



Tonga

SHIPPING (REGISTRATION) REGULATIONS 2002

GS 11B of 2002



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SHIPPING ACT (CAP. 136)

IN EXERCISE of the powers conferred by section 206 of the Shipping Act (CAP. 136) the Minister of Marine and Ports, with the consent of Cabinet, makes the following Regulations.

1 Short Title

These Regulations may be cited as the Shipping (Registration) Regulations 2002.

2 Interpretation

(1) In these Regulations, unless the context otherwise requires

“**Act**” means the Shipping Act (CAP. 136);

“**Approved surveyor**” has the same meaning as in the Act;

“**IOPP Certificate**” means an International Oil Pollution Prevention Certificate issued under Regulation 5 of Annex I of MARPOL 73/78;

“**Person**”, “**Qualified Person**”, “**Approved Person**” and “**Eligible Person**” have the same meaning as in the Act;

“**Ship**” and “**Vessel**” have the same meaning as in the Act;

“**Secretary**” means the Secretary for Marine and Ports;

“**Registrar**”, “**Registry**” and “**Register**” have the same meaning as in the Act;

“**Underlying Register**” has the same meaning as in the Act.

- (2) In these Regulations a reference to a Form by number is a reference to the Form so numbered in the Third Schedule of these Regulations.

3 Application

- (1) These Regulations shall apply to all vessels required to be registered under section 8 of the Act.
- (2) Pursuant to section 13 of the Act, a vessel shall not be registered unless and until there has been filed with the Registrar –
- (a) the International Tonnage Measurement Certificate of the vessel;
 - (b)
 - (i) a Certificate of Survey on Form 4, providing evidence that the vessel is currently in class with one of the classification societies contained in the First Schedule;
 - (ii) in the case of vessels under 500 gross tonnage, a current survey report from a surveyor acceptable to the Secretary, providing evidence that the vessel is in a seaworthy condition for the intended trade.
 - (c) a Certificate of Survey providing evidence of compliance with the International Maritime Conventions contained in section 3 of the Act; or
 - (d) an equivalent to the above documentation as approved by the Minister.
- (3) Vessels may only be registered by Qualified Persons, Approved Persons, and Eligible Persons.
- (4) The Minister may accept certificates of survey issued by a recognized classification society.

4 Tonnage Measurement

- (1) Where applicable, the tonnage of a vessel to be registered shall be ascertained in accordance with the Tonnage Convention, listed in section 3(2) (e) of the Act, as amended from time to time.
- (2) The owner or master of a vessel to be measured shall –

- (a) make the vessel available for measurement by an approved surveyor; and
 - (b) afford all necessary facilities for its inspection and measurement by that surveyor.
- (3) The owner or master of a vessel shall produce for a surveyor's use and retention any plans, drawings, specifications and other documents the surveyor may require.

5 Tonnage Certificates

- (1) In the case of a vessel to which the Tonnage Convention applies, a tonnage certificate shall be in the Form No. 5.
- (2) In any other case, a tonnage certificate shall be on Form No. 6.

6 Marking of vessel

- (1) A vessel shall be marked in accordance with the Carving and Marking Note issued by the Registrar on Form No. 8 –
 - (a) on each side of its stem with its name;
 - (b) on its stern with the name of the Port of Registry below its name;
 - (c) on each side of its stem and on each side of its stern by a scale of decimetres, or of metres and decimetres, denoting its draught; and
 - (d) on its main beam with its official number and gross tonnage.
- (2) The marking referred to in sub-paragraphs (1)(a) and (b) shall be in white or yellow letters on a dark ground, or black letters on a light ground, being letters of a height of not less than 10 centimetres, of proportionate breadth and of 2 centimetres in thickness.
- (3) The marking referred to in sub-paragraph (1)(c) shall be in white or yellow figures on a dark ground, or black figures on a light ground, being figures that are
 - (a) welded on or cut into the vessel;
 - (b) of a length of 120 centimetres and of proportionate breadth; and
 - (c) in metres and centimetres - at each metre interval and at each intervening 20-centimetre interval.
- (4) In the case of a figure denoting the scale of draught of a vessel –
 - (a) the capital letter “M” must be placed after each metre figure;
 - (b) the top most figure of the scale must show –
 - (i) the metres; and

- (ii) except where that figure marks a full metre interval - the 10 centimetre intervals denoted by the figure; and
 - (c) the lower line of each figure must coincide with the draught line denoted by each figure.
- (5) An approved surveyor shall inspect the vessel and complete the Carving and Marking Note and the owner of the vessel shall return the certified Carving and Marking Note to the Registrar.

7 Application for registration by a Qualified Person

- (1) An Application for Registration of a vessel shall be made on Form No. 1.
- (2) Subject to paragraph (3), an application must contain or be accompanied by –
 - (a)
 - (i) particulars and a description of the vessel;
 - (ii) the tonnage of the vessel;
 - (iii) particulars of previous registration, if an existing vessel;
 - (iv) the name of the owners of the vessel proposed to be registered;
 - (v) a Declaration of Appointment of Agent on Form No. 12, if an agent is appointed; and
 - (vi) a certificate signed by the builder of the vessel containing information listed in regulation 8;
 - (b) a list of not less than 3 alternative names, on Form No. 7, numbered in order of preference, under which the vessel is sought to be registered;
 - (c) a declaration of a Qualified Person on Form No. 3;
 - (d) evidence that the vessel is in a seaworthy condition;
 - (e) if the vessel has been registered under a law of a country other than Tonga, evidence that registration in that country has ceased; and
 - (f) evidence by Bill of Sale on Form No. 9 that the applicant is the owner of the vessel.
- (3) If a certificate referred to in sub-paragraph (2)(a)(vi) cannot be obtained, the applicant shall –
 - (a) make a declaration to that effect; and
 - (b) attach the declaration to the application.

8 Builder's Certificate

- (1) Subject to paragraph (2), a Builder's Certificate in relation to a vessel shall be on Form No. 2, be signed by the builder of the vessel and include the builder's identification number of the vessel.
- (2) Where a vessel has been built in stages by more than one builder –
 - (a) a Builder's Certificate in relation to the vessel may consist of several documents in accordance with paragraph (1) of this Regulation, each of which relates to one or more of those stages; and
 - (b) a Builder's Certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, shall be duly signed by all of the builders responsible for the building work carried out in those stages.
- (3) Without limiting the generality of paragraph (2) of this Regulation, where a vessel that is the subject of an application for registration has been altered (whether by the builder or by another person) after its completion, the vessel shall be taken, for that paragraph, to have been built in stages by more than one builder.

9 Declaration of Qualified Person

- (1) “qualifying interest” means ownership of the number of shares in the ship.
- (2) Every Qualified Person desiring to be registered as the owner or to register a share in the ownership of a vessel, shall complete a declaration that they are entitled to own a vessel and be registered as owner of the vessel or a share of the vessel, which shall —
 - (a) specify the name and official number of the vessel to which it relates;
 - (b) specify each person to whom the vessel belongs and —
 - (i) the address and nationality of that person;
 - (ii) evidence of the nationality so specified;
 - (iii) the particular qualifying interest and annex a copy of the document evidencing that qualifying interest; and
 - (c) be duly signed by each person specified in sub-paragraph (b) of this Regulation; and may consist of several documents in like form that together contain the information required by sub-paragraphs (a) and (b).
- (3) A Declaration of Qualified Person for the purpose of this Regulation shall be made on Form No.3.

10 Regulation of vessels required to be registered

- (1) In this Regulation “vessel” means a vessel required to be registered under section 8(1) of the Act.
- (2) If the vessel is owned by a Qualified Person and the Application for Registration and all other requirements have been complied with, the Registrar shall upon payment of the fee prescribed in the Second Schedule enter in the Register the following particulars —
 - (a) official number;
 - (b) name of vessel;
 - (c) number and year of registry;
 - (d) port of registry;
 - (e) call sign (if any);
 - (f) date and time of registration;
 - (g) place of construction;
 - (h) year of completion;
 - (i) particulars of the vessel;
 - (j) in the case of a vessel to which section 16 of the Act applies
 - (i) the gross tonnage;
 - (ii) the net tonnage; or
 - (iii) any alternative tonnages as shown on the tonnage certificate;
 - (k) in relation to each person to whom the vessel belongs —
 - (i) the name, address, and nationality of that person;
 - (ii) the extent of the interest of that person in the vessel; and
 - (iii) any other particulars of the Bill of Sale;
 - (l) in relation to a company to whom a vessel belongs —
 - (i) the name of the company;
 - (ii) the name address, and nationality of the officers of the company;
 - (iii) the registered office of the company;
 - (iv) the extent of the interest of that company in the vessel; and
 - (v) any other particulars of the Bill of Sale; and
 - (m) the name and address of the person who is the Managing Owner or Manager, if any.
- (3) Where an entry is made in the Register under section 19 of the Act in respect of a vessel that has previously been registered under that section,

the number referred to in sub-paragraph (2) (a) shall be the new registration number.

- (4) The Registrar shall, on completing the required entries, append his signature, designation and seal.
- (5) The Registrar shall retain —
 - (a) Application for Registration;
 - (b) Declaration of Qualified Person;
 - (c) Builders Certificate;
 - (d) Notice of Name of Vessel or Change of Name of Vessel;
 - (e) Completed Carving and Marking Note;
 - (f) Certificate of Survey;
 - (g) Appointment of Managing Owner or Manager;
 - (h) Bill of Sale or certified copy thereof or other evidence of title to the vessel;
 - (i) any other document or certificate the Registrar considers should be retained.

11 Registration of Bareboat Charters

- (1) An Application for Registration of a Bareboat Charter of a ship under section 8 (2) of the Act shall be made to the Registrar in a form prescribed by the Minister.
- (2) An Application for Registration of a Bareboat Charter of a ship shall contain:
 - (a) the name of the vessel;
 - (b) IMO identification number, if any;
 - (c) international radio call sign;
 - (d) Maritime Mobile Service Identity (MMSI) number, if any;
 - (e) a description of the vessel;
 - (f) year and place of construction and/or alteration;
 - (g) particulars of the vessel (length, breadth, moulded depth);
 - (h) construction material (steel, wood, g.r.p. etc);
 - (i) gross and net tonnage;
 - (j) type, number of engines and combined engine power;
 - (k) status in current registry (country, number etc);
 - (l) classification society;

- (m) the name and particulars of the owner;
 - (n) the name and particulars of the managing company;
 - (o) the name and particulars of the bareboat charterers;
 - (p) those other particulars required by section 11 of the Act
- (3) An Application for Registration of a Bareboat Charter of a ship shall be accompanied by a copy of;
- (a) the vessel's current Tonnage Certificate;
 - (b) the vessel's current IOPP Certificate;
 - (c) evidence of compulsory insurance under the CLC Convention;
 - (d) a declaration by a recognized classification society that the vessel is in class and a copy of appropriate documentation;
 - (e) certified copies of all other certificates required by IMO conventions to which Tonga is a Party that are required to be carried under the laws of Tonga;
 - (f) a declaration by the Eligible Person that he is the Bareboat Charter and is authorised by the owner to register the Bareboat Charter in the Tongan Register and for the vessel to fly the Tongan flag; and
 - (g) advice from the Registrar in the Underlying Registry that registration in that Registry is being suspended for the period of registration of the Bareboat Charter and that a note has been made in the Underlying Registry of these facts and the particulars of any mortgages that remain registered in the Underlying Register.
- (4) If the vessel is chartered by an Eligible Person and the Application for Registration and all other requirements have been complied with, the Registrar shall upon payment of the fee prescribed by the Minister enter in the Register the particulars contained in the Application as follows:
- (a) official number;
 - (b) name of vessel;
 - (c) number and year of registry;
 - (d) port of registry;
 - (e) call sign (if any);
 - (f) date and time of registration of the Bareboat Charter;
 - (g) place of construction;
 - (h) year of completion;
 - (i) particulars of the vessel;
 - (j) in the case of a vessel to which section 16 of the act applies
 - (i) the gross tonnage

- (ii) the net tonnage; or
 - (iii) any alternative tonnages as shown on the tonnage certificate;
 - (k) particulars of the Bill of Sale;
 - (l) in relation to a company to whom a vessel is chartered —
 - (i) the name of the company;
 - (ii) the name, address and nationality of the officers of the company;
 - (iii) the registered office of the company;
 - (iv) the type and duration of the Bareboat Charter; and
 - (v) any other particulars of the Charter Party the Registrar requires; and
 - (m) the name and address of the person who is the Charterer's Manager or Agent, if any.
- (5) The Registrar shall, on completing the required entries, append his signature and designation and affix the seal.
- (6) The Registrar shall retain —
- (a) Application for Registration;
 - (b) Declaration of Eligible Person;
 - (c) Builders Certificate;
 - (d) Notice of Name of vessel or Change of Name of vessel;
 - (e) Completed Carving and Marking Note;
 - (f) Certificate of Survey;
 - (g) Appointment of Manager or Agent, if any;
 - (h) Bareboat Charter or certificate copy thereof;
 - (i) any other document or certificate the Registrar considers should be retained.

12 Registration of Vessels by Approved Persons

- (1) An application for Registration of a ship under section 8(3) of the Act shall be made by an Approved Person, or an agent on his behalf, to the Registrar and shall contain:
- (a) the name of the vessel;
 - (b) IMO identification number, if any;
 - (c) international radio call sign;
 - (d) Maritime Mobile Service Identity (MMSI) number, if any;
 - (e) a description of the vessel;

- (f) year and place of construction and/or alteration;
 - (g) particulars of the vessel (length, breadth, moulded depth);
 - (h) construction material (steel, wood, g.r.p. etc);
 - (i) gross and net tonnage;
 - (j) type, number of engines and combined engine power;
 - (k) status in current registry (country, number etc);
 - (l) classification society;
 - (m) the name and particulars of the owner of the vessel;
 - (n) the original or a certified copy of the Bill of Sale;
 - (o) the name and particulars of the managing company, if any;
 - (p) those other particulars required by the Act and those Regulations dealing with the registration of ships by Qualified Persons, as are appropriate.
- (2) An Application for Registration of a ship under section 8(3) of the Act shall be accompanied by a copy of;
- (a) the vessel's current Tonnage Certificate;
 - (b) the vessel's current IOPP Certificate;
 - (c) evidence of compulsory insurance under the CLC Convention;
 - (d) a declaration by a recognized classification society that the vessel is in class and a copy of appropriate documentation;
 - (e) certified copies of all other certificates required by IMO conventions to which Tonga is a Party that are required to be carried under the laws of Tonga; and
 - (f) a Declaration by the Approved Person in the same or similar format to that Declaration of Qualified Person required under Regulation 9.
- (3) If the vessel is owned by an Approved Person and the Application for Registration and all other requirements have been complied with, the Registrar shall upon payment of the fee prescribed by the Minister enter in the Register the following particulars contained in the application as follows:
- (a) official number;
 - (b) name of vessel;
 - (c) number and year of registry;
 - (d) port of registry;
 - (e) call sign (if any);
 - (f) date and time of registration;
 - (g) place of construction;

- (h) year of completion;
 - (i) particulars of the vessel;
 - (j) in the case of a vessel to which section 16 of the Act applies —
 - (i) the gross tonnage;
 - (ii) the net tonnage; or
 - (iii) any alternative tonnage as shown on the tonnage certificate;
 - (k) in relation to each person to whom the vessel belongs —
 - (i) the name, address and nationality of that person;
 - (ii) the extent of the interest of that person in the vessel; and
 - (iii) any other particulars of the Bill of Sale;
 - (l) in relation to a company to whom a vessel belongs —
 - (i) the name of the company;
 - (ii) the name, address and nationality of the officers of the company;
 - (iii) the registered office of the company;
 - (iv) the extent of the interest of that Company in the vessel; and
 - (v) any other particulars of the Bill of Sale; and
 - (m) the name and address of the person who is the Managing Owner or Manager, if any.
- (4) The Registrar shall, on completing the required entries, append his signature and designation and affix the seal.
- (5) The Registrar shall retain —
- (a) Application for Registration;
 - (b) Declaration of Approved Person;
 - (c) Builders Certificate;
 - (d) Notice of Name of Vessel or Change of Name of vessel;
 - (e) Completed Carving and Marking Note;
 - (f) Certificate of Survey;
 - (g) Appointment of Managing Owner or Manager or agent;
 - (h) Bill of Sale or certified copy thereof or other evidence as to title to the vessel; and
 - (i) any other document or certificate the Registrar considers should be retained.

13 Certificate of Registry

- (1) A Certificate of Registry of a registered vessel shall be on Form No. 14.
- (2) A Certificate of Registry of a vessel the Bareboat Charter of which is recorded under section 8 (2) of the Act shall be in a form prescribed by the Minister.
- (3) A Certificate of Registry of a vessel registered under section 8(3) of the Act shall be in a form prescribed by the Minister.

14 Change of ownership

- (1) Where a change occurs in the ownership of a registered vessel, the Registrar shall —
 - (a) enter details of the change in the Register;
 - (b) endorse details of the change on the Certificate of Registry of the vessel; and
 - (c) retain a certified copy of the new Bill of Sale and Declaration of the new owner.
- (2) A Bill of Sale for the purposes of section 30 of the Act shall be on Form No. 9 and shall be signed by each transferor and in the case of a corporation shall be under the corporate seal.
- (3) A Declaration of the new owner shall be on Form No. 11 or in a form prescribed by the Minister and where the declaration is by anyone other than a qualified person it shall:
 - (a) specify —
 - (i) the name and official number of the vessel;
 - (ii) the date of the Bill of Sale or Instrument of Transfer to which it relates; and
 - (iii) each person who is a transferee under the Bill of Sale or Instrument of Transfer and —
 - (aa) the address and nationality of that person;
 - (bb) the grounds on which each person claims the nationality so specified;
 - (cc) a certified copy of that person's birth certificate and current passport shall be attached;
 - (iv) be duly signed by each transferee;
 - (v) in relation to a company to which the vessel belongs be duly signed by each transferee and include —
 - (aa) the name of the company;

- (bb) the name, address and nationality of the officers of the company;
- (cc) the registered office of the company;
- (dd) the extent of the interest of the company in the vessel;
and
- (ee) any other particulars of the Bill of Sale.

15 Change of owner's particulars

- (1) Where a change occurs in the particulars of the owner, or bareboat charterer of a registered vessel, the original owner or charterer shall, within 7 days after the change occurs, file with the Registrar a notice of change of any relevant particulars.
- (2) Where a change occurs in the particulars of the mortgagee of a registered vessel, the original mortgagee shall within 7 days after the change occurs, file with the Registrar a notice of change of any relevant particulars.
- (3) Where any of the persons referred to in paragraphs (1) and (2) ceases to be a Qualified Person, or an Approved Person, or an Eligible Person, that person shall notify the Registrar forthwith.
- (4) When the Registrar receives notice of a change in the particulars of an Owner or a Bareboat Charterer of a vessel, he shall enter them in the Register.

16 Registration of Alterations

- (1) Where a registered vessel is altered so as not to correspond with the particulars in the Register or on the Certificate of Registry, the owner shall within 7 days of the alteration being completed, file a notice of particulars of alteration with the Registrar.
- (2) When the Registrar receives notice of particulars of alteration to a registered vessel, he shall enter in the Register any change of the vessel's particulars.

17 Transmission of property in a vessel or interest in a mortgage by operation of law

- (1) If a transmission of property in a vessel, or an interest in a mortgage of a vessel, occurs by operation of law under sections 39 and 40 of the Act, it shall be authenticated by a Declaration of Transmission affirming that the transferee is a Qualified Person or an Approved Person and shall —
 - (a) if the transmission is consequent on death, be accompanied —

- (i) by probate or letters of administration or other instrument appointing a person as the executor, administrator or other representative of the deceased person; or
 - (ii) by an official extract of any of those documents; or
 - (b) if the transmission is consequent on bankruptcy, be accompanied by such evidence as is for the time being receivable in a Court as proof of title of persons claiming under a bankruptcy.
- (2) For the purpose of the transmission of ownership of a vessel under section 40 of the Act, the following documents shall be evidence of such lawful transmission:
- (a) in the case of transmission upon the death of a joint owner
 - (i) a Death Certificate of the deceased person, or probate or letters of administration of the estate of that person, or a certified copy of any such document; and
 - (ii) a statutory declaration by a person well acquainted with the facts of the case to the effect that the person referred to in subparagraph (i) is the same person as the joint owner named in the Register.
 - (b) in the case of transmission upon the death of a sole owner or an owner in common, an instrument appointing a person as the legal personal representative of the deceased person, or a certified copy of such an instrument and nomination of a person or a certified copy of such an instrument and a person as beneficiary under that instrument as transferee of such property in the vessel;
 - (c) in the case of transmission upon the making of an Order by a Court, a certified copy of the Order.
- (3) For the purpose of transmission of a mortgage of a vessel under section 41 of the Act, the following documents shall be evidence of such lawful transaction:
- (a) in the case of transmission upon the death of a joint mortgagee —
 - (i) a Death Certificate of the deceased person, or probate or letters of administration of the estate of that person, or a certified copy of any such document; and
 - (ii) a statutory declaration by a person well acquainted with the facts of the case to the effect that the person referred to in subparagraph (i) is the same person as the joint mortgagee named in the Register.
 - (b) in the case of transmission upon the death of a sole mortgagee or a mortgagee in common, an instrument appointing a person as the legal personal representative of the deceased person, or a certified copy of such an instrument and the nomination of a person as

- beneficiary under that instrument as transferee of such property in the vessel;
- (c) in the case of transmission upon the making of an Order by a Court, a certified copy of the Order.
- (4)
- (a) A Declaration of Transmission under sections 39 and 40 of the Act shall be on Form No.11 in the case of a qualified person; or
 - (b) Where the declaration is by any person other than a qualified person it shall specify
 - (i) the name and official number of the vessel;
 - (ii) the name and address of each person from whom the interest is transmitted;
 - (iii) the name, address and nationality of each person to whom the interest is transmitted; and
 - (c) all Declarations of Transmission shall be signed by each person to whom the interest is transmitted.

18 Change of name of registered vessels

- (1) A person shall not describe a registered vessel by any name other than the name by which the vessel is for the time being registered.
- (2) An application for a change in the name of registered vessel shall be made on Form No. 7 and submitted to the Registrar.
- (3) The Registrar shall not approve the following classes of names —
 - (a) names of existing registered vessels;
 - (b) names approved by the Registrar in respect of vessels in the course of registration;
 - (c) names that are likely to be confused with or mistaken for names referred to in sub-paragraphs (a) and (b);
 - (d) names that are blasphemous or likely to be offensive to members of the public;
 - (e) names of, or suggesting connection with, members of the Royal Family or suggesting Royal patronage;
 - (f) names falsely suggesting connection with —
 - (i) the Crown;
 - (ii) the Commonwealth of Nations;
 - (iii) the Government of Tonga, or any other country or of any legal subdivision of another Country;

- (iv) the United Nations;
 - (v) the Defence forces of any Country or an arm of the Defence Forces of any Country;
 - (vi) a Government department, authority or instrumentality of Tonga; or
 - (vii) a municipal or other local Government authority; or
 - (g) names of political parties.
- (4) Where the Registrar grants an application under paragraph (2) —
- (a) he shall cause the new name to be entered in the Register and endorsed on the vessel's Certificate of Registry; and
 - (b) this section shall apply in relation to the marking of the new name of the vessel under Regulation 7, as if the vessel had been registered by that name.
- (5) The prescribed fee for a change of name of a registered vessel is contained in the Second Schedule.

19 Registration of Mortgages

- (1) Mortgages shall be in writing on Form No.10.
- (2) The amount and type of consideration shall be inserted in the mortgage noting the principal sum, or account current or line of credit and referencing any co-lateral loan agreement.
- (3) On presentation of the completed Form 10 to the Registrar and payment of the prescribed fee shall register the mortgage and enter the date and time.

20 Recording of Maritime Liens

- (1) Pursuant to Section 32 of the Act the Registrar shall record any maritime lien by making an entry in the Register of —
 - (a) the name and address of the lien holder for service of notice or documents;
 - (b) the nature of the claim;
 - (c) the person against whom the claim is made and the name of the vessel against which the lien is enforceable;
 - (d) the date of the event which gave rise to the claim; and
 - (e) the particulars of the action giving rise to the lien against the vessel.
- (2) The documents referred to in paragraph (1) shall be open to public inspection and extracts from the Register and copies of such instruments shall be obtainable from the Registrar.

- (3) Where a claim against the owner, demise charterer, manager or operator is secured by a maritime lien on the vessel, the lien holder continues to exercise the right to attach a maritime lien to the vessel to secure claims irrespective of recording, provided title in the vessel has not passed.
- (4) The Registrar shall register a maritime lien on payment of the fee in the Second Schedule.
- (5) A registered maritime lien shall continue to be enforceable against the vessel and follow the vessel, notwithstanding any change in ownership or of registration or of flag, until the claim is satisfied or the lien has expired by lapse of time.

21 Ranking and effect of Liens

- (1) The Registrar shall register maritime liens in the order in which they are presented to him.
- (2) A registered maritime lien shall rank in priority as against other maritime liens, irrespective of the date of occurrence, according to the following categories:
 - (a) claims for wages and other sums due to the master, officers, and other members of the vessel complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;
 - (b) claims in respect of loss of life or personal injury occurring, whether on land or on water, in direct connection with operation of the vessel;
 - (c) subject to regulation 23, claims for reward for salvage of the vessel;
 - (d) claims for port, canal, and other waterway dues and pilotage dues;
 - (e) claims based on tort arising out of physical loss or damage caused by the operation of the vessel other than loss of or damage to cargo, containers and passengers' effects carried on the vessel.
- (3) Subject to paragraph (2) of this Regulation, where there is more than one of the same category of maritime lien recorded in respect of the same vessel, the liens are, irrespective of any express, implied, or constructive notice, entitled in priority one over the other of the same category, according to the date and time at which each lien is delivered to the Registrar and recorded, and not according to the date of occurrence giving rise to the lien.
- (4) No maritime lien shall attach to a vessel to secure claims as set out in subparagraphs (b) and (c) of paragraph 2 which arise out of a result from damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the

claimants pursuant to legislation providing for strict liability and compulsory insurance or other means of securing the claims.

- (5) A maritime lien shall be extinguished after a period of one year from the date of the event giving rise to the lien.

22 Priority of Maritime Liens

- (1) The maritime liens set out in paragraph (2) of regulation 21 shall rank in the order listed, provided that maritime liens securing claims for reward for the salvage of the vessel shall take priority over all other maritime liens which have attached to the vessel prior to the time when the operations giving rise to the liens for reward for the salvage of the vessel were performed.
- (2) Where a maritime lien securing a subsequent claim for salvage exists, the maritime liens set out in each of the categories described in subparagraphs (a), (b), (d), and (e) of paragraph (2) of regulation 21 shall rank equally without preference as between themselves.
- (3) The maritime liens securing claims for reward for the salvage of the vessel shall rank in the inverse order of the time when the claims secured thereby accrued. Such claim shall be deemed to have accrued on the date on which each salvage operation was terminated.
- (4) The maritime liens set out in regulation 21 (2) shall take priority over registered mortgages and other charges, and no claim shall take priority over such maritime liens or mortgages or charges except where —
 - (a) in the event of a forced sale of a stranded or sunken vessel following its removal in the interest of safe navigation or the protection of the marine environment, the costs of such removal shall be paid out of the proceeds of the sale before all other claims secured by a maritime lien on the vessel; or
 - (b) at the time of the forced sale the vessel is in the possession of a shipbuilder or of a vessel repairer and the right of retention exists, such shipbuilder or vessel repairer shall surrender possession of the vessel to the purchaser but is entitled to obtain satisfaction of his claim out of the proceeds of sale after the satisfaction of the claims of holders of maritime liens mentioned in regulation 21 (2).

23 Statutory Liens

The following claims against the ship be statutory liens —

- (a) claims for work carried out at any port, harbour, roadstead or anchorage in connection with the loading or discharging of cargo or

- fuel, or the embarkation or disembarkation of passengers on or from a vessel;
- (b) claims for the provision of bunkers, claims for the provision of stores, victuals, fuel, towage, claims for goods, materials or services rendered in respect of the vessel;
 - (c) claims for the construction, repair, maintenance or alteration of a vessel or to any part thereof or of the equipment, or for equipping a vessel; or
 - (d) Claims for the enforcement of arbitral awards in respect of maritime claims, or claims for the enforcement of arbitral awards in respect of maritime claims, or claims for the enforcement of local or foreign admiralty judgements in rem;

and may be recorded in the same manner as other maritime liens.

Provided that such statutory liens —

- (i) shall be subject to the maritime liens set forth in regulation 21(2) that have been recorded, assigned or subrogated, or exist at the time of a forced sale;
- (ii) shall be extinguished;
 - (aa) after a period of 6 months, from the time when the claims secured thereby arose unless, prior to the expiry of such period, the vessel has been arrested or seized, such arrest or seizure leading to a forced sale; or
 - (bb) at the end of a period of 60 days following a sale to a bona fide purchaser of the vessel, such period to commence on the date on which the sale is registered;

whichever period expires first; and

- (iii) shall rank after the maritime liens set out in regulation 21(2), and also after registered mortgages, or other registered charges.

24 Discharge of maritime Liens

Upon being notified by the lien holder in writing of the satisfaction of the lien, the Registrar shall make an entry in the Register that the maritime lien had been discharged.

25 Extinction of Maritime Liens by lapse of time

- (1) The maritime liens set out in regulation 21(2) shall be extinguished after a period of one year unless, prior to the expiry of such period, the vessel has been arrested or seized, such arrest or seizure leading to a forced sale.

- (2) The one-year period referred to in paragraph (1) shall commence
- (a) with respect to the maritime lien set out in regulation 21(2)(a), upon the claimant's discharge from the vessel;
 - (b) with respect to the maritime lien set out in regulation 21(2)(b) to (c), when the claims secured thereby arise;
- and shall not be subject to suspension or interruption provided that time shall not run during any period that the arrest or seizure of the vessel is not permitted by law.
- (3) The Registrar shall, when the lien is extinguished by lapse of time, strike out the recorded lien.

26 Notice of Forced Sale

- (1) Prior to a forced sale of a vessel, the Registrar shall provide notice of the sale to —
- (a) the authority in charge of the register in the State of registration;
 - (b) all holders of recorded liens and registered mortgages, provided that the competent authority conducting the forced sale receives notice of the respective claims; and
 - (c) the registered owner of the vessel.
- (2) Such notice shall be provided 30 days prior to the forced sale and shall contain —
- (a) the date, time and place of the forced sale and particulars of the forced sale or proceedings leading to the forced sale; or
 - (b) if the date, time and place of the forced sale cannot be determined with certainty, not less than 7 days prior to the forced sale, the anticipated place of the forced sale and particulars of the forced sale.
- (3) Notice shall be —
- (a) in writing;
 - (b) given by registered mail;
 - (c) by any electronic or other appropriate means; or
 - (d) given by publication in a Tongan newspaper or such other publication as is necessary.

27 Effects of Forced Sale

- (1) In the event of a forced sale, all recorded liens, claims for reward of salvage of the vessel, registered mortgages and other charges, except those

assumed by the purchaser with the consent of the holders, and all liens and other encumbrance of whatsoever nature shall cease to attach to the vessel provided that;

- (a) at the time of the sale, the vessel is within Tonga;
 - (b) the sale has been effected in accordance with the Laws of Tonga; and
 - (c) the requirements of regulation 26 have been complied with.
- (2) After the vessel is sold, the proceeds of the sale be allocated in the following priority;
- (a) to costs and expenses arising out of the arrest or seizure and subsequent sale of the vessel namely —
 - (i) costs for the upkeep of the vessel;
 - (ii) costs for the upkeep of the crew;
 - (iii) crew wages and other costs referred to in 2(a) above incurred from the time of arrest or seizure;
 - (b) to any claims secured by liens both recorded and not recorded, claims for salvage, mortgages or other charges or other charges against the vessel;
 - (c) to the owner of the vessel.
- (3) Where a vessel registered in Tonga is the subject of a forced sale, the Supreme Court may upon application by the purchaser order that the vessel is sold free of all liens, mortgages or other charges, except those assumed by the purchaser.
- (4) Upon production of such Order the Registrar shall delete all liens, mortgages or other charges, except those assumed by the purchaser, and register the vessel in the name of the purchaser, or issue a certificate of deregistration for the purpose of new registration, as the case may be.

28 Forms to be used

The forms in the Third Schedule shall be used in respect of applications, transactions or declarations where required by the Regulations.

29 Other Procedures

The Minister may prescribe procedures for —

- (a) Provisional Registration of vessels outside Tonga;
- (b) the issuance of Safe Manning Certificates;
- (c) the issuance of a Ship's Radio Station Licence;

- (d) the issuance of Exemption Certificates;
- (e) any other statutory certificates.

FIRST SCHEDULE

Regulation 3

LIST OF APPROVED CLASSIFICATION SOCIETIES

No vessel shall be registered or re-registered under Part III of the Act unless, at the time of application for registration or re-registration, such vessel is classed by one of the following classifications societies:

American Bureau of Shipping	(ABS)
Bureau Veritas	(BV)
Det Norske Veritas	(DNV)
Germanischer Lloyd	(GL)
Lloyd's Register of Shipping	(LR)
Nippon Kaiji Kyokai	(NKK)
Registro Italiano Navale	(RINA)

The Minister may add Classification Societies to this list.

SECOND SCHEDULE**FEES****1. Initial registration fees**

- (1) In this paragraph, the gross tonnage of a vessel means the gross tonnage of the vessel as prescribed in its Tonnage Certificate.
- (2) The fee payable on the registration of a vessel is an amount calculated at the rate of \$1.00 for each gross ton of the vessel.
- (3) The minimum fee payable for initial registration or re-registration shall be for a vessel —
- | | |
|--|--|
| (a) not exceeding 500 gross tons | \$300 |
| (b) between 500 and 1500 gross tons | \$1000 |
| (c) over 1,500 up to 10,000 gross tons | \$2000 |
| (d) exceeding 10,000 gross tons | \$2,000 plus \$0.015 per 1 excess gross ton. |
- (4) The registration fee payable in respect of the registration of a vessel includes the issue of a Carving and Marking Note, provision of forms and documents and the issue of a Provisional Registration Certificate or Registration Certificate.

2. Annual registration fees

- (1) In this paragraph, the gross tonnage of a vessel means the gross tonnage of the vessel as recorded in the Register.
- (2) The annual registration fee for a vessel is an amount calculated at the rate of 50 cents for each gross ton of the vessel with a minimum fee of US\$25.

3. Services fees

Service fees may be charged as follows —

	T\$
1. Endorsement of master on registration certificate of vessel proceeding overseas	50
2. Grant of new registration certificate under section 25 of	200

	the Act	
3.	Grant of provisional registration certificate in respect of vessel becoming entitled to be registered overseas under section 26 of the Act	200
4.	Extension of period of validity of provisional registration certificate	100
5.	Registration of -	
	(a) Change of name, address or nationality of owner or registered agent;	100
	(b) Change of name or address of mortgagee; or	
	(c) Change of name of registered vessel	
6.	Grant of certificate of entitlement to fly the national ensign	40
7.	Registration of transfer, transmission, mortgage, transfer of mortgage or transmission of mortgage -	
	(a) vessel not exceeding 1,500 tons gross	200
	(b) vessel exceeding 1,500 tons gross	300
8.	Registration of discharge of mortgage	200
9.	Inspection of Register in relation to a registered vessel	100
10.	Provision of certified extract of Register entry	100
11.	Search by staff of Vessel Registration Office of Register in relation to a registered vessel	100
12.	Registration of alteration of vessel	200
13.	Registration of change of home port of registered vessel	100
14.	Closure of registration	200
15.	Extension of time for lodgement of documents	100
16.	Additional copy of Certificate of Registry	200
17.	Transcript or Certified Copy of any document on file (per page)	40
18.	Recording maritime lien	100
19.	Recording of unspecified documents	50

THIRD SCHEDULE**INDEX OF FORMS**

1. Application for Registration (Regulation 7) shall be on Form No. 1.
2. Builder's Certificate (Regulation 8) shall be on Form No. 2.
3. Declaration of Qualified Person (Regulation 9) shall be on Form No. 3.
4. Certificate of Survey (Regulation 3) shall be on Form No. 4.
5. Tonnage Certificate - Convention Vessel (Regulation 5(1) shall be on Form No. 5.
6. Tonnage Certificate-Non-Convention Vessel (Regulation 5(2) shall be on Form No.6.
7. Notice of Name of a Vessel or Change of Name of a Vessel (Regulations 7(2)(b) and 18(2) shall be on Form No. 7.
8. Carving and Marking Note (Regulation 6(1) shall be on Form No. 8.
9. Bill of Sale (Regulation 7(2)(f) and 14(2) shall be on Form No. 9.
10. Mortgage (Regulation 20) shall be on Form No.10.
11. Declaration of Qualified Person on Transfer of Vessel (Regulations 14(3) and 17(4)(a) shall be on Form No.11.
12. Declaration of Appointment of Agent (Regulation 7(2)(a)(v)) shall be on Form No.12.
13. Appointment of Managing Owner or Manager (Regulation 11(2) shall be on Form No.13.
14. Certificate of Registry (Regulation 13) shall be on Form No.14.
15. Certificate of Provisional Registry (Regulation 14(1) shall be on Form No. 15.
16. Transcript or Certified Copy shall be on Form No. 16.
17. Report of Change of Master (Regulation 13(2) shall be made on Form No. 17 and endorsed on the reverse of the Certificate of Registry.

FORM 1

KINGDOM OF TONGA
(Section 206, Shipping Act (Cap. 136))
APPLICATION FOR VESSEL REGISTRATION
(Shipping (Registration) Regulations 2002, Regulation 7) Ship Registration
FORM NO. 1

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO.	YEAR	PORT OF REGISTRY

*For Registry Office Five

PARTICULARS OF SHIP

PROPULSION Name <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Motor <input type="checkbox"/> Auxiliary			METHOD OF PROPULSION			
			FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stern to fore side of head of rudder stock						
Main breadth to outside of plank or plating						
Depth in hold from tonnage deck to ceiling amidships						
Depth from top of deck at side amidships to bottom of keel						
CROSS TONNAGE >	Tons	Cubic Metres	Tons		Cubic Metres	
TYPE OF SHIP		TYPE OF CONSTRUCTION	CONSTRUCTION MATERIALS			

The ship is, or has previously been, registered in or a foreign country YES (give details of Sails registry) NO

OFFICIAL NUMBER	REGISTERED NAME	PORT OF REGISTRY

The ship is recorded as a vessel under construction YES (give details of recording) NO


ASSIGNED NUMBER	TEMPORARY NAME	PORT OF RECORD

DETAILS OF PROPOSED OWNERS (see note)

FULL NAME	ADDRESS	OCCUPATION	NO. OF SHARES

.....
(Signature)

Date: 20.....
(name) (please print)



NOTE: This application must be made by the owner or the owner's agent. If an agent is employed, the agent will be required to prove the agency by the production of a written authority under the hand of the owner, or if the owner is a corporation, under the seal of the corporation.

FORM 2

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
BUILDER'S CERTIFICATE
 (Shipping (Registration) Regulations 2002, Regulation 8) Ship Registration
FORM NO. 2

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO.	YEAR	PORT OF REGISTRY

**For Registry Office Five*

PARTICULARS OF SHIP

PROPULSION				METHOD OF PROPULSION			
Name <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary							
				FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock							
Main breadth to outside of plank or plating							
Depth in hold from tonnage deck to ceiling amidships							
Depth from top of deck at side amidships to bottom of keel							
CROSS TONNAGE >	Tons	Cubic Metres	REGISTER TONNAGE >	Tons		Cubic Metres	
TYPE OF SHIP	TYPE OF CONSTRUCTION		CONSTRUCTION MATERIALS	BUILT AT	YEAR BUILT		
NAME AND ADDRESS OF BUILDER							

FOR WHOM BUILT

FULL NAME	ADDRESS	OCCUPATION	NO. OF SHARES

I, the undersigned, builder of the ship described above hereby certify that the dimensions and tonnage, as estimated by me, and the other particulars are correct.

.....
(Signature)

Date:..... 20

.....
(name) (please print)

Seal

- NOTE:** 1. If the builder is a corporation the certificate shall be signed on behalf of the corporation by an officer of the corporation authorised for that purpose and under the seal of the corporation.
 2. If the certificate is signed on behalf of an unregistered partnership then one of the partners must sign on its behalf .

FORM 3

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
DECLARATION OF QUALIFIED PERSON
 (Shipping (Registration) Regulations 2002, Regulation 9)

Ship Registration
FORM NO. 3

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY
*			*	

PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary			METHOD OF PROPULSION			
			FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stern to fore side of head of rudder stock						
Main breadth to outside of plank or plating						
Depth in hold from tonnage deck to ceiling amidships						
Depth from top of deck at side amidships to bottom of keel						
CROSS TONNAGE >	Tons	Cubic Metres	REGISTER TONNAGE >		Tons	Cubic Metres
TYPE OF SHIP		TYPE OF CONSTRUCTION	CONSTRUCTION MATERIALS			

The above ship is described in more detail in the certificate of survey and the register book

I.....
 (full name)
 of.....
 (address)

 (If the owner is an individual, state occupation.....)

DECLARE AS FOLLOWS:
 1. The above general description of the ship is correct.
 2. INDIVIDUAL
 I am qualified to own a ship and I am entitled to be registered as
 owner of..... shares
 or joint owner of..... shares with those whose names are listed on the reverse.

CORPORATION:
 I am..... of the.....
 (office held) (name of corporation)
 incorporated by virtue of.....
 (law under which it was incorporated)
 and which has its principal place of business at.....
 (address)

Seal

The said corporation is entitled to be registered as
 Owner of..... shares
 or joint owner of..... shares with those whose names are listed on the reverse.

FORM 4

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
CERTIFICATE OF SURVEY
 (Shipping (Registration) Regulations 2002, Regulation 3)

Ship Registration
FORM NO. 4

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO.	YEAR	PORT OF REGISTRY
*			*		

PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary				METHOD OF PROPULSION			
				FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock							
Main breadth to outside of plank or plating							
Depth in hold from tonnage deck to ceiling amidships							
Depth from top of deck at side amidships to bottom of keel							
CROSS TONNAGE	Tons	Cubic Metres	TOTAL DEDUCTIONS	Tons		Cubic Metres	
REGISTER TONNAGE	Tons	Cubic Metres	DEDUCTION FOR PROPELLING POWER	Tons		Cubic Metres	
Alternate register tonnage: if and when employed for the carriage of passengers, cargo or stores, or using graving docks or dry docks or places provided for the repairing of vessels, the register tonnage on which dues based on register tonnage may be levied by any harbour or port authority is.....tons.							
YEAR BUILT		PLACE BUILT		NAME AND ADDRESS OF BUILDER			
TYPE OF SHIP			TYPE OF CONSTRUCTION		CONSTRUCTION MATERIALS		
NO OF ENGINES		PARTICULARS OF ENGINE			PARTICULARS OF BOILERS		
		Description		Year made	Description		
NO OF SHAFTS		NHP	KW or BHP	KW or SHP	Estimated Speed in Knots	No.	
						Loaded Pressure	

I, the undersigned surveyor appointed by.....(state source of authority) having surveyed the ship described above, hereby certify that the above particulars are correct.

Date at.....on the.....day of.....20.....

.....
 (name) (please print) (Signature)

FORM 5

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
TONNAGE CERTIFICATE (CONVENTION VESSEL) Ship Registration
FORM NO. 5
 (Shipping (Registration) Regulations 2002, Regulation 5(1))

Issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, under the authority of the Government of

.....
 (full official designation of country)
 for which the Convention came into force on 3 November.....1999.....
 by.....
 (full official designation of the competent person or organisation recognised under the provisions of the International Convention on Tonnage Measurement of Ships, 1969)

Name of Ship	Distinctive Number or Letters	Port of Registry	*Date

*Date on which the keel was laid or the ship was at a similar stage of construction (Article 2(6)), or date on which the ship underwent alterations or modifications of a major character (Article 3(2)(b)), as appropriate.

MAIN DIMENSIONS

Length (Article 2(8))	Breadth (Regulation 2(3))	Moulded Depth amidships to Upper Deck (Regulation 2(2))

THE TONNAGES OF THE SHIP ARE:

GROSS TONNAGE.....
 NET TONNAGE.....

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention of Tonnage Measurement of Ships, 1969.

Issued at..... 20.....
 (place of issue of certificate) (date of issue)

.....
 (signature of official issuing the certificate)
 and/or
 (seal of issuing authority)

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention of Tonnage Measurement of Ships, 1969.

Seal

.....
 (Signature)

SPACES INCLUDED IN TONNAGE					
GROSS TONNAGE			NET TONNAGE		
Name of Space	Location	Length	Name of Space	Location	Length
EXCLUDED SPACES			NUMBER OF PASSENGERS (Regulation 4(1))		
An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.			Number of passengers in cabin With not more than 8 berths.....		
			Number of other passengers..... <hr/> MOULDED DRAUGHT		
Date and place of original measurement.....					
Date and place of last previous measurement.....					
REMARKS:					

FORM 6

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
TONNAGE CERTIFICATE (NON-CONVENTION VESSEL) Ship Registration
 (Shipping (Registration) Regulations 2002, Regulation 5(2)) **FORM NO. 6**

Issued under the provisions of the internationally accepted method, under the authority of the Government of

.....
 (full official designation of country)

by.....
 (full official designation of the competent person or recognised organisation)

Name of Ship	Distinctive Number or Letters	Port of Registry	*Date

*Date on which the keel was laid or the ship was at a similar stage of construction, or date on which the ship underwent alterations or modifications of a major character.

MAIN DIMENSIONS

Length (Article 2(8))	Breadth (Regulation 2(3))	Moulded Depth amidships to Upper Deck (Regulation 2(2))

THE TONNAGES OF THE SHIP ARE:

GROSS TONNAGE.....
 NET TONNAGE.....

This is to certify that the tonnages of this ship have been determined in accordance with the internationally accepted method.

Issued at.....20.....
 (place of issue of certificate) (date of issue)

.....
 (signature of official issuing the certificate)
 and/or
 (seal of issuing authority)

If signed, the following paragraph is to be added:
 The undersigned declares that he is duly authorised by the said Government to issue this certificate.

Seal

.....
 (Signature)

SPACES INCLUDED IN TONNAGE					
GROSS TONNAGE			NET TONNAGE		
Name of Space	Location	Length	Name of Space	Location	Length
<p>EXCLUDED SPACES</p> <p>An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.</p>			<p>NUMBER OF PASSENGERS</p> <p>Number of passengers in cabin With not more than 8 berths.....</p> <p>Number of other passengers.....</p> <hr/> <p>MOULDED DRAUGHT</p>		
Date and place of original measurement.....					
Date and place of last previous measurement.....					
REMARKS:					

FORM 7

KINGDOM OF TONGA

(Section 206, Shipping Act (Cap. 136))

NOTICE OF NAME OR CHANGE OF NAME OF A SHIP

(Shipping (Registration) Regulations 2002, Regulation 7(2)(b) and 18(2))

Ship Registration
FORM NO. 7

Port of.....

NOTICE OF NAME FOR A SHIP TO BE REGISTERED IN	
It is proposed to register at the Port of (1).....	
*the (2).....ship now being built for me/us by (3).....	
.....	
*the (2).....ship (4).....	
purchased by me/us from (5).....	
by the name (1st choice).....	
(2nd choice).....	
(3rd choice).....	
NOTICE OF CHANGE OF NAME:	
It is proposed to change the name of the (2).....	
Ship (4).....registered at the port of	
(1).....Official Number.....to (6)	
(1st choice).....	
(2nd choice).....	
(3rd choice).....	
Signature.....	
Address.....	
.....	
Forwarded by:	The proposed name is hereby approved:.....
.....
Registrar of Ships	For the Minister
Date.....	Date.....

NOTES:

- (1) Intended Port of Registry
- (2) Non-Propelled, sail, motor or auxiliary motor-screw
- (3) Name of builder if new ship
- (4) Present name of registered ship
- (5) Name of person or company from whom purchased
- (6) New name of ship requested.

*Delete as appropriate.

FORM 8

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
CARVING AND MARKING NOTES Ship Registration
FORM NO. 8
 (Shipping (Registration) Regulations 2002, Regulation 6(1))

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY

PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary			METHOD OF PROPULSION			
			FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock						
Main breadth to outside of plank or plating						
Depth in hold from tonnage deck to ceiling amidships						
Depth from top of deck at side amidships to bottom of keel						
CROSS TONNAGE >	Tons	Cubic Metres	REGISTER TONNAGE >		Tons	Cubic Metres
TYPE OF SHIP		TYPE OF CONSTRUCTION		CONSTRUCTION MATERIALS		

The above ship is described in more detail in the certificate of survey and the register book

The official number and register tonnage as stated above, are to be permanently and conspicuously cut in on the main-beam of the vessel, and the name of the ship is to be marked on each of her bows and on her stern along with the name of her port of registry, in the manner directed by the Shipping Act.

DATE	REGISTRAR OF SHIPS	PORT OF
I hereby certify that I have inspected the above-named vessel and find that the official number and register tonnage as stated above are permanently and conspicuously cut in on her main-beam that her name is marked on each of her bows and her name and the name of her port of registry are marked on her stern in the manner directed by the Shipping Act.		
DATED	AT	
SIGNATURE	NAME AND TITLE	
NOTE: This form is to be signed by a ship surveyor or a Consular Officer or an acceptable official.		

Every ship shall before registry in be marked permanently and conspicuously to the satisfaction of the Registrar as follows:

- (a) The name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth.
- (b) The official number and the number denoting her register tonnage shall be cut in on her main beam.
- (c) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except the event of any of the particulars thereby denoted being altered in the manner provided by the Act.
- (d) On a certificate from a surveyor of ships or a steamship inspector that a ship is insufficiently marked the ship may be detained until the insufficiency or inaccuracy has been remedied to the satisfaction of the Registrar.

FORM 9

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
BILL OF SALE
 (Shipping (Registration) Regulations 2002, Regulation 7(2)(f) and 14(2))

Ship Registration
FORM NO. 9

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY

For Registry Office use* **PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary		METHOD OF PROPULSION			
		FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock					
Main breadth to outside of plank or plating					
Depth in hold from tonnage deck to ceiling amidships					
Depth from top of deck at side amidships to bottom of keel					
CROSS TONNAGE >	Tons	Cubic Metres	Tons		Cubic Metres
NET TONNAGE >					

I/We (a)
 of (Address)
 (hereinafter called the transferor), in consideration of the sum of
 paid to me us by (b)
 of (address).....
 (hereinafter called the transferee) the receipt of which is hereby acknowledged, transfer to the transferee(c)
 shares in the ship described above, and in its boats and appurtenances. Further, the transferer covenants with the
 transferee that the transferor has power to transfer in the manner aforesaid, the premises hereinbefore expressed to
 be transferred and that the same are free from encumbrances (d).....

Dated at.....on the.....day of.....20.....

IN THE PRESENCE OF

..... (Signature)	INDIVIDUAL
..... (name and title) (please print)	(Signature)
..... (Address)	CORPORATION
	(name of corporation)

Per.....
Seal

(a) Insert the full name of each registered owner.
 (b) Insert the full name and address of each transferee. NOTE: Where there is more than one transferee, the
 transferees are joint owners.
 (c) Insert the number of shares.
 (d) If there are any subsisting encumbrances, add "save as appears on the register of the said ship."

NOTES: 1. If the owner is a Corporation the Bill of Sale should be made on behalf of the Corporation by
 an Officer of the Corporation authorised for the purpose and under the seal of the Corporation.
 2. The expression "Transferor" and "Transferee" used in this documents shall include their heirs,
 successors, assigns, executors and administrators or any other legal representative.

FORM 10

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
MORTGAGE
 (Shipping (Registration) Regulations 2002, Regulation 20)

Ship Registration
FORM NO. 10

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY

PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary			METHOD OF PROPULSION			
			FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock						
Main breadth to outside of plank or plating						
Depth in hold from tonnage deck to ceiling amidships						
Depth from top of deck at side amidships to bottom of keel						
CROSS TONNAGE	Tons	Cubic Metres	Tons		Cubic Metres	
			REGISTER TONNAGE >			

I/We (a)

.....

(hereinafter called the mortgagor), in consideration of (b).....

.....

now covenant with (c)
 (hereinafter called the mortgagee) to pay to the mortgagee the sums for the time being due on this security, whether by way of principal or interest at the times and in the manner aforesaid. For the purpose of better securing to the mortgagee the payment of such sums as last aforesaid, the mortgagor hereby mortgages to the mortgagee (d).....shares of which the mortgagor is the owner in the ship above described, and in its boats and appurtenances. Further, the mortgagor covenants with the mortgagee that the mortgagor has the power to mortgage in the manner aforesaid the above-mentioned shares and that the same are free from encumbrances (e).....

Dated at.....on the.....day of.....20.....

IN THE PRESENCE OF

..... (Signature)	INDIVIDUAL (Signature)
..... (name and title) (please print)	CORPORATION <i>Seal</i>
..... (Address)	 (name of corporation) (please print)
		per.....

(a) Insert the full name and address of each mortgagor.
 (b) Describe the nature of the consideration by.
 (1) entering the principal sum or stating that there is an account current or line of credit and refer to the collateral loan agreement and the date the agreement was executed, or
 (2) entering the principal sum or stating that there is an account current or line of credit and give details of the interest and method of payment.
 (c) Insert the full name and address of each mortgagee.
 (d) Insert the number of shares.
 (e) If any subsisting encumbrances add "save as appears on the register of the said ship".

FORM 11

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
DECLARATION OF QUALIFIED PERSON
ON TRANSFER OF VESSEL

Ship Registration
FORM NO. 11

(Shipping (Registration) Regulations 2002, Regulation 14(3) and 17(4)(a))

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY

PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary			METHOD OF PROPULSION			
			FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock						
Main breadth to outside of plank or plating						
Depth in hold from tonnage deck to ceiling amidships						
Depth from top of deck at side amidships to bottom of keel						
CROSS TONNAGE >	Tons	Cubic Metres	NET TONNAGE >		Tons	Cubic Metres

I
 (full name)

of
 (Address)

(If the owner is an individual, state occupation.....)

DECLARE AS FOLLOWS:

1. The above general description of the ship is correct.
 2. In the case of transmission of registered owner's interest

INDIVIDUAL

I am qualified to own aship and I am entitled to be registered as
 (state country)

owner ofshares in the ship described above
 or joint owner ofshares in the ship described above

CORPORATION

Iof the
 (office held) (name of corporation)

incorporated by virtue of
 (law under which it was incorporated)

and which has its principal place of business at
 (Address)

The said corporation is entitled to be registered as

Owner ofshares in the ship described above
 or joint owner ofshares in the ship described above

3. In the case of transmission of registered mortgagee's interest

INDIVIDUAL MORTGAGEE

I am entitled to be registered as

mortgagee of.....shares in the ship described above

or joint mortgagee of.....shares in the ship described above

CORPORATE MORTGAGEE

I am.....of the.....

(office held) (name of corporation)

incorporated by virtue of.....

(Address)

.....

The said corporation is entitled to be registered as

Mortgagee of.....shares in the ship described above

or joint mortgagee of.....shares in the ship described above.

4. The shares in the ship described above have been transmitted in the following manner

on marriage on death on bankruptcy by lawful means other than a transfer under

the Shipping Act

5. State the manner in which and the person to whom the property has been transmitted:

6. To the best of my knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

DECLARED BEFORE ME:

..... (Signature)	INDIVIDUAL (Signature)
..... (name and title) (please print)	CORPORATION
..... (Address)	<i>Seal</i> (Signature)
..... (Address)	

- NOTES:** 1. If there is more than one owner, whether individual or joint, a separate declaration must be completed by each owner.
2. If the transmission takes place by virtue of marriage or is consequent on death or bankruptcy, the declaration of transmission shall be accompanied by the document required by.....of the.....Shipping Act.
3. Qualifications to own a ship registered in.....are set out.....of the Shipping Act.
4. Declaration shall be made before a Registrar or Justice of the Peace, or a Commissioner for Oaths, or a Consular Officer or before any person authorised by law to administer oaths wherein the declaration is made.

FORM 12

KINGDOM OF TONGA
(Section 206, Shipping Act (Cap. 136))
AGENT
(Shipping (Registration) Regulations 2002, Regulation 7(2)(a)(v))

Ship Registration
FORM NO. 12

To the Registrar of Ships20.....

I/We the undersigned

Owner(s) of.....shares

Joint Owner of.....shares of the

(1).....ship.....(2).....

(name of ship)

(Whose Official Number is.....and of.....tons register hereby appoint (3)

.....

to be (4).....

Seal

.....

(Signature) (Name and Title) (please print)

I hereby accept the appointment as Manager

.....

(Signature) (Name) (please print)

Date.....

(1) Sailing, Steam or Motor and name of ship

(2) Port of Registry

(3) Name address and occupation

(4) ~~Managing owner or Manager~~

If the owner is a corporation the appointment should be made on behalf of the corporation by an officer of the corporation authorized for the purpose and under the seal of the corporation.

FORM 13

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
APPOINTMENT OF MANAGING OWNER
OR MANAGER

Ship Registration
FORM NO. 13

(Shipping (Registration) Regulations 2002, Regulation 11(2))

To the Registrar of Ships20.....

I/We the undersigned

Owner(s) of.....shares

Joint Owner of.....shares

Of the

(1).....ship.....(2).....

(Name of ship)

(Whose Official Number is.....and of.....tons register hereby appoint

(3).....

to be (4).....

Seal

.....

(Signature) (Name and title) (please print)

'Oku ou tali hono fokotu'u au ko e Pule (Manager)

.....

(Signature) (Name) (please print)

Date.....

(1) Sailing, Steam or Motor and name of ship

(2) Port of Registry

(3) Name address and occupation

(4) Managing owner or Manager

If the owner is a corporation the appointment should be made on behalf of the corporation by an officer of the corporation authorized for the purpose and under the seal of the corporation.

FORM 15

KINGDOM OF TONGA
(Section 206, Shipping Act (Cap. 136))
PROVISIONAL CERTIFICATE OF REGISTRATION Ship Registration
FORM NO. 15
(Shipping (Registration) Regulations 2002, Regulation 14(1))

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY

PARTICULARS OF SHIP

PROPULSION					METHOD OF PROPULSION			
<input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary								
					FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock								
Main breadth to outside of plank or plating								
Depth in hold from tonnage deck to ceiling amidships								
Depth from top of deck at side amidships to bottom of keel								
CROSS TONNAGE >		Tons	Cubic Metres	REGISTER TONNAGE >	Tons		Cubic Metres	
YEAR BUILT		PLACE BUILT		NAME AND ADDRESS OF BUILDER				
TYPE OF SHIP		TYPE OF CONSTRUCTION		MATERIALS CONSTRUCTION				
NO. OF ENGINES		PARTICULARS OF ENGINE			PARTICULARS OF BOILERS			
		Description			Description			
NO. OF SHAFTS		NHP	KW or BHP	KW or SHP	Estimated Speed in Knots	NO.		
						Loaded Pressure		
1. The certificate of registry of the ship described above has been <input type="checkbox"/> lost <input type="checkbox"/> destroyed to the following circumstances.....								
2. The registered owners of the ship are as follows:								
FULL NAME		ADDRESS		OCCUPATION		NO. OF SHARES		
.....			
.....			
.....			
.....			
NAME OF MASTER				CERTIFICATE OF COMPETENCY OR SERVICE NO.				
This provisional certificate is granted by me pursuant to subsection.....of the.....Shipping Act								
Date at.....on the.....day of.....20.....								
..... (registrar or consular officer signature)								
..... (name and title)(please print)								

NOTE: State the circumstances under which the Provisional Certificate is granted as set out in the Declaration to obtain a Provisional Certificate of the Registry made by a person having knowledge of the facts.

This Provisional certificate of Registry must, within ten days after the first subsequent arrival of the ship at a port of Discharge in.....be delivered up by the Master to the Registrar of ships at its Port of Registry.



KINGDOM OF TONGA

CERTIFICATE

OF

REGISTRY

NAME OF VESSEL:.....

ENDORSEMENT OF CHANGE OWNERSHIP

DATE	FULL NAME AND OCCUPATION OF NEW OWNER	ADDRESS	NUMBER OF SHARES	SIGNATURE REGISTRAR

FORM 16

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
TRANSCRIPT
 (Shipping (Registration) Regulations 2002)

Ship Registration
FORM NO. 16

OFFICIAL NUMBER	CALL SIGN	NAME OF SHIP	NO. YEAR	PORT OF REGISTRY

PARTICULARS OF SHIP

PROPULSION <input type="checkbox"/> None <input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Auxiliary				METHOD OF PROPULSION			
				FEET	TENTHS	METRES	CENTIMETRES
Length from fore part of stem to fore side of head of rudder stock							
Main breadth to outside of plank or plating							
Depth in hold from tonnage deck to ceiling amidships							
Depth from top of deck at side amidships to bottom of keel							
CROSS TONNAGE	Tons	Cubic Metres	TOTAL DEDUCTIONS	Tons	Cubic Metres		
REGISTER TONNAGE >	Tons	Cubic Metres	DEDUCTION FOR PROPELLING POWER >	Tons	Cubic Metres		
Alternate register tonnage: if and when employed for the carriage of passengers, cargo or stores, or using graving docks or dry docks or places provided for the repairing of vessels, the register tonnage on which dues based on register tonnage may be levied by any harbour or port authority is.....tons.							
YEAR BUILT	PLACE BUILT		NAME AND ADDRESS OF BUILDER				
TYPE OF SHIP			TYPE OF CONSTRUCTION		CONSTRUCTION MATERIALS		
NO OF ENGINES	PARTICULARS OF ENGINE			PARTICULARS OF BOILERS			
	Description		Year of made		Description		
NO OF SHAFTS	NHP	KW or BHP	KW or SHP	Estimated Speed in Knots	No.		
					Loaded Pressure		

DETAILS OF CURRENT OWNERS

FULL NAME	ADDRESS	OCCUPATION	NO. OF SHARES
.....
.....
.....
.....

FORM 17

KINGDOM OF TONGA
 (Section 206, Shipping Act (Cap. 136))
REPORT OF CHANGE OF MASTER OF THE
UNDERMENTIONED SHIP

Ship Registration
FORM NO. 17

(Shipping (Registration) Regulations 2002, Regulation 13(2))

TO BE SEND TO.....PORT OF REGISTRY

Official Number (1)	Name of Ship (2)	Port of Registry (3)	No and Date of Registry (4)	Whether Steam, Motor or Sailing (5)	Tonnage of Steam or Motor, Ship, State Gross Tons if a Sailing Ship, State Net Tons (6)
Name of Ship (7)	No. of his Certificate (8)	Name of New Master (9)	No. of his Certificate (10)	Address of New Master (11)	

This is to certify that the master named in Column 9, having been appointed to the above-named ship in lieu of the master named in Column 7. The certificate of registry has this day been endorsed accordingly.

Dated this.....day of.....20.....

.....
 Registrar of Ships.