

MERCHANT SHIPPING ORDINANCE 2002

(Ordinance 1 of 2002)

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TURKS AND CAICOS ISLANDS
MERCHANT SHIPPING ORDINANCE 2002
(Ordinance 1 of 2002)

Assent..... *March 20, 2002*
Publication in Gazette *March 28, 2002*
Commencement..... *January 1, 2004*

AN ORDINANCE TO AMEND AND RESTATE THE LAW RELATING TO THE REGISTRATION OF SHIPS AND RELATED MATTERS; TO MAKE PROVISION FOR SAFETY OF SHIPS AND CONTROL OF POLLUTION FROM SHIPS; AND FOR CONNECTED PURPOSES.

ENACTED by the Legislature of the Turks and Caicos Islands.

PART I

PRELIMINARY

1. This Ordinance may be cited as the Merchant Shipping Ordinance 2002, and shall come into force on such date as the Governor may appoint by notice published in the Gazette and different days may be appointed for different provisions and for different purposes.

Citation and
commencement

2. (1) In this Ordinance –

Interpretation

“British citizen”, “British Dependent Territories citizen”, “British Overseas citizen”, and “Commonwealth citizen” have the same respective meanings as in the British Nationality Act 1981;

“British ship” has the meaning given in section 1(1) of the Merchant Shipping Act 1995 of the United Kingdom;

“commissioned military officer” means a commissioned officer in Her Majesty’s land forces on full pay;

“commissioned naval officer” means a commissioned officer in Her Majesty’s Navy on full pay;

“consular officer”, in relation to a foreign country, means the officer recognized by Her Majesty as a consular officer of that foreign country;

“fishing vessel” means a vessel for the time being used or intended to be used, for or in connection with fishing for sea fish other than a vessel used or intended to be used for fishing otherwise than for profit or a vessel for the time being used or intended to be used wholly for the purpose of conveying persons wishing to fish for pleasure;

“Islands ship” means a ship registered in the Islands under this Ordinance, and “Islands vessel” and “Islands fishing vessel” shall be construed accordingly;

“length” has the same meaning as may be prescribed in the tonnage regulations;

“master” includes every person except a pilot having command or charge of a ship and in relation to a fishing vessel, means the skipper;

“Minister” means the Minister responsible for maritime affairs in the Islands;

“owner”, in relation to a ship, or “shipowner” means, in respect of a registered ship, the registered owner and includes a bareboat charterer and a managing owner or a managing agent;

“passenger” means any person carried on a ship, except -

(a) a person employed or engaged in any capacity on the business of the ship;

(b) a person on board the ship either under the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled; and

(c) a child under one year of age;

“passenger ship” means a ship carrying more than twelve passengers;

“pleasure vessel” means –

(a) any vessel including a dive boat which at the time it is being used is -

(i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(ii) in the case of a vessel owned by a body corporate, one on which the persons are employees, officers or shareholders of the body corporate, or their immediate family or friends; and

(iii) on a voyage or excursion for which the owner does not receive money for or in connection with operating the vessel or carrying any

person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

- (b) any vessel wholly owned by or on behalf of a club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for sport or pleasure of members of the club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club, and

in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of the users of the vessel, other than by the owner; and in this definition, “immediate family” means, in relation to an individual, the husband or wife of the individual, and a relative of the individual or the relative’s husband or wife, and “relative” means brother, sister, ancestor or lineal descendant, and “owner” includes charterer;

“port” includes place;

“proper officer” means, in relation to a port in the United Kingdom, a relevant British possession, the Republic of Ireland, or a country mentioned in Schedule 3 to the British Nationality Act 1981, an officer exercising in that port functions similar to those of a superintendent, and in relation to another port, a consular officer appointed by Her Majesty’s government in the United Kingdom;

“registrar” means the registrar of ships appointed by the Governor;

“registration regulations” means regulations made under sections 58 and 59;

“relevant British possession” means –

- (a) the Isle of Man;
- (b) any of the Channel Islands; and
- (c) any part of Her Majesty’s dominions outside the British Islands except –
 - (i) countries having fully responsible status within the Commonwealth;
 - (ii) territories for whose external relations a country other than the United Kingdom is responsible;
 - (iii) associated states.

“ship” includes every description of vessel used in navigation;

“small ship” means a ship less than twenty-four metres in length;

“superintendent” means an official exercising functions similar to those of a superintendent in the United Kingdom;

“Tonnage Convention” means the International Convention on Tonnage Measurement of Ships, 1969 as amended;

“tonnage regulations” means regulations made under section 46;

“wages” includes emoluments.

(2) In this Ordinance –

- (a) “Islands waters” means the sea or other waters within the seaward limits of the territorial sea of the Islands; and
- (b) “national waters”, in relation to the Islands means Islands waters landward of the baselines for measuring the breadth of their territorial sea.

PART II

REGISTRATION OF SHIPS

Registration

Islands ship

3. (1) A ship shall be an Islands ship for the purposes of this Part if the ship is registered in the Islands under this Part.

(2) A ship registered in the Islands under Part I of the Merchant Shipping Act 1894 of the United Kingdom shall be deemed to be a ship registered in the Islands under this Ordinance.

Qualifications
for owning an
Islands ship

4 (1) In this section “place of business” means the place where meetings of the directors of the body corporate are regularly held and, in the case of a meeting held by electronic or other mechanical means, the place where the majority of members of the body corporate taking part in the meeting are present.

(2) For the purposes of this Ordinance the following are persons qualified to be owners of Islands ships –

- (a) Belongers;
- (b) persons holding a permanent residence certificate;
- (c) British citizens;
- (d) British Dependent Territories citizens;
- (e) British Overseas citizens;
- (f) British subjects;
- (g) persons who under the Hong Kong (British Nationality) Order 1986 are British Nationals (Overseas);
- (h) persons, other than those referred to in paragraphs (a) to (f), who are nationals of a Member State of the European Union or European Economic Area, including the overseas territories of such a Member State;

- (i) bodies corporate incorporated in any Member State of the European Union or European Economic Area, including the United Kingdom;
- (j) bodies corporate incorporated in any relevant British possession, including the Islands, or in any overseas territory of a Member State of the European Union or the European Area, and having a place of business in any such possession or overseas territory; and
- (k) bodies corporate incorporated in a Member state of the Caribbean Community or the Organisation of Eastern Caribbean States and registered in the Islands.

(3) A person who is not qualified under subsection (1) to be an owner of an Islands ship may nevertheless be one of the owners of such a ship if –

- (a) a majority interest in the ship, within the meaning of section 5, is owned by persons who are qualified to be owners of Islands ships; and
- (b) the ship is registered in accordance with section 5.

5. (1) Subject to sections 7 and 8, this section has effect for the purpose of determining whether a ship is entitled to be registered in the Islands under this Ordinance.

Entitlement of
ship to be
registered under
this Ordinance

(2) Subject to subsection (3), a ship shall be entitled to be registered if a majority interest in the ship is owned by one or more persons qualified to be owners of Islands ships under section 4.

(3) Where –

- (a) a ship falling within subsection (2) is twenty-four metres or seventy-eight feet or more in length; and
- (b) the person or each of the persons, by whom the majority interest is owned is not resident in the Islands,

the ship shall only be entitled to be registered if a representative person resident in the Islands is appointed in relation to the ship.

(4) For the purposes of this section -

- (a) one or more persons shall be treated as owning a majority interest in a ship if there is vested in that person or in those persons taken together, the legal title to thirty-three or more, or all of the sixty-four shares into which the property in the ship is divided, for the purpose of registration in accordance with section 12;
- (b) for the purposes of paragraph (a) there shall be kept out of account any share in which any beneficial interest is owned by a person who is not qualified to be an owner of an Islands ship; and

(c) a body corporate shall be treated as resident in the Islands if it is incorporated in the Islands and has a place of business there.

(5) A ship shall not be entitled to be registered in the Islands if such registration is precluded by an Order under section 11 of the Merchant Shipping Act 1988 or section 18 of the Merchant Shipping Act 1995 of the United Kingdom.

Representative
person

6. (1) Where the entitlement of a ship to be registered is, by virtue of section 5, conditional on the appointment of a representative person in relation to the ship, the owner of the ship shall –

- (a) before applying for the ship to be registered, appoint an individual or body corporate satisfying the prescribed requirements to be the representative person in relation to the ship; and
- (b) ensure that so long as the ship remains registered, an individual or body corporate satisfying those requirements is so appointed.

(2) For the purposes of subsection (1), the prescribed requirements are –

- (a) that the representative person is either -
 - (i) an individual resident in the Islands; or
 - (ii) a body corporate incorporated in the Islands and having a place of business there; and
- (b) such other requirements as the Governor may prescribe.

(3) The owner of a ship in relation to which a representative person is for the time being appointed shall –

- (a) on applying for the ship to be registered, notify the registrar of the name and address of the representative person; and
- (b) in the event of a change in the identity or address, of the representative person so appointed, notify the registrar of the name and address of the new representative person, or, as the case may be, of the new address, as soon as practicable after the change occurs,

and the registrar shall record any particulars notified to him under this section in the register kept by him under this Ordinance.

(4) A document required or authorised, by virtue of a statutory provision, to be served for the purpose of the institution of or otherwise in connection with, proceedings for an offence under this Ordinance or under any instruments in force under this Ordinance shall, where the person to be served is the owner of a registered ship, be treated as duly served on him if –

- (a) delivered to a representative person for the time being appointed in relation to the ship;
- (b) sent to such a person by post at the address notified or, as the case may be, last notified to the registrar under subsection (3) in relation to that person; or
- (c) left for such a person at that address.

(5) A person who contravenes subsection (1)(b) or (3)(b) shall commit an offence and be liable on summary conviction to a fine not exceeding six hundred dollars.

7. (1) Notwithstanding that a ship in respect of which an application for registration has been made is entitled to be registered, the Minister may direct the registrar not to register a ship if he is satisfied that having regard to –

Refusal of
registration

- (a) the condition of the ship so far as is relevant to safety or to risk of pollution;
- (b) the safety, health and welfare of persons employed or engaged in any capacity on board the ship; or
- (c) the possibility that the ship may be used for criminal purposes,

it would be detrimental to the interests of the Islands or of international shipping for the ship to be registered.

(2) If it appears to the Minister that a ship in respect of which an application for registration has been made is not entitled to be registered, having regard to the matters mentioned in paragraph (a), (b) or (c) of subsection (1), he shall inform the applicant or the representative person for the time being appointed in relation to the ship, and the registrar of shipping shall not register the ship.

8. (1) The registrar may, subject to subsection (5), terminate a ship's registration –

Termination of
registration

- (a) where the Minister is satisfied that –
 - (i) having regard to the matters mentioned in paragraph (a), (b) or (c) of section 7(1), it would be detrimental to the interests of the Islands or of international shipping for a registered ship to continue to be registered;
 - (ii) a penalty imposed on the owner of a registered ship in respect of a contravention of this Ordinance or of an instrument in force under this Ordinance has remained unpaid for a period of more than three months and no appeal against the penalty is pending; or
 - (iii) a summons for any such contravention has been duly served on the owner of a registered ship and the owner has failed to appear at the time and place appointed for the trial of the

information or complaint in question and a period of not less than three months has elapsed since that time,

and the Minister so informs the registrar;

- (b) if a registered ship is no longer entitled to remain registered;
- (c) on application by the registered owner stating that he wishes to terminate the registration of the ship;
- (d) upon a registered ship becoming a total loss or being otherwise destroyed by, inter alia, shipwreck, demolition, fire or sinking; or
- (e) if section 6(1)(b) is contravened.

(2) In the event of a registered ship being in a condition referred to in subsection (1)(d), every registered owner of the ship or any share in it shall, immediately upon obtaining knowledge of the event, inform the registrar who shall make an entry thereof in the register.

(3) Where the registration of a ship is terminated –

- (a) under subsection (1), the registrar shall notify all registered mortgagees of the closure of the ship's registration; and
- (b) under paragraph (c) or (d) of subsection (1), the registrar shall forthwith issue a closure transcript to the owner of the ship.

(4) On receipt of the closure transcript referred to in subsection (3)(b), the owner shall immediately surrender the ship's certificate of registry to the registrar for cancellation.

(5) Where –

- (a) the circumstances referred to in subsection (1)(a) apply and it appears to the registrar that subsection (1)(b) or (e) apply, he may serve notice on the owner or on the representative person for the time being appointed in relation to that ship to produce, not later than the end of the period of twenty-one days beginning with the day after the date of service of the notice, evidence sufficient to satisfy the Minister or the registrar, as the case may be that the ship is eligible to remain on the register, and if at the expiry of that period the Minister or the registrar, as the case may be, is not so satisfied, the registrar may –
 - (i) extend the notice and ask for further information or evidence; or
 - (ii) serve a final notice informing the owner or the representative person of the termination of the ship's registry, and such termination shall take effect not later than the end of the period of

seven days beginning with the day after the date of service of that notice;

- (b) the registrar serves a notice under this subsection on the owner of a ship in respect of which a mortgage is registered, the registrar shall send a copy of that notice to the mortgagee at the address recorded for him in the register;
- (c) a ship's registration is terminated under this subsection, the registrar shall issue a closure transcript and the owner of the ship shall forthwith surrender its certificate of registry.

(6) A person who –

- (a) in connection with the making of representations under subsection (5)(a), knowingly or recklessly furnishes information which is false in a material particular shall commit an offence and be liable on summary conviction to a fine not exceeding three thousand dollars or on conviction on indictment to a fine not exceeding ten thousand dollars; or
- (b) fails without reasonable cause to surrender a certificate of registry when required to do so under subsection (4) or (5), shall commit an offence and be liable on summary conviction to a fine not exceeding six thousand dollars.

9. (1) Where a body corporate commits an offence under this Ordinance and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he, as well as the body corporate commit that offence and shall be liable to be proceeded against and punished accordingly.

Penal liability

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a minister of the body corporate.

Procedure for registration

10. The Minister may give directions of a general nature with regard to the discharge of any of the functions of the registrar.

Directions to registrar

11. (1) There shall continue to be a register of Islands ships for all registrations of ships in the Islands.

Register

(2) The register shall be maintained by the registrar.

(3) The register shall be so constituted as to distinguish, in a separate part, registration of fishing vessels, and may be otherwise divided into parts so as to distinguish between classes or description of ships.

(4) The register shall be maintained in accordance with the registration regulations and the private law provisions for registered ships and any directions given by the Minister under section 10.

(5) The register shall be available for public inspection during official working hours.

Entries in
register

12. Entries in the register in relation to property in a ship shall be made in accordance with the following provisions –

- (a) the property in a ship shall be divided into sixty-four shares;
- (b) subject to the provisions of this Ordinance with respect to joint owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship, but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship, but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;
- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered;
- (e) a body corporate shall be registered as owner by its corporate name.

Survey and
measurement of
ships

13. (1) Every ship shall, before registration, be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations made under this Ordinance and the surveyor shall grant his certificate specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Minister and such certificate shall be delivered to the registrar before registration.

(2) When the tonnage of a ship has been ascertained and registered in accordance with the tonnage regulations that tonnage shall be treated as the tonnage of the ship except so far as regulations provide, in specified circumstances, for the ship to be re-measured and the register amended accordingly.

Marking of ship

14. (1) Every ship, other than a pleasure vessel which is under twenty-four metres or seventy-eight feet in length, shall before registration be marked permanently and conspicuously to the satisfaction of the Minister as follows –

- (a) her 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, in letters of a contrasting colour so as to be clearly visible, such letters to be of a height not less than one decimetre or four inches, and of proportionate breadth;
- (b) her official number and net tonnage shall be permanently marked on a main part of the ship's permanent structure that is readily visible and accessible in such manner as may be specified by a surveyor of ships;
- (c) on a ship built before 1st May, 1988 a scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post –
 - (i) in Roman capital numerals or in figures, not less than six inches in length;
 - (ii) the lower line of those numerals or figures coinciding with the draught line denoted thereby; and
 - (iii) those letters and numerals being marked by being cut in and painted in a contrasting colour so as to be clearly visible, or in such other way as the Minister may approve;
- (d) on a ship built after 1st May, 1988, a scale of decimetres or inches or of metres and decimetres or of feet and inches, denoting her draught of water shall be marked on each side of her stem and of her stern post –
 - (i) in figures at two-decimetre or eight inch intervals and at intervening two-decimetre or eight inch intervals if the scale is in metres and decimetres or feet and inches respectively, the capital letter "M" being placed after each metre or "Ft" after each imperial, figure;
 - (ii) the top figure of the scale showing both the metre or foot and, except where it marks a full metre or foot interval, the decimetre or inch figure;
 - (iii) the lower line of the figures, or figures and letters coinciding with the draught line denoted thereby; and
 - (iv) the figures and letters being not less than one decimetre or four inches in length and being marked by being cut in and painted in a contrasting colour so as to be clearly visible, or in such other way as the Minister may approve;

(e) a ship built before 1st May 1988 may comply with the metric requirements of paragraph (d).

(2) Unless in special circumstances the Minister directs otherwise, a pleasure vessel of twenty-four metres or seventy-eight feet in length or over, shall be deemed to be in compliance with subsection (1)(a) if her name and the name of her port of registry is marked on her stern in the manner provided in that subsection.

(3) If the scale showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall commit an offence and be liable on summary conviction to a fine not exceeding six hundred dollars.

(4) The marks required by this section shall be permanently continued, and no alteration shall be made in them, except in the event of any of the particulars denoted by them being altered in the manner provided by this Ordinance.

(5) If an owner or master of a registered ship neglects to keep his ship marked as required by this section, or if a person conceals, removes, alters, defaces, or obliterates or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of these marks, except in the event referred to in subsection (4), that owner, master, or person shall commit an offence, and for each such offence be liable on summary conviction to a fine not exceeding six hundred dollars and on a certificate from a surveyor of ships that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied.

(6) It shall be a defence for an owner, master or person referred to in subsection (5) to prove –

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or

(b) that the commission of the offence was for the purpose of escaping capture by an enemy.

(7) Where a ship proceeds to sea without being marked in accordance with this section, the owner shall commit an offence and be liable on summary conviction to a fine not exceeding ten thousand dollars.

(8) The Minister may exempt any class of ships from all or any of the requirements of this section.

Application for
registration

15. An application for registration of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by one or more of the persons so requiring if more than one, or by his or their agent, and in the case of bodies corporate by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of

the appointers, and, if appointed by a body corporate, under the common seal of that body corporate or by deed or instrument under seal.

16. (1) A person shall not be entitled to be registered as owner of a ship or of a share in it until he, or in the case of a body corporate the person authorised by this Ordinance to make declarations on behalf of the body corporate, has made and signed a declaration of eligibility, referring to the ship as described in the certificate of the surveyor, and containing –

Declaration of
eligibility

- (a) a statement of his qualifications to own an Islands ship, or in the case of a body corporate, of such circumstances of the constitution and business thereof as prove it to be qualified to own an Islands ship;
- (b) in the case of a foreign ship, a statement of her foreign name;
- (c) a statement of the number of shares in the ship the legal title to which is vested in him or, as the case may be, the body corporate, whether alone or jointly with any other person or persons; and
- (d) a declaration that, to the best of his knowledge and belief, a majority interest in the ship is owned by persons qualified to be owners of Islands ships, and the ship is otherwise entitled to be registered.

(2) In the application of this section to a ship which is not wholly owned by persons qualified to be owners of Islands ships, paragraph (a) of subsection (1) shall have effect only in relation to persons who are so qualified.

17. On the first registration of a ship such evidence of title shall be produced as may be specified in the registration regulations.

Evidence of title
on first registry

18. When the requirements of this Ordinance preliminary to registration have been complied with, the registrar shall register the ship in accordance with the registration regulations by entering in the register particulars respecting the ship as may be specified in the registration regulations.

Entry of
particulars in
register

19. On the registration of a ship the registrar shall retain in his possession such documents as are specified in the registration regulations.

Documents to be
retained by
registrar

20. The port specified in the registration regulations shall be the port of registry of a ship registered under this Ordinance and the port to which she belongs.

Port of registry

Certificate of registry

Certificate of
registry

21. On completion of the registration of a ship, the registrar shall grant a certificate of registry comprising such particulars respecting the ship as are specified in the registration regulations.

Custody of
certificate

22. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention to secure any private right or claim.

Penalty for use
of improper
certificate

23. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall commit an offence, and in respect of each such offence, be liable on summary conviction to a fine not exceeding twenty-five thousand dollars and the ship shall be subject to forfeiture.

Power to grant
new certificate

24. The registrar may, with the approval of the Minister, and upon the surrender to him of the certificate of registry of a ship, grant a new certificate in lieu of the surrendered certificate.

Duplicate
certificates

25. (1) If it is shown to the satisfaction of the registrar that the certificate of registry has been lost, stolen or destroyed or has become defaced or illegible ("the event"), he may issue to the owner a duplicate of that certificate, which shall be marked as such, and shall be of the same effect as the original.

(2) Where a duplicate certificate of registry is issued the original, if then available or if subsequently found or recovered, shall be forthwith surrendered to the registrar.

(3) If—

- (a) the port where the ship is at the time of the event or, as the case may be, where it first arrives after the event, is not in the Islands; and
- (b) the master of the ship, or some other person having knowledge of the facts of the case, makes a declaration before the proper officer as to the loss, theft, destruction, defacement or illegibility of the certificate,

the proper officer shall notify the registrar.

(4) On being notified of the event and being satisfied that the ship is entitled to be issued with a duplicate certificate the registrar shall -

- (a) send by facsimile or any other form of electronic transmission to the proper officer a copy of the duplicate certificate which the proper officer shall endorse with a statement of the circumstances, under which it is granted; or

(b) where there are no facsimile or other electronic transmission facilities, the proper officer shall issue a temporary certificate so endorsed.

(5) The facsimile or other electronically transmitted version of the duplicate certificate, or the temporary certificate, as the case may be, shall be surrendered to the registrar, as soon as an original duplicate certificate referred to in subsection (1) is received by the owner.

(6) Any person who fails, without reasonable cause to surrender a certificate of registry when required to do so under subsection (2), shall commit an offence and be liable on summary conviction to a fine not exceeding six hundred dollars.

26. (1) Whenever a change occurs in the registered ownership of a ship, the registrar may endorse the change on the certificate of registry or issue a new certificate of registry.

Endorsement of
change of
ownership

(2) The master shall, for the purpose of such endorsement by the registrar, deliver the certificate of registry to the registrar forthwith after the change.

(3) If the master fails to deliver to the registrar the certificate of registry as required by this section he shall commit an offence and be liable on summary conviction to a fine not exceeding six hundred dollars.

27. (1) If a ship becomes entitled to be registered while at port in a country outside the Islands, then subject to this section, the proper officer may, on the application of the master of the ship, grant to him a provisional certificate stating –

Provisional
certificate for
ship becoming
entitled to be
registered while
abroad

- (a) the name of the ship;
- (b) the time and place of the purchase of the ship and the names of the purchasers; and
- (c) the best particulars respecting the tonnage, build and description of the ship which the person granting the certificate is able to obtain,

and shall forward a copy of the certificate at the first convenient opportunity to the registrar.

(2) No provisional certificate shall be granted by any person under this section unless he is satisfied that an application under the registration regulations for registration of the ship has been made or is intended.

(3) A provisional certificate shall have the effect of a certificate of registry until –

- (a) the expiration of a period not exceeding three months from its date, or
- (b) the ship's arrival at the port of registry,

whichever happens first, and shall then cease to be of any effect.

(4) Where a provisional certificate has been granted for a ship under this section, no further provisional certificate shall be so granted for the ship within one year from the date of that certificate except with the consent of the Minister.

Bareboat charter registration

28. (1) Subject to subsection (3), a ship shall be entitled to be registered under this Ordinance in the Islands if –

Registration of
ships chartered
by bareboat to a
qualified person

- (a) the ship is operated under a bareboat charter which complies with the requirements set out in subsection (2);
- (b) the charterer is a person qualified to be an owner of an Islands ship by virtue of section 4; and
- (c) the requirements corresponding to those imposed on the owner of a majority interest in the ship by section 5(3) and (4)(b) with respect to entitlement to registration, are satisfied by the charterer.

(2) The requirements referred to in subsection (1)(a) are –

- (a) that the charter is in writing;
- (b) that the demise effected by the charter is –
 - (i) made by the owner of the ship;
 - (ii) made to a charterer who has a single legal personality; and
 - (iii) for a fixed period of two years or more or such lesser period as may be allowed by the Minister; and
- (c) that under the terms of the charter the operation, management and control of the ship including responsibility for the engagement or employment of the master and crew of ship, is vested in the charterer.

(3) Without prejudice to subsection (4), the registrar may refuse to register a ship which is entitled to be registered under subsection (1) if –

- (a) he is not satisfied that –
 - (i) the owner of the ship has consented to the registration of the ship in the Islands; or
 - (ii) any mortgagee of the ship has consented to the registration of the ship in the Islands;
- (b) the tonnage of the ship cannot be ascertained in accordance with the tonnage regulations;
- (c) the ship cannot be marked in accordance with section 14;

- (d) he reasonably believes that the ship would be precluded by some other Ordinance to which it is subject from flying the Islands' national colours in accordance with section 64;
- (e) the charter by demise has an unexpired period of less than two years at the date when the application to register the ship is made; or
- (f) it is not in the interests of the Islands that the ship should be registered in the Islands.

(4) Sections 6, 7 and 8 shall apply in respect of any ship entitled to be registered in the Islands under subsection (1) as if the ship was entitled to be registered under section 5.

29. Where a ship is registered under section 28(1), it shall –

- (a) be an Islands ship for the purposes of this Ordinance; and
- (b) not fly any colours other than the Islands' national colours specified in section 64.

Consequences of registration under section 28(1)

30. (1) Where application is made to register a ship which is entitled to be registered under section 28(1) or, application having been made to register a ship which is entitled to be registered under section 28(1), the ship has been registered –

Application of this Ordinance where a ship is registered under section 28

- (a) the provisions of this Part shall apply to the ship and its registration subject to the modifications and adaptations to those provisions set out in subsection (2); and
- (b) any act or thing as is mentioned in this subsection, required to be done or not done under this Ordinance by an owner of such a ship, shall be required to be done or not done by the charterer, and -
 - (i) the charterer shall be liable for doing or omitting to do such act or thing as if he were the owner of the ship, and
 - (ii) a reference to “owner” in this Ordinance shall, in the case of such a ship as is mentioned in this subsection, be deemed to be a reference to “charterer” and the words “registered owner” and “registered ownership” shall be construed accordingly.

(2) The modifications and adaptations to the provisions of this Part referred to in subsection (1) are –

- (a) paragraphs (a) to (e) of section 12 shall not apply;
- (b) the ship shall not be required to be surveyed for the purpose of ascertaining the tonnage of the ship under section 13 if there is in force in respect of the

ship an International Tonnage Certificate (1969) and in such case the tonnage of such ship shall be deemed to have been ascertained and, upon registration, registered in accordance with the tonnage regulations;

- (c) the declaration required by section 16 shall include in place of the statements referred to in subsection (1)(c) and (d) of that section, a statement that the ship is subject to a bareboat charter and that the person on whose behalf the declaration is made is the charterer of the ship under that charter and there shall be attached to such declaration and produced to the registrar a certified copy of that bareboat charter;
- (d) section 17 shall not apply;
- (e) in place of the particulars required to be entered in register under section 18 there shall be entered –
 - (i) the name of the charterer as if he were the owner of the ship with such annotation as may be necessary to show that the ship is entitled to be registered under section 28(1);
 - (ii) the name and address of the owner or owners determined in accordance with the provisions of paragraphs (a) to (e) of section 12; and
 - (iii) the name and address of any person who has been granted a mortgage of the ship or any share in the ship by any owner whose name is or is to be noted on the register under sub-paragraph (ii);
 - (iv) such details of the terms of any mortgage referred to in sub-paragraph (iii) as the registrar shall require to be noted; and
 - (v) the previous name, if any, of the ship;
- (f) the registrar shall retain in his possession, in addition to the surveyor's certificate issued under section 13, the certified copy of the charter by demise and any certified copy of a transfer referred to in section 31(1)(c) produced to him;
- (g) a certificate of registry granted by the registrar under section 21 shall be granted for a fixed period of time expiring on the date upon which the bareboat charter shall come to an end by effluxion of time;
- (h) a ship shall cease to be entitled to be registered within the meaning of section 8(1)(c) upon the expiry of the fixed period specified in the certificate of registry or, if sooner, upon either –
 - (i) the termination of the bareboat charter; or

- (ii) the transfer by the charterer of his rights and obligations under the charter in circumstances which cause the registration to cease under section 31; and

- (i) section 53 shall not apply.

31. (1) Where a ship is registered under section 28(1) and the charterer transfers his rights and obligations under obligations of the bareboat charter to another person so that the charterer is no longer under any contractual obligation to the owner of the ship in respect of the operation, management and control of the ship the registration shall cease upon such transfer unless –

Transfer of the rights and obligations of the charterer under the bareboat charter

- (a) the transferee is qualified to own an Islands ship;
- (b) prior to the execution of the transfer, the transferee, or in the case of a body corporate, the person authorised by this Ordinance to make declarations on behalf of the body corporate, makes and signs a declaration referring to the ship and containing a statement of the qualification of the transferee to own an Islands ship, or if the transferee is a body corporate of such circumstances of the constitution and business thereof as prove it to be qualified to own an Islands ship; and
- (c) a certified copy of the transfer executed by the charterer in favour of the transferee is produced to the registrar.

(2) In subsection (1) “transferee” means the person to whom the charterer has transferred his rights and obligations under the bareboat charter.

32. Where a ship is registered under section 28(1) the rights and obligations of the parties to a contract, bill of sale, mortgage, charge or other instrument creating or disposing of a legal or equitable interest in the ship, whether existing at the date of registration of the ship under section 28(1) or created thereafter, shall not be affected by such registration.

Rights and obligations relating to interests in ships registered under section 28(1)

33. (1) Where he is satisfied that it is proper for him to do so, the Minister may grant to the owner of a ship registered in the Islands under this Ordinance a dispensation under this section.

Dispensations for ships bareboat chartered and registered outside the Islands

(2) The Minister shall not grant a dispensation under this section unless he is satisfied –

- (a) that the ship is subject to a charter under which the registered owner of the ship is not responsible for the management, operation or control of the ship for the period of the charter;
- (b) that any registered mortgagee of the ship has consented to the dispensation being granted;

- (c) that in addition to the registration of the ship in the Islands, the ship is intended to be registered under the law of a country outside the Islands; and
- (d) that upon registration under the laws of a country outside the Islands the ship will become subject to laws which implement and apply to the ship such provisions of the Collision Convention, the relevant International Labour Conventions, the Load Line Convention, the Marine Pollution Convention, the Safety Convention and the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers to the same extent as they apply in respect of the ship by virtue of her registration in the Islands.

(3) Where the Minister has granted to the owner of a ship a dispensation under this section, with effect from the date upon which the conditions set out in subsection (4) have been complied with, sections 62(4) and 64 shall not apply to the ship and section 66(1) shall apply to the ship as though the ship was not an Islands ship.

(4) The conditions referred to in subsection (3) are –

- (a) that the owner has delivered to the registrar the following documents -
 - (i) a certified copy of the bareboat charter referred to in subsection (2)(a);
 - (ii) in exchange for a receipt, the certificate of registry granted under section 21; and
 - (iii) any certificate issued in respect of the ship under this Ordinance;
- (b) that the owner, or in the case of a body corporate the person authorised by this Ordinance to make declarations on behalf of the body corporate, has delivered to the registrar a declaration referring to the ship and containing a statement that the ship is lawfully registered in a named country outside the Islands and is subject to the jurisdiction of that country in respect of the enforcement of such provisions of the conventions referred to in paragraph (d) of subsection (2) as apply in respect of the ship by virtue of her registration in the Islands; and
- (c) that the registrar has received confirmation from the administration of the country outside the Islands in which the ship is registered that the ship is so registered and is subject to the jurisdiction of that country.

34. (1) Any dispensation granted by the Minister under section 33 shall terminate automatically if –

Termination and
revocation of
dispensations
granted under
section 33

(a) the ship ceases to be registered in the country named in the declaration made under section 33(4)(b); or

(b) the bareboat charter terminates, whether upon expiry or otherwise.

(2) The Minister may revoke any dispensation granted by him under section 33 –

(a) upon the application of any registered owner or registered mortgagee of the ship;

(b) if he is satisfied that any declaration made for the purpose of section 33(4)(b) is false or misleading;

(c) at the request of the country named in the declaration made under section 33(4)(b); or

(d) if it is not in the interests of the Islands that the dispensation should continue.

35. (1) Where a dispensation granted under section 33 has taken effect, the ship shall fly only the colours lawfully borne by ships registered in the country named in the declaration made under section 33(4)(b).

Flag to be used
where a
dispensation has
been granted
under section 33

(2) Without prejudice to section 33(3), where a ship flies colours in contravention of subsection (1) the registered owner shall commit an offence and be liable on summary conviction to a fine not exceeding ten thousand dollars.

Name of ship

36. (1) A ship shall not be described by any name other than her registered name.

Rules as to name
of ship

(2) A change shall not be made in the name of a ship without the previous written permission of the registrar.

(3) Application for that permission shall be in writing and if the registrar is of opinion that the application is reasonable he may grant permission, and thereupon require notice of the permission to be published in such form and manner as he thinks fit.

(4) On permission being granted to change the name, the ship's name shall forthwith be altered in the register, in the ship's certificate of registry, and on her bows and stern.

(5) If it is shown to the satisfaction of the registrar that the name of a ship has been changed without his permission he shall direct that her name be altered into that which she bore before the change, and the name shall be altered in the register, in the ship's certificate of registry, and on her bows and stern accordingly.

37. If any person acts, or suffers any person under his control to act, in contravention of section 36, or omits to do, or suffers any person under his control to omit to do, anything required by that section, he shall commit an offence, and for each such offence shall be liable on summary conviction to a fine not exceeding six hundred dollars and, except in the case of an application being made under that section with respect to a foreign ship which not having at any previous time been registered as an Islands ship has become an Islands ship, the ship may be detained until there is compliance with that section.

Offences

Registration of alterations and registration anew

Registration of alterations

38. When a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register, the registrar shall, on application being made to him, and on receipt of a certificate from the proper surveyor stating the particulars of the alteration, either cause the alteration to be registered, or direct that the ship be registered anew.

Offences

39. If default is made in registering anew a ship, or in registering an alteration of a ship so altered as provided in section 38, the owner of the ship shall commit an offence and be liable on summary conviction to a fine not exceeding six hundred dollars and, in addition, to a fine not exceeding one hundred dollars for every day during which the offence continues after conviction.

Procedure for registration of alterations

40. (1) For the purpose of the registration of an alteration in a ship, the ship's certificate of registry shall be produced to the registrar, and the registrar shall, in his discretion, either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or endorse and sign on the existing certificate a memorandum of the alteration.

(2) The particulars of the alteration so made, and the fact of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar in the register.

Registration anew on change of ownership

41. Where the ownership of any ship is changed, the registrar may, on the application of the owners of the ship register the ship anew, although registration anew is not required under this Ordinance.

Procedure for registration anew

42. (1) Where a ship is registered anew, the registrar shall proceed as in the case of first registry, and on surrender to him of the existing certificate of registry, and on compliance with the other requirements for registration, or in the case of a change of ownership, compliance with such of them as the registrar thinks material, shall register the ship anew, and grant a new certificate.

(2) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage

entered thereon, but the names of all persons appearing on the former register to be interested in the ship, as owners or mortgagees shall be entered in the new register, and the registration anew shall not affect the rights of any of those persons.

Transfer of registration between the Islands and the United Kingdom or a relevant British possession

43. (1) Subject to subsection (2), the registration of a ship under this Part may be transferred from the port of registry in the Islands to the United Kingdom or to another relevant British possession on the application to the registrar made by declaration in writing of all persons appearing on the register to be interested in the ship as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

Transfer of
registration from
port of registry
in the Islands

(2) On any such application the registrar shall transmit notice thereof to the registrar of the intended port of registry with a copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested in the ship as owners or mortgagees.

(3) The ship's certificate of registry shall be surrendered either to the registrar or the registrar of the ship's intended port of registry, and if surrendered to the former, shall be transmitted to the registrar of the intended port of registry.

(4) Where an application is made under this section for the transfer of a ship's registration to a port in the United Kingdom or in another relevant British possession, the registrar shall not proceed to deal with the application unless he is satisfied that registration of the ship under this Part at the intended port of registry is not precluded by any Act in force in the United Kingdom or in the possession respectively.

(5) Any certificate purporting to be signed by the registrar of the intended port of registry and stating that any such registration of the ship is not precluded by any such provision shall be conclusive evidence for the purposes of subsection (4) and this subsection of the matters stated in it.

(6) Where the registrar of the intended port of registry grants a new certificate of registry in pursuance of any such application as is mentioned in subsection (2), the ship in question shall thenceforth be considered as registered at the new port of registry, and the name of the port of registry in the Islands shall be removed from the ship's stern.

(7) The registrar shall, on being notified by the registrar of the new port of registry of the grant of the new certificate of registry, terminate the registration of the ship in the register.

44. (1) Where a ship is registered in the United Kingdom or in another relevant British possession the registration of that ship may, subject to subsections (5) and (7), be transferred to the port of registry in the Islands, if –

- (a) an application to the registrar of the existing port of registry has been made for the purpose by a declaration in writing by all the persons appearing on his register to be interested in the ship as owners or mortgagees; and
- (b) the documents mentioned in subsection (2) have been transmitted to the registrar.

(2) The documents referred to in subsection (1) are –

- (a) a notice of the application transmitted by the registrar of the existing port of registry;
- (b) a copy transmitted by him of all the registered particulars of the ship and the names of all the persons appearing on his register to be interested in the ship as owners or mortgagees; and
- (c) the ship's certificate of registry.

(3) On receipt of those documents the registrar shall, subject to subsection (5) –

- (a) enter in the register all the particulars and names so transmitted, and
- (b) grant a new certificate of registry,

and thenceforth the ship shall be considered as registered at the port of registry in the Islands, and the name of that port shall be substituted for the name of the former port of registry on the ship's stern.

(4) The registrar shall notify the registrar of the former port of registry of the grant of a new certificate of registry.

(5) Where the entitlement of a ship to be registered is under section 5, subject to any condition specified in that provision being satisfied, the registration of the ship shall not be transferred to the port of registry in the Islands under this section unless it appears to the registrar that the condition is satisfied.

(6) A transfer of registration under this section shall not affect the rights of any of the persons mentioned in subsection (1)(a).

(7) Section 7 shall apply *mutatis mutandis* to this section

Tonnage measurement

45. (1) Where it appears to the Minister that the Tonnage Convention has been adopted by a foreign country and is in force there, he may apply the provisions of that Convention to the ships of such country as provided in this section.

Tonnage of ships
of foreign
countries
adopting
Tonnage
Convention

(2) The Minister may order that ships of the foreign country shall, without being re-measured in the Islands, be treated as being of the tonnage denoted by their certificates of registry or other national papers, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of an Islands ship is treated as being the tonnage of that ship.

(3) Where the Minister orders a ship to be treated as provided in subsection (2), any space shown in the ship's certificate of registry or other national papers as deducted from the tonnage shall, if a similar deduction in the case of an Islands ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be treated as complying with those conditions and as being so evidenced, unless a surveyor of ships certifies to the Minister that the construction and equipment of the ship as respects that space do not come up to the standard which would be required if the ship were an Islands ship.

(4) Any such order may –

(a) operate for a limited time; and

(b) be subject to such conditions and qualifications, if any, as the Minister may consider expedient.

(5) If it appears to the Minister that the tonnage of a foreign ship, as measured by the rules of the country to which the ship belongs, materially differs from what it would be under the tonnage regulations, he may order further that any of the ships of that country may, for all or any of the purposes of this Act, be remeasured in accordance with the tonnage regulations.

46. (1) The tonnage of a ship to be registered under this Part shall be ascertained in accordance with regulations made by the Governor ("tonnage regulations") and whenever the tonnage of a ship has been ascertained and registered in accordance with the tonnage regulations, it shall be repeated in every subsequent registration of the ship unless an alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed, and in either of those cases the ship shall be re-measured, and its tonnage determined and registered according to the tonnage regulations.

Tonnage
regulations

(2) Tonnage regulations may –

(a) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;

- (b) make any regulations dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations; and
 - (c) prohibit or restrict the carriage of goods or stores in spaces not included in the net tonnage and may provide for making the master and the owner each guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars where such a prohibition or restriction is contravened.
- (3) Tonnage regulations may make provision –
 - (a) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with other provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can safely be loaded;
 - (b) for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it; and
 - (c) where the lower tonnage has been assigned to it as an alternative, for indicating on the ship the depth to which the ship may be loaded for the lower tonnage to be applicable.
- (4) Tonnage regulations may provide for the measurement and survey of ships to be undertaken, in such circumstances as may be specified in the regulations by persons appointed by such organisations as may be authorised for the purpose by the Minister.
- (5) Tonnage regulations may provide for the issue, by the Minister or by persons appointed by such organisations as may be authorised for the purpose by the Minister, of certificates of the tonnage of any ship or of the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in the Islands, and for the cancellation and surrender of such certificates in such circumstances as may be prescribed by the regulations.
- (6) Regulations requiring the surrender of any certificate may make a failure to comply with the requirement an offence punishable on summary conviction with a fine not exceeding three thousand dollars.
- (7) In making the tonnage regulations the Governor shall have regard to the provisions of the Tonnage Convention.
- (8) Surveyors shall carry out surveys and measurements of ships in accordance with the regulations made under this section.

Unregistered ships

47. (1) Where a ship –

Liabilities of
unregistered
ships

- (a) is twenty-four metres or seventy-eight feet or more in length; and
- (b) a majority interest in the ship is owned by Islands citizens or a body corporate established under the laws of the Islands and having a place of business in the Islands; and
- (c) is not registered in the Islands or elsewhere,

then notwithstanding that the ship is not entitled to the benefits, privileges, advantage or protection usually enjoyed by an Islands ship, the ship shall, for the purposes mentioned in subsection (2), be dealt with in the same manner in all respects as if the ship were an Islands ship.

(2) The purposes referred to in subsection (1) are –

- (a) payment of dues, fees or other charges;
- (b) liability to fines and forfeiture; and
- (c) punishment of any offences punishable under this Ordinance.

Miscellaneous

48. (1) Where a ship is entitled to be registered in the Islands be virtue of section 5 and the ship is so registered, the ship shall not be registered under the law of a country outside the Islands except under a dispensation granted under section 33.

Termination of
overseas
registration

(2) Where a ship is entitled to be registered in the Islands by virtue of section 28(1) and the ship is so registered, the ship shall not be registered under the law of a country outside the Islands except where such registration is effected by an owner of the ship whose name is noted in the register under section 30 (2)(e)(ii).

(3) Where a ship is registered under the law of a country outside the Islands in contravention of subsection (1) or (2), the registered owner, subject to subsection (4), shall commit an offence and be liable on summary conviction to a fine not exceeding ten thousand dollars.

(4) It shall be a defence for any person charged with an offence under this section to prove that he had taken all reasonable steps to secure the termination of the registry of the ship under the law of the country in which the ship is registered in contravention of subsection (1) or (2).

Trusts, equitable interests and liabilities of beneficial interests

49. (1) Subject to subsection (2), no trust, express, implied, or constructive, shall be registered by the registrar.

(2) Where on the bankruptcy of a registered owner or mortgagee his title is transmitted to his trustee in bankruptcy, that person may be registered as the owner or mortgagee of an Islands ship or a share therein, provided the ship remains entitled to be registered as an Islands ship under section 5.

(3) The expression “beneficial interest”, where used in this Part, includes interests arising under contract and other equitable interests, and without prejudice to –

- (i) the provisions of this Ordinance for preventing trusts being entered in the register or received by the registrar;
- (ii) the powers of disposition and of giving receipts conferred by this Ordinance on registered owners and mortgagees; and
- (iii) the provisions of this Ordinance relating to the exclusion of unqualified persons from the ownership of Islands ships,

interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interests therein in the same manner as in respect of any other personal property.

(4) Where a person is beneficially interested, otherwise than by way of mortgage, in a ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other enactment on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the above mentioned parties, with or without joining the other of them.

Registrar may dispense with declaration or evidence

50. (1) When, under this Part, a person is required to make a declaration on behalf of himself or of any body corporate, or evidence is required to be produced to the registrar and it is shown to the satisfaction of the registrar that from any reasonable cause the person is unable to make the declaration, or that the evidence cannot be produced, the registrar may, with the approval of the Minister, and on the production of such other evidence, and subject to such terms as he may reasonably think fit, dispense with the declaration or evidence.

(2) Declarations required by this Part may be made on behalf of a body corporate by the secretary or another officer of the body corporate authorised by it for the purpose.

Fees

51. (1) Such fees as the Governor determines shall be paid in respect of the measurement of a ship’s tonnage.

(2) All fees authorised to be taken under this Part, shall, except where otherwise provided in this Ordinance, be paid into the Consolidated Fund.

52. The registrar shall, if requested by the Registrar General of Shipping and Seamen of the United Kingdom, transmit to him a full return, at such times and in such forms as the Registrar General may direct, of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his capacity as registrar, and of the names of the persons concerned in the same, and of such other particulars as may be directed by the Registrar General.

Returns to be
made by registrar

53. (1) A person, on payment of a prescribed fee, may, on application to the registrar at a reasonable time during the hours of his official attendance, inspect the register.

Evidence of
certificate of
registry and
other documents

(2) The following documents shall be admissible in evidence in the manner provided by this Ordinance –

(a) a certificate of registry under this Ordinance purporting to be signed by the registrar or other proper officer;

(b) an endorsement on a certificate of registry purporting to be signed by the registrar or other proper officer; and

(c) a declaration made in pursuance of this Part.

(3) A person shall be entitled, on payment of the prescribed fee, to obtain a copy, certified as a true copy by the registrar, of any information contained in an entry in the register.

(4) A person shall be entitled, on payment of the prescribed fee, to obtain such a certified copy of the information entered in the register in respect of the registration of a ship, together with a statement certified by the registrar showing who is for the time being the owner of the ship.

(5) In subsections (1), (3) and (4) “prescribed fee” means the fee prescribed by the Governor.

54. (1) The instruments and documents referred to in Schedule 1 shall, subject to subsection (3), be in the form prescribed, or approved by the Minister or as near thereto as circumstances permit.

Forms of
documents

(2) The registrar shall not be required to receive and enter in the register any bill of sale, mortgage, or other instrument of the disposal or transfer of any ship or share, or any interest in the ship which is made in a form other than that for the time being required under this Part, or which contains particulars other than those contained in such form.

(3) In this section –

- (a) the references to “form” include references to alterations made thereto from time to time as deemed necessary; and
- (b) such public notice of the alteration referred to in paragraph (a) shall be given as may be necessary in order to prevent inconvenience.

Instructions as to
registration

55. The Minister may, for carrying into effect this Part, give such instructions as to the manner of making entries in the register, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to himself of any question involving doubt or difficulty, and generally as to any act or thing to be done under this Part, as he thinks fit.

Forgery of
documents

56. If any person forges, or fraudulently alters –

- (a) an entry or endorsement in the register, or
- (b) another document as respects which provision is made by, under or by virtue of this Part or an entry or endorsement in or on such other document and as respects which provision is so made,

he shall commit an offence and be liable –

- (i) on summary conviction, to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding eighteen months, or both; or
- (ii) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or both.

False
declarations

57. (1) If a person in the case of a declaration made in the presence of or produced to the registrar under this Part, or in a document or other evidence produced to the registrar –

- (a) wilfully makes, or assists in making, or procures to be made a false statement concerning the title to or ownership of, or the interest existing in a ship, or a share in a ship, or
- (b) utters, produces, or makes use of a declaration or document containing any such false statement knowing it to be false,

he shall commit an offence and in respect of each offence be liable on summary conviction to a fine not exceeding ten thousand dollars.

(2) If a person wilfully makes a false declaration touching the qualification of himself or of an other person or of a body corporate to own an Islands ship or a share in the ship or with respect to the entitlement of a ship to be registered, he shall commit an offence and be liable on summary conviction to a fine not exceeding fifteen thousand dollars and that ship or share

therein shall be subject to forfeiture under this Ordinance to the extent of the interest in the ship of the declarant, and also, unless it is proved that the declaration was made without authority, of a person or body corporate on behalf of whom the declaration is made.

58. The Governor may make regulations for and in connection with the registration of ships as Islands ships.

Registration
regulations

59. (1) Without prejudice to the generality of section 58, the regulations may, in particular, make provision with respect to any of the following matters –

Matters to be
prescribed in
registration
regulations

- (a) the issue of certificates including provisional certificates, of registry, their production and surrender;
- (b) restricting and regulating the names of ships registered or to be registered;
- (c) the marking of ships registered or to be registered, including marks for identifying the port to which a ship is to be treated as belonging;
- (d) the period for which registration may remain effective without renewal;
- (e) the survey and inspection of ships registered or to be registered and the recording of their tonnage as ascertained or re-ascertained under the tonnage regulations;
- (f) the refusal, suspension and termination of registration specifying circumstances;
- (g) matters arising out of the expiration, suspension or termination of registration including the removal of marks and the cancellation of certificates;
- (h) the charging of fees in connection with registration or registered ships;
- (i) the transfer of the registration of ships to and from the register, from and to registers, or corresponding records in registries other than in the Islands;
- (j) inspection of the registry;
- (k) any matter in relation to the registration of small ships and pleasure vessels;
- (l) transitional provisions; and
- (m) any other matter which is authorised or required by this Ordinance to be prescribed in registration regulations.

(2) The regulations may –

- (a) make different provision for different classes or descriptions of ships and for different circumstances;
- (b) without prejudice to paragraph (a), make provision for the granting of exemptions or dispensations by the Minister from specified requirements of the regulations, subject to such conditions if any as he thinks fit to impose;
- (c) make such transitional, incidental or supplementary provision as appears to the Governor to be necessary or expedient;
- (d) make provision for the registration of any class or description of ships to be such as to exclude the application of any private law provisions for registered ships and, if they do, may regulate for the transfer, transmission or mortgaging of ships of the class or description so excluded;
- (e) make provision for any matter which is authorised or required by those provisions to be prescribed by regulations; and
- (f) provide for –
 - (i) the approval of forms by the Minister; and
 - (ii) the discharge of specified functions by specified authorities or persons.

(3) The regulations may provide that any reference in any other enactment or in any instrument made under any other enactment to the port of registry or the port to which a ship belongs shall be construed as a reference to the port identified by the marks required for the purpose by this Ordinance and the regulations.

(4) The contravention of any regulations made under this section shall be punishable by a fine not exceeding twenty thousand dollars.

Certified copy of
entry in register
to be evidence

60. A document purporting to be a copy of any information contained in an entry in the register and to be certified as a true copy by the registrar shall be evidence of the matters stated in the document.

PART III

NATIONAL CHARACTER AND FLAG

National
character of ship
to be declared
before clearance

61. (1) A customs officer shall not grant clearance for a ship until the master of the ship has declared to that officer the name of the nation to which he claims that the ship belongs, and that officer shall thereupon inscribe that name on the clearance.

(2) If a ship attempts to proceed to sea without such clearance, it may be detained until the declaration is made.

62. (1) If the master or owner of a ship which is not an Islands ship does anything, or permits anything to be done, for the purpose of causing the ship to appear to be an Islands ship then, except as provided by subsections (2) and (3), the ship shall be liable to forfeiture and each of the master, owner and charterer, if any, shall commit an offence and be liable as provided in section 63.

Offences relating
to Islands
character of ship

(2) No liability arises under subsection (1) where the assumption of Islands national character has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(3) Where the registration of a ship has terminated by virtue of any provision of this Ordinance or the registration regulations, any marks prescribed by such regulations displayed on the ship within the period of fourteen days beginning with the date of termination of that registration shall be disregarded for the purposes of subsection (1).

(4) If the master or owner of an Islands ship does anything, or permits anything to be done, for the purpose of concealing the nationality of the ship, the ship shall be liable to forfeiture and each of the master, owner and charterer, if any, shall commit an offence and be liable as provided in section 63.

(5) Without prejudice to the generality of subsections (1) and (4), those subsections apply in particular to acts or deliberate omissions as respects –

- (a) the flying of a national flag;
- (b) the carrying or production of certificates of registry or other documents relating to the nationality of the ship; and
- (c) the display of marks required by the law of any country.

63. (1) A person who commits an offence under section 62 shall be liable on summary conviction to a fine not exceeding twenty-five thousand dollars, or imprisonment for a term not exceeding two years, or both.

Penalties

(2) This section and section 62 apply to things done outside as well as to things done within, the Islands.

64. (1) The flag that an Islands ship may fly is –

- (a) the red ensign without any defacement or modification;
- (b) the red ensign defaced or modified, whose adoption for ships registered in the Islands is authorised or confirmed by Her Majesty by Order in Council; or

National colours
and penalty for
carrying
improper colours
or not showing
colours

- (c) colours allowed to be worn under a warrant from Her Majesty.
- (2) If any of the following colours –
 - (a) any distinctive national colours except –
 - (i) the red ensign;
 - (ii) the Union flag (commonly known as the Union Jack) with a white border; or
 - (iii) any colours authorised or confirmed by Her Majesty by Order in Council;
 - (b) any colours usually worn by Her Majesty's ships or resembling those of Her Majesty; or
 - (c) the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant,
 are hoisted on board a British ship without warrant from Her Majesty, the master of the ship, or the owner of the ship if on board, and every other person hoisting them shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction, to a fine not exceeding two thousand dollars;
- (4) A police officer, a customs officer, a commissioned officer on full pay in the military or naval service of Her Majesty or a British consular officer, may board an Islands ship on which any colours or pendants are hoisted contrary to this section, and seize the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty.
- (5) An Islands ship shall hoist the proper national colours –
 - (a) on a signal being made to her by one of Her Majesty's ships including a vessel under the command of an officer of Her Majesty's navy on full pay;
 - (b) on entering or leaving a foreign port; and
 - (c) if of 50 gross tonnage or upwards, on entering or leaving a port in the Islands.
- (6) If there is failure to comply with subsection (5), the master of the ship shall commit an offence and for each such offence be liable on summary conviction to a fine not exceeding six hundred dollars.
- (7) The provisions of this section with respect to colours worn by merchant ships shall not affect any other power of the Admiralty in relation thereto.

- (a) a police officer; or
- (b) a commissioned naval or military officer; or
- (c) a person appointed by the Minister for the purposes of this section,

may seize and detain the ship and bring the ship to adjudication before the Court.

(2) Where a ship is subject to adjudication under this section, the Court may –

- (a) adjudge the ship and her equipment to be forfeited to the Government; and
- (b) make such order in the case as seems just.

(3) No officer or person bringing proceedings under this section shall be liable in damages in respect of the seizure or detention of the ship, notwithstanding that the ship has not been proceeded against or, if proceeded against, adjudicated not liable to forfeiture, if the Court is satisfied that there were reasonable grounds for the seizure or detention.

(4) If the Court is not so satisfied the Court may award costs and damages to the party aggrieved and make such other order as the Court thinks just.

PART IV

PROPRIETARY INTERESTS IN REGISTERED SHIPS

66. (1) Schedule 2 has effect in relation to the title to and the registration of mortgages over, ships except ships that are excluded from its application by provisions of the registration regulations made under sections 58 and 59.

Private law provisions for registered ships and liability as owner

(2) If a person is beneficially interested, otherwise than as a mortgagee, in a ship or a share in a ship registered in the name of some other person as owner, the person so interested, as well as the registered owner, shall be liable to any pecuniary penalties imposed by or under this or another Ordinance or an enactment extending to the Islands, on the owners of registered ships.

(3) If the registration of a ship terminates by virtue of a provision of the registration regulations, the termination of that registration shall not affect an entry in the register so far as relating to an undischarged registered mortgage of that ship or of a share in it.

(4) In subsection (3) “registered mortgage” has the same meaning as in Schedule 2.

PART V

SAFETY AND ENVIRONMENTAL PROTECTION

Safety and health
on ships and
control of
pollution by
ships

- 67. (1)** The Governor may make regulations –
- (a) to secure the safety of Islands ships and persons on them;
 - (b) to protect the health of persons on Islands ships;
 - (c) to secure the safety of other ships and persons on them while they are within Islands waters;
 - (d) to protect the health of persons on ships other than Islands ships while they are in Islands waters; and
 - (e) to prevent, reduce or minimize pollution from Islands ships and other ships while they are in Islands waters.
- (2) Regulations under subsection (1) –
- (a) shall not apply in relation to a foreign ship while it is exercising a right of innocent passage, or to persons on it while it is exercising such a right; but
 - (b) shall apply in relation to such a ship, and persons on it, even though the ship is exercising such a right, to the extent that the regulations give effect to provisions of an international agreement, ratified by the United Kingdom on behalf of the Islands.
- (3) In subsection (1) “Islands ship” means a ship that –
- (a) is registered in the Islands; or
 - (b) is not registered under the law of any country but is wholly owned by persons each of whom is –
 - (i) a British citizen resident in the Islands; or
 - (ii) a body corporate that is established under Islands law and has its principal place of business in the Islands.
- (4) The power conferred by subsection (1) shall extend to the making of regulations for the prevention of collisions between seaplanes on the surface of the water and between ships and seaplanes and subsection (5) to (7) shall have effect accordingly.
- (5) (a) Regulations under the foregoing provisions of this section –
- (i) may authorise the making of Orders for the purposes of this section;
 - (ii) may make provision in terms of approvals given by the Governor or enable the Governor to specify standards or other provisions in

documents that the Governor considers relevant from time to time; and

(iii) may provide for the cancellation of an approval given under the regulations and for the alteration of the terms of such approval; and

(b) an approval under the regulations shall be given in writing and shall specify the date on which it takes effect and the conditions, if any, on which it is given.

(6) Regulations under the foregoing provision of this section may provide –

(a) for the Minister or another person to grant, on terms which the Minister or other person may specify, of an exemption for a class of cases or an individual case from a specified provision of the regulations; and

(b) for the alteration or cancellation of an exemption granted under the regulations.

(7) Regulations under the foregoing provisions of this section may provide –

(a) that where prescribed by the regulations a ship shall be liable to be detained and that any enactment providing for the enforcement of ships shall have effect, with any modifications prescribed by the regulations, in relation to the ship;

(b) that a contravention of the regulations shall be an offence punishable with imprisonment for 2 years and a fine, or such lesser penalty as is prescribed by the regulations;

(c) that where prescribed by the regulations prescribed persons shall each be guilty of an offence created by virtue of sub-paragraph (b).

68. (1) Regulations under section 67 may –

(a) be made so as to apply outside the Islands; and

(b) provide that if a signal is used or displayed otherwise than in accordance with the regulations for compensation to be paid for any expense or loss caused in consequence of the signal being taken for a signal of distress,

Provisions
supplementary
to section 67

and compensation required to be paid by virtue of regulations under sub-paragraph (b) may, without prejudice to another remedy, be recovered in the same manner as salvage.

(2) The Governor may, by regulations repeal or modify a provision of another enactment in force in the Islands, or that applies to Islands ships, as he considers appropriate in connection

with a repeal or modification made or to be made under section 67(1)(a).

(3) Nothing in section 67(4) to (6), or in subsection (1) shall be construed as prejudicing the generality of section 67 (1).

PART VI

SUPPLEMENTAL

Repeals and
savings

69. (1) All Acts and Ordinances that have effect in the Islands relating to the registration of ships, are repealed: provided that anything done, and any licence, certificate, permit, directive or notice issued, and any regulations, rules or orders made under such Ordinances shall, to the extent not inconsistent with this Ordinance or regulations made under it, shall continue to have effect until its expiration or revocation, as the case may be and as if issued or made under this Ordinance.

(2) Regulations made under section 67 shall be without prejudice to any Ordinance, Act, rules or regulations now in force in the Islands: provided that if there is inconsistency between regulations under section 67 and any other Ordinance, Act rule or regulation, the regulations under section 67 shall prevail.

Transitional
provisions

70. The Governor may make regulations prescribing such provision including amending any legislation, as he considers necessary, convenient or expedient for savings, transitory or transitional purposes in connection with the coming into operation of any provision of this Ordinance.

Offences

71. The provisions of this Ordinance creating offences are listed in Schedule 3.

SCHEDULE 1

INSTRUMENTS AND DOCUMENTS FOR WHICH FORMS ARE TO BE PRESCRIBED OR APPROVED

(Section 54)

1. Certificate of survey.
2. Declaration of ownership by individual owner.
3. Declaration of ownership on behalf of a corporation as owner.
4. Certificate of registry.
5. Declaration of ownership by individual transferee.
6. Provisional certificate.
7. Declaration of owner taking by transmission.
8. Declaration of mortgagee taking by transmission
9. Bill of sale.
10. Mortgage to secure principal sum and interest.
11. Mortgage to secure current account.
12. Transfer of mortgage by individual or joint owners.
13. Transfer of mortgage by body corporate.

SCHEDULE 2

PRIVATE LAW PROVISIONS FOR REGISTERED SHIPS

(Section 66)

1. In this Schedule –

Definitions

“mortgage” means an instrument creating a security for the repayment of a loan or for the discharge of another obligation;

“prescribed” means prescribed in the registration regulations;

“registered mortgage” means a mortgage registered under paragraph 8(2).

General

2. (1) Subject to a right or power appearing from the register to be vested in another person, the registered owner of a ship or of a share in a ship may absolutely dispose of it in accordance with this Schedule and the registration regulations.

(2) Sub-paragraph (1) shall not imply that an interest arising under a contract or another interest cannot subsist in relation to a ship or a share in a ship; and such an interest may be enforced by or against the owner or a mortgagee of a ship in respect of his interest in the ship or the share in a ship in the same manner as in respect of any other movable property.

(3) The registered owner of a ship or of a share in a ship may give an effectual receipt for money paid or advanced by way of consideration on a disposal of the ship or share in the ship.

Transfers etc. of registered ships

3. (1) A transfer of a registered ship, or of a share in a registered ship, shall be effected by a bill of sale satisfying the prescribed requirements, unless the transfer will result in the ship ceasing to have an Islands connection.

(2) If a ship or a share has been transferred under sub-paragraph (1), the transferee shall not be registered as owner of the ship or share unless –

- (a) he has made the prescribed application to the registrar; and
- (b) the registrar is satisfied that the ship retains an Islands connection and that he would not refuse to register the ship.

(3) If an application under sub-paragraph (2) is granted by the registrar, the registrar shall register the bill of sale in the prescribed manner.

(4) Bills of sale shall be registered in the order in which they are produced to the registrar for the purposes of registration.

4. (1) If a registered ship, or share in a registered ship, is transmitted to a person by lawful means other than a transfer under paragraph 3 and the ship continues to have an Islands connection, the person shall not be registered as owner of the ship or share unless –

- (a) he has made the prescribed application to the registrar; and
- (b) the registrar is satisfied that the ship retains an Islands connection and that he would not refuse to register the ship.

(2) If an application under sub-paragraph (1) is granted by the registrar, the registrar shall cause the applicant's name to be registered as owner of the ship or share.

5. (1) If the property in a registered ship or share in a registered ship is transmitted to a person by lawful means other than a transfer under paragraph 3, but as a result the ship no longer has an Islands connection, the Court may, on application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of sale, after deducting

the expenses of the sale, are to be paid to that person or otherwise as the Court directs.

(2) The Court may require any evidence in support of the application it thinks requisite, and may make the order on any terms and conditions it thinks just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) An application shall be made within the period of 28 days beginning with the date of occurrence of the event by which the transmission took place, or within such further time not exceeding one year, as the Court may allow.

(4) If -

(a) an application is not made within the time allowed by or under sub-paragraph (3); or

(b) the Court refuses an order for sale,

the ship or share that was transmitted shall be liable to forfeiture.

6. (1) If a Court whether under paragraph 5 or otherwise, orders the sale of a registered ship or a share in a registered ship, the order of the Court shall contain a declaration vesting in a named person the right to transfer the ship or share.

(2) The person so named may transfer the ship or share in the same manner and to the same extent as if he were the registered owner of the ship or share.

(3) The registrar shall deal with an application relating to the transfer of the ship or share made by the person so named as if that person were the registered owner.

7. (1) The Court may, without prejudice to the exercise of another power, on the application of an interested person, make an order prohibiting for a specified time any dealing with a registered ship or a share in a registered ship.

(2) The Court may make the order on any terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires.

(3) The order, when a copy is served on the registrar, is binding on him whether or not he was made a party to the proceedings.

Mortgages of registered ships

8. (1) A registered ship, or a share in a registered ship, may be made the subject of a mortgage.

(2) The instrument creating a mortgage shall be in the form prescribed by or approved under the registration regulations.

(3) If a mortgage executed in accordance with sub-paragraph (2) is produced to the registrar, he shall register the mortgage in the prescribed manner.

(4) Mortgages shall be registered in the order in which they are produced to the registrar for the purposes of registration.

Priority of registered mortgages

9. (1) If two or more mortgages are registered in respect of the same ship or share, the priority of the mortgages between themselves shall subject to sub-paragraph (2) be determined by the order in which the mortgages were registered and not by reference to another matter.

(2) The registration regulations may provide for the giving to the registrar by intending mortgagees of “priority notices” in a form prescribed by or approved under the Regulations that, when recorded in the register, determine the priority of the interest to which the notice relates.

Registered mortgagee’s power of sale

10. (1) Subject to sub-paragraph (2), a registered mortgagee may, if the mortgage money or part of it is due, sell the ship or share in respect of which he is registered, and give an effectual receipt for the purchase money.

(2) If two or more mortgages are registered in respect of the same ship or share, a subsequent mortgagee may not, except under an order of a court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

Protection of registered mortgages

11. If a ship or share is subject to a registered mortgage, then –

- (a) except in so far as may be necessary to do so to make the ship or share available as a security for the mortgage debt, the mortgagee is not by reason of the mortgage to be treated as owner of the ship or share; and
- (b) the mortgagor is to be treated as not having ceased to be the owner of the ship or share

Transfer of registered mortgage

12. (1) A registered mortgage may be transferred by an instrument made in the form prescribed by or approved under the registration regulations.

(2) If such an instrument is produced to the registrar, the registrar shall register the transferee in the prescribed manner.

Transmission of registered mortgage by operation of law

13. If the interest of a mortgagee in a registered mortgage is transmitted to a person by lawful means other than by a transfer under paragraph 12, the registrar shall, on production of the prescribed evidence, cause the name of that person to be entered in the register as mortgagee of the ship or share.

Discharge of registered mortgage

14. If a registered mortgage has been discharged, the registrar shall, on production of the mortgage deed and such evidence of the discharge of the mortgage as may be prescribed, cause an entry to be made in the register to the effect that the mortgage has been discharged.

SCHEDULE 3

(Section 71)

OFFENCE PROVISIONS

The following are the offence provisions in this Ordinance –

PART II

REGISTRATION OF SHIPS

Registration

- Section 6(5) - offences of -
- (a) not having a representative person while the ship is registered; and
 - (b) not notifying the registrar of change of identity or address of a representative person.
- Section 8(6) - offences of –
- (a) knowingly or recklessly furnishing information which is false in a material particular; and
 - (b) failing without reasonable cause to surrender a certificate of registry.

Procedure for registration

- Section 14(3), (5), - (1) offences of –
- (6) and (7) (a) inaccuracy in scale showing ship's draught of water;

- (b) neglecting to keep ship marked;
- (c) making marks illegible; and
- (d) ship going to sea without being marked;
- (2) defences.
- Section 23 - offence of use of improper certificate of registry.
- Section 25(6) - failure to surrender the original certificate of registry after a duplicate has been issued.
- Section 26(3) - failure to deliver to registrar certificate of registry for endorsement or new certificate.

Bareboat charter registration

- Section 28(4) - applies section 6(5)
- Section 35(2) - not flying the flag of the country in which ship is registered under section 33.

Name of ship

- Section 37 - offences of failure to obey rules regulating the name of the ship.

Registration of alterations and registration anew

- Section 39 - default in registering anew or in registering an alteration of, a ship.

Tonnage measurement

- Section 46(2)(c) - contravention of prohibition or restriction on the carriage of goods or stores in spaces not included in the net tonnage.
- Section 46(6) - regulations may make failure to comply with a requirement to surrender a certificate an offence.

Unregistered ships

- Section 47(2) - unregistered ship dealt with in respect of offences as if registered.

Miscellaneous

- Section 48(3) and (4) - (1) offence of ship being registered outside the Islands when it has no authority to be registered.

- (2) defence.
- Section 56 - forgery or fraudulent alteration, of –
 - (a) the register; or
 - (b) another document as respects which provision is made under Part II.
- Section 57 - false declarations –
 - (a) to the registrar; or
 - (b) touching the qualification of himself or of another person to own an Islands ship or a share in the ship or with respect to the entitlement of a ship to be registered.
- Section 59(4) - contravention of registration regulations.

PART III

NATIONAL CHARACTER AND FLAG

- Section 61(2) - detention of ship trying to leave without clearance.
- Section 62(1), - offences of –
 - (4) and (5) (a) causing the ship to appear to be an Islands ship; and
 - (b) doing or permitting anything to be done, for the purpose of concealing the nationality of the ship.
- Section 63(2) - application of sections 62 and 63.
- Section 64(2), - offences of –
 - (5) and (6) (a) hoisting the listed colours without warrant from Her Majesty; and
 - (b) failure by an Islands ship to hoist the proper national colours -
 - (i) on a signal being made to her by one of Her Majesty's ships;
 - (ii) on entering or leaving a foreign port; and
 - (iii) if of 50 gross tonnage or upwards, on entering or leaving port.

PART V

SAFETY AND ENVIRONMENTAL PROTECTION

Section 67(7)(b) - contravention of regulations on safety and health on ships and control of pollution from ships.