there are clear advantages associated with Part I registration, the main disadvantage is one of cost.

Part III of the UK Ship Register (SSR)

SSR is a much cheaper and simpler procedure that suits many leisure yachtsmen and provides evidence of a yacht's nationality only. Application is cheap and can be made on-line at www.ukshipregister.co.uk.

Other British Registries

A number of other countries maintain their own registers and are linked to the UK and use the Red Ensign either with defacement or modification. These countries together with the UK are collectively known as the Red Ensign Group (REG). The United Kingdom Secretary of State for Transport has general superintendence of the Red Ensign Group on all matters relating to merchant shipping and seamen.

The Red Ensign Group comprises of the United Kingdom, UK Crown Dependencies (Isle of Man, Guernsey and Jersey) and UK Overseas Territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and the Turks & Caicos Islands) who operate shipping registers. Any vessel registered in the UK, Crown Dependency or UK Overseas Territory, is a "British ship" and is entitled to wear the appropriate Red Ensign.

The 1995 Merchant Shipping Act provides for British possessions to be categorised according to the tonnage, size and type of vessel which can be registered. Under the Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003, the REG is divided into the following categories:

Category 1 Registers	Category 2 Registers
Bermuda	Anguilla
British Virgin Islands	Falkland Islands
Cayman Islands	Guernsey
Gibraltar	Jersey
Isle of Man	Montserrat
	St. Helena
	Turks & Caicos Islands

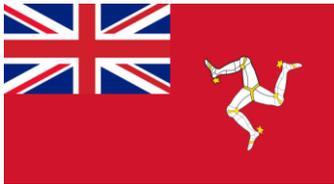
Category 1 administrations may register ships of unlimited tonnage, type and length. Category 2 administrations may register ships of up to 150 gross tons (GRT) and pleasure vessels, that is, those not operated commercially of up to 400 GRT. Pleasure vessels are defined in Merchant Shipping Regulations (Vessels in commercial Use for sport or Pleasure) Regulations 1998.

The MCA has delegated authority from the Secretary of State to ensure that the REG registers maintain the highest international maritime standards in accordance with their obligations under the conventions and in accordance with UK policy. The MCA fulfils this role through routine monitoring visits to each register. As a part of its role, the MCA organises an annual conference of all the REG registers and represents the interests of each in international fora such as the International Maritime Organisation and the International Labour Organisation.

Within the Red Ensign Group, the Crown dependency registers below are specifically part of the UK Shipping Register and are available to yachtsmen dependant on their eligibility. Each has its own advantages; full details are available from their respective web sites. All permit the wearing of a privileged ensign.

MARITIME ENSIGN

INFORMATION



www.iomshipregistry.com

ISLE OF MAN



www.shipsregistry.gov.gg

GUERNSEY

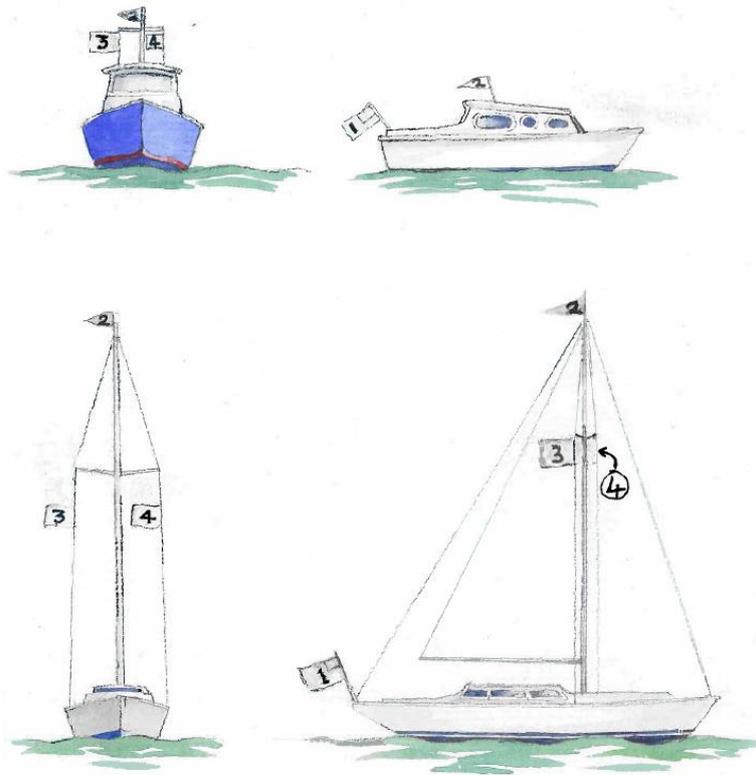


www.gov.je/travel/maritimeaviation/britishregisterships

JERSEY

WHERE TO WEAR COLOURS AND FLY FLAGS ON A YACHT

In general the guiding rule is that the most important flag should be most prominently displayed and in the most important position. The second most important flag in the second most important position, and so on. The basic diagrams below show the seniority of positions on a sloop and motor cruiser. More complex arrangements are shown in Part II:



1 - Pushpit or Taffrail 2 – Masthead 3 - Starboard Spreaders 4 - Port Spreaders

THE ENSIGN POSITION

The most senior position is reserved for the Ensign. In practice this will be the pushpit or the taffrail on most modern yachts. Officers used to command their ships in battle from the after part of the ship (the poop and quarter deck) and striking the ships colours (lowering the ensign) was a signal of surrender. Other acceptable positions for wearing an ensign on other types of sailing and motor yachts are shown in Part II.

THE BURGEE POSITION

The next senior position is the main masthead and is reserved for the Burgee.

Though a practice has crept in of flying a burgee from the starboard spreaders, especially on racing yachts that have not rigged a masthead halyard or believe they have too many instruments at their masthead to be able to do so, it is undesirable for 3 reasons:

- First, because it leaves no solution to the problem that you may not fly a flag superior to your Burgee and you may not fly a flag on the same halyard superior to a courtesy flag if

you are in foreign territorial waters. In other words, it is a contravention of Flag Etiquette to fly both a courtesy ensign and burgee on the same halyard.

- Second, the starboard spreaders are the yacht's signal station (Signals are covered in Part II). If you fly flags from the signal station that are not signals, who will notice when you are signalling. That signal still might be "distress".
- Third, a burgee must always be flown higher than an Ensign which on gaff rigged vessels, ketches and yawls where the ensign may be worn at the peak, may not always be the case (See Part II).

The following notes are offered as further guidance:

- Any suggestion that you may use the port spreaders for your Burgee is incorrect. That is inferior to the courtesy flag.
- It is easy to fit a light halyard at you masthead no matter how many instruments provided you plan your masthead before you step the mast.
- You never fly a burgee whilst racing, but it IS a signal to other competitors that you have retired and will keep out of their way.

In power cruisers that have no mast, the burgee may be flown from a staff on the bow or over the bridge/wheel house.

THE COURTESY FLAG POSITION

The third most important position is the upper outer starboard flag halyard on the main mast spreaders; most yachts only have one starboard halyard and this will be your signal station (see diagram). In general outer halyards are senior to inner halyards and in multi spreader sailing yachts the higher spreaders, the more senior it is.

The Courtesy Flag is a signal and should be flown from the signal station. The Courtesy Flag must always be the highest flag on the same halyard (hoist).

WHEN TO WEAR COLOURS AND TO FLY FLAGS

Ensigns and flags should be worn at sea at all times unless racing (see Part II), remember you are claiming the protection of your Flag State. When at anchor or in a harbour in British waters the proper time for hoisting (raising) the Ensign is 0800 (0900 in the winter months from 1st November to 14th February inclusive). Ensigns are always lowered (struck) at sunset or 2100 local time if earlier. All colours and flags with the exception of Flag officers' broad pennants should be hoisted and struck at these times.

When abroad, the local custom should be followed; generally this will be the same as in British waters, although in most places with a temperate climate, colours are hoisted at 0800 throughout the year while in extreme latitudes, when sunrise is later than 0900 colours are made at local sunrise.

In the UK, courtesy requires that the timing is taken from the list below in order of precedence:

- Firstly, a vessel of the Royal Navy or a Naval shore establishment.
- Failing that from the senior yacht club on shore.
- Failing that from the Senior Flag Officer present (see Part II).
- Failing all of the above from the ship's clock.

It is accepted practice that when a crew joins the yacht within the prescribed hours then the correct ensign will be hoisted.

The flying of Ensigns and burgees from yacht club premises is recognised and it can be assumed that such clubs should proceed exactly as if they were registered British vessels.

SIZE AND CONDITION OF FLAGS

Care should be taken with the size and condition of all flags. Many find it disrespectful to wear a faded or tattered ensign or courtesy flag or one too big, too small to be noticeable or one that hangs in the water. It should be noted that the condition of courtesy flags may be taken very seriously in some countries. A tattered flag could easily result in local trouble!

The size of an ensign is usually stated in yards, defying most modern conventions. A guide for an ensign used to be an inch per foot of yacht length, but in modern yachts this maybe a little on the small side. Similarly, broad heavy displacement yachts of the same length may not look "well dressed" with identically sized flags.

The sizing chart below should be used as a starting guide only

Yacht Length ft	Ensign	Burgee*	Courtesy
21-26	$\frac{3}{4}$ yd	12 in	12 in
27-34	1 yd	15 in	15 in
35-42	1 $\frac{1}{4}$ yd	18 in	18 in
43-50	1 $\frac{1}{2}$ yd	24 in	21 in
51-60	1 $\frac{3}{4}$ yd	30 in	24 in

* This assumes that the burgee is being flown at the masthead.

The vertical measurement of a flag is called the "hoist" and its length "the Fly". If only one measurement is given it will be "the fly" (See Part II).