



SAINT VINCENT AND THE GRENADINES

ACT NO. 8 OF 1991

[L.S.]

I ASSENT

DAVID E. JACK
Governor-General
8th March, 1991

AN ACT to amend the Merchant Shipping Act, 1982 (No. 22 of 1982) and matters connected therewith and incidental thereto.

[2nd April, 1991]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:—

1. This Act may be cited as the Merchant Shipping (Amendment) Act, 1991, and shall be read and construed as one with the Merchant Shipping Act, 1982, hereinafter referred to as the principal Act and shall be deemed to have come into operation on the 1st day of October, 1990.

Short Title and
commencement

2. Section 2 of the principal Act is amended by deleting the definition of "vessel" and substituting the following:—

Amendment of
section 2 of principal
Act

"vessel" includes anything constructed or in the process of construction for, or used for the carriage on, through or under water of persons or property, air cushioned or amphibious vehicles, hydrofoil craft and hovercraft or any ship or boat used in navigation;"

3. Subsection (1) of section 9 of the principal Act is amended:—

Amendment of
section 9 of principal
Act

(a) in paragraph (b) by deleting the dash appearing immediately after the numeral (3) and substituting therefor a colon;

(b) by inserting the following proviso next after paragraph (b):—

“provided that in the case of a ship under construction evidence of sea-worthiness shall be produced to the Registrar as soon as possible after the vessel is completed.”

Amendment of
section 15 of principal Act

4. Subsection (1) of section 15 of the principal Act is amended by inserting after the words “was built” wherever it appears the words “or is being built”.

Repeal and replacement of section 18A of principal Act

5. Section 18A of the principal Act is repealed and the following sections substituted:—

“Registration of
vessels on
bareboat charter”

18A. (1) Anything in this section to the contrary notwithstanding the Minister may in exceptional cases reduce the registration fee payable on the registration of any vessel under this Act.

(2) In exceptional cases the Minister or the Commissioner may allow the registration of any vessels on bareboat charter to a citizen or national of Saint Vincent and the Grenadines or to any person authorized pursuant to section 9 subsection (3) of Part III of this Act.

(3) The following terms and conditions shall apply in respect of a vessel on bareboat charter:—

- (a) the registration fee shall be E.C. \$1.25 per NRT where the period during which the vessel is registered does not exceed four years;
- (b) the vessel shall keep the name under which it is registered in the foreign registry but such name may not be the same as that of a ship registered in the Saint Vincent and the Grenadines register of ships;
- (c) the name of the vessel may change after registration in the Saint Vincent and the Grenadines registry, if:—
 - (i) it is effected in accordance with the Merchant Shipping Act 1982 relating to ships registered in the Saint Vincent and the Grenadines register;
 - (ii) true application is made by the bareboat charterer of the vessel;

- (iii) the written consent of the owners and the mortgagees is delivered to the Registrar or Commissioner; and
- (iv) the change is notified to the maritime authorities of the country of the foreign register.

(4) No certificate of registration shall be issued to a vessel registered as a bareboat chartered vessel unless a sum equal to two years annual tax is paid before registration.

(5) Bareboat chartering within the meaning of this Part is the chartering by virtue of which the charterer, for an agreed period of time:—

- (a) acquires full control and possession of the ship,
- (b) has the shipping management and operation of the ship,
- (c) is responsible towards third parties as if he was the shipowner, and
- (d) generally, so long as the chartering continues, is regarded in all respects as the shipowner save as to the right of sale or mortgage.

18B (1) Anything in this Act to the contrary notwithstanding a bareboat charterer of a vessel registered in a foreign registry may obtain a bareboat charter certificate of registration for a period of two years which may be extended under the provisions of this Act where permitted by the foreign registry, upon presentation to the Commissioner of the following:—

Registration of
foreign chartered
bareboat

- (a) a written application;
- (b) proof of ownership and the consent of the registered owner of the vessel;
- (c) a copy of the charter party in a form satisfactory to the Commissioner and certified as true and correct by any person duly authorised to administer oaths;

- (d) the consent of the holders of all mortgages, hypothecations or similar charges against the vessel in the foreign registry;
- (e) the written consent of the country of registration, or presentation of satisfactory evidence that such consent is not required;
- (f) a certificate of ownership and encumbrances, transcript of registration or other such document from the foreign registry showing all recorded liens and encumbrances;
- (g) payment of fees and taxes but the owners or the bareboat charter owners, are exempted from the payment of any fees in respect of mortgages registered in a foreign registry.

(2) During the period in which a vessel carries a bareboat charter certificate of registration, a document indicating a transfer of ownership shall not be recorded against the vessel in the record book maintained at the offices of the Registrar and the Commissioner.

(3) Extracts of mortgages, hypothecation or charges shall be recorded in the same order as recorded in the foreign registry in a bareboat charter registry book which is maintained at the offices of the Registrar and the Commissioner, and the information contained in the statement affixed to the document shall be endorsed upon the vessel's bareboat charter certificate of registration.

(4) During the period in which a vessel carries a bareboat charter certificate of registration:—

- (a) mortgages or other encumbrances which are a charge on the vessel at the time of registration in the Saint Vincent and the Grenadines bareboat charter register shall continue to exist and to be a charge on the ship;

- (b) mortgages, hypothecation or charges referred to in this paragraph shall continue to be governed by the law of the country governing them at the time of their creation and shall not be affected by the registration of the vessel in Saint Vincent and the Grenadines register and such mortgages, hypothecation or charges shall be recorded in the Saint Vincent and the Grenadines register *for purpose of information only*;
- (c) after the chartered bareboat has been registered under this section, a mortgage, hypothecation or charge may be created over the shipowner and in accordance with the law of the foreign registry in which such mortgage, hypothecation or charge is recorded.

18C (1) A bareboat charter certificate of registration may be extended for a period of up to two years upon filing:—

Extention or cancellation of registration

- (a) an application,
- (b) a copy of the charter party, and
- (c) a certificate of ownership and encumbrance or transcript of registry and consents of mortgages, with the Registrar and the Commissioner prior to the expiration of the current certificate and upon payment of the prescribed fees and taxes.

(2) A bareboat charter certificate of registration may be cancelled prior to the date of expiration upon presentation to the Registrar or the Commissioner of the following:—

- (a) written consent of all holders of any record of mortgage, hypothecation or other charge on the vessel;
- (b) written consent of the owner;
- (c) written consent of the bareboat charterer;

- (d) the re-registration certificate under the vessel's original flag or the owners' bareboat charterers' commitment to surrender the bareboat charter certificate of registration and the radio licence within a period of thirty days from the deletion.

(3) If the vessel is sold or transferred during the time it carries a bareboat charter certificate of registration, the certificate shall become void, except that where there are any mortgages, hypothecations or other charges recorded in the offices of the Registrar and the Commissioner, these charges shall continue to subsist until satisfied or removed, and except as otherwise provided at the time of the sale or transfer, the certificate must be surrendered for cancellation within thirty days or such further time as may be allowed by the Registrar or the Commissioner, after which time the vessel will be deleted from the bareboat charter register.

Foreign Registration of local chartered bareboat

18D (1) In exceptional cases, the Minister or the Commissioner may allow the registration in a foreign registry of the vessels on bareboat charter registered in Saint Vincent and the Grenadines if chartered to a person other than a citizen of Saint Vincent and the Grenadines or a body corporate who is not registered in Saint Vincent and the Grenadines.

(2) The bareboat charterer of a vessel based in Saint Vincent and the Grenadines may register the vessel in a foreign jurisdiction, where permitted by that jurisdiction, upon obtaining the written consent of the Registrar or the Commissioner, which may be granted upon presentation of the following:—

- (a) the written consent of the owner;
- (b) the written consent of all holders of records of any mortgage, hypothecation or other charges recorded in the offices of the Registrar and the Commissioner;

- (c) satisfactory proof that the vessel document issued by the foreign jurisdiction has endorsed upon it, or upon an addendum affixed to it, evidence of all mortgages recorded against the vessel in the offices of the Registrar and the Commissioner.

(3) Upon registration of the vessel in the bareboat charter register of a foreign jurisdiction, the vessel shall lose her right to fly the flag of Saint Vincent and the Grenadines, but shall remain registered together with all mortgages and other encumbrances in the register of Saint Vincent and the Grenadines."

<p>6. Subsection (1) of section 19 of the principal Act is amended by deleting the fullstop at the end of the subsection and adding thereto the words "except that a ship under construction shall be so surveyed after construction is completed."</p>	<p>Amendment of section 19 of principal Act</p>
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<p>7. Subsection (1) of section 20 of the principal Act is amended by inserting therein immediately after the word "Act" the words "and where under construction, before it leaves the builders."</p>	<p>Amendment of section 20 of principal Act</p>
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<p>8. Section 21 of the principal Act is amended in the following respects:—</p>	<p>Amendment of section 21 of principal Act</p>
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- (a) by inserting in paragraph (b) of subsection (1) immediately after the word "built" the words "or is being built";
- (b) by inserting in paragraph (a) of subsection (2) immediately after the words "was built" wherever they appear the words "or is being built";
- (c) by deleting the fullstop at the end of paragraph (c) of subsection (2) and adding thereto the words "except that a ship under construction shall furnish this evidence after construction is completed."

Passed in the House of Assembly this 14th day of February, 1991

J. THERESA ADAMS
Clerk of the House of Assembly