



MONTSERRAT

CHAPTER 7.11

MERCHANT SHIPPING (REGISTRATION) ACT and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 7.11

MERCHANT SHIPPING (REGISTRATION) ACT

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CHAPTER 7.11

MERCHANT SHIPPING (REGISTRATION) ACT

(Acts 23 of 2013 and 16 of 2014)

AN ACT TO IMPLEMENT THE REGISTRATION AND TRANSFER OF VESSELS AND SAFETY OF LIVES AT SEA.

Commencement*[6 January 2014]*

PART 1

PRELIMINARY

Short title

1. This Act may be cited as the Merchant Shipping (Registration) Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“**British citizen**”, “**British Overseas Territories citizen**”, “**British Overseas citizen**”, and “**Commonwealth citizen**” have the same meanings as in the British Nationality Act 1981 (U.K.);

“**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 recognised by Her Majesty as a consular officer of that foreign country;

“**Court**” means the High Court;

“**fishing vessel**” has the meaning given in section 2 of the Fisheries Act;

“**Harbour Master**” means the person appointed under section 2 of the Harbour Master Act;

“**immediate family**” means, in relation to an individual, the husband or wife of the individual, a child of the individual and a relative of the individual or the relative’s husband or wife;

“**length**” has the meaning prescribed in the Tonnage Regulations;

“**Maritime Administration**” means the Maritime Administration established by section 72

“**master**” includes a person (except a pilot) having command or charge of a ship;

“**Minister**” means the Minister responsible Merchant Shipping;

“**Montserratian**” means a person who is regarded as a Montserratian under section 107(2) of the Constitution;

“**Montserrat ship**” means a ship registered under Part 2, and “**Montserrat vessel**” is construed accordingly;

“**Montserrat waters**” means the sea or other waters within the seaward limits of the territorial sea of Montserrat;

“**owner**”, in relation to a ship, 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 a 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 in pursuance of the obligation laid on the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner could have prevented or forestalled; and
- (c) a child under the age of one year;

(Amended by Act 16 of 2014)

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

“**pleasure vessel**” means—

- (a) any vessel, “including a dive boat,” which —
 - (i) in the case of a vessel wholly owned by an individual or individuals, is being used only for the sport or pleasure of the owner or the immediate family or friends of the owner;
 - (ii) in the case of a vessel owned by a body corporate, is being used by employees, officers or shareholders of the body corporate, or their immediate family or friends; or
 - (iii) is on a voyage or excursion for which the owner does not receive money for or in connection with operating the vessel or carrying a 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 the sport or pleasure of members of the club or their immediate family, and for the use of which any

charges levied are paid into the 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;

“**port**” means a port appointed by the Governor under section 12 of the Customs (Control and Management) Act;

“**Port Manager**” means the person appointed as Port Manager under section 12 of the Port Authority Act and includes a person appointed to act in that capacity;

“**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 of the British Nationality Act 1981, any officer exercising in that port functions similar to those of a Harbour Master, and, in relation to any other port, a consular officer appointed by Her Majesty’s Government in the United Kingdom;

“**Registrar**” means the Registrar of Montserrat ships appointed under section 3; (*Amended by Act 16 of 2014*)

“**Registration of Ships Regulations**” means regulations made under sections 56, 60 and 61;

“**relative**” means brother, sister, ancestor or lineal descendant;

“**relevant British possession**” means—

- (a) the Isle of Man;
- (b) any of the Channel Islands; and
- (c) a British Overseas Territory;

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

“**surveyor**” means a person appointed under section 78(1)(a)

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

“**Tonnage Regulations**” means regulations made under section 48;

“**wages**” include emoluments.

Appointment of Registrar

3. The Governor acting on the advice of Cabinet shall appoint a Registrar of Montserrat ships. (*Inserted by Act 16 of 2014*)

PART 2
REGISTRATION OF SHIPS
Registration

Application

4. This Act does not apply to fishing vessels.

Montserrat ship

5. A ship shall be a Montserrat ship if—
- (a) the ship is registered in Montserrat under this Part; or
 - (b) the ship is registered in Montserrat under Part I of the Merchant Shipping Act 1894 of the United Kingdom.

Qualifications for owning a Montserrat ship

6. (1) The following persons are eligible to own a Montserrat ship—
- (a) a Montserratian;
 - (b) a British citizen;
 - (c) a British Overseas Territories citizen;
 - (d) a British Overseas citizen;
 - (e) a British subject;
 - (f) a person who under the Hong Kong (British Nationality) Order 1986 is a British National (overseas);
 - (g) a body corporate incorporated in any Member State of the European Union or European Economic Area, including the United Kingdom, and having a place of business in a Member State and registered in Montserrat;
 - (h) a body corporate incorporated in a relevant British possession, including Montserrat, or in any overseas territory of a Member State of the European Union or the European Economic Area, and having a place of business in any such possession or overseas territory and registered in Montserrat; or
 - (i) a body corporate incorporated in a Member State of the Caribbean Community or the Organisation of Eastern Caribbean States and registered in Montserrat.
- (2) A person who is not eligible under subsection (1) to own a Montserrat ship may nevertheless be one of the owners of a ship if—

- (a) a majority interest in the ship, within the meaning of section 7(4)(a), is owned by persons who are eligible to own a Montserrat ship; and (*Amended by Act 16 of 2014*)
- (b) the ship is registered in accordance with section 7.

(3) In this section, “**place of business**” means the place where meetings of the directors of a 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.

Eligibility of ship to be registered under this Act

7. (1) Subject to sections 9 and 10, this section has effect for the purpose of determining whether a ship may be registered in Montserrat under this Act.

(2) Subject to subsection (3), a ship may be registered if a majority interest in the ship is owned by one or more persons eligible to own a Montserrat ship by virtue of section 6.

(3) If—

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

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

(4) For the purposes of this section—

- (a) one or more persons shall be treated as owning a majority interest in the ship if there is vested in that person, or in those persons taken together, the legal title to 33 or more of the 64 shares into which the property in a ship is divided, in accordance with section 14, (there being left out of account for this purpose any share in which any beneficial interest is owned by a person who is not eligible to own a Montserrat ship); and
- (b) a body corporate is treated as resident in Montserrat if it is incorporated in Montserrat and its place of business is in Montserrat.

(5) A ship may not be registered in Montserrat if registration is precluded by an Order under section 18 of the Merchant Shipping Act 1995 of the United Kingdom.

Representative person

8. (1) If the eligibility of a ship to be registered is, by virtue of section 7, 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 Montserrat; or
 - (ii) a body corporate incorporated in Montserrat and having a place of business there; and
- (b) any other requirement that the Governor acting on the advice of Cabinet may prescribe by regulation.

(3) The owner of a ship in relation to which any representative person is 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 any change in the identity, or in the address, of the representative person so appointed, notify the Registrar of the name and address of the new representative person, or, 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.

(4) Any document required or authorised, by virtue of an enactment in force in Montserrat, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under this Act, or under any instruments in force under this Act, 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 any representative person appointed in relation to the ship;
- (b) sent to the representative person by post at the address notified or, last notified to the Registrar under subsection (3) in relation to that person; or

(c) left for the representative person at the address referred to in paragraph (b).

(5) A person who contravenes subsection (1)(b) or (3)(b) commits an offence and is liable on summary conviction to a fine of \$3,000.

Refusal of registration

9. (1) Notwithstanding that a ship, in respect of which an application for registration has been made, is eligible to be registered, the Minister may direct the Registrar not to register the ship if it would be detrimental to the interests of Montserrat or of international shipping for the ship to be registered, having regard to—

- (a) the condition of the ship so far as relevant to safety or the 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 of the ship being used for criminal purposes.

(2) If it appears to the Minister that a ship in respect of which an application for registration has been made is not eligible to be registered, having regard to the matters mentioned in subsections (1)(a), (b) or (c), he shall so inform the applicant, or any representative person appointed in relation to a ship, and the Registrar shall not register the ship.

Termination of registration

10. (1) The Registrar may, subject to subsection (5), terminate a ship's registration in any of the following circumstances—

- (a) if the Minister is satisfied that—
 - (i) having regard to the matters mentioned in section 9(1)(a), (b) or (c) it would be detrimental to the interests of Montserrat or of international shipping for the ship to continue to be registered;
 - (ii) any penalty imposed on the owner of the ship in respect of a contravention of this Act, or of any instrument in force under this Act, has remained unpaid for a period of more than three months and no appeal against the penalty is pending; or
 - (iii) a summons for a contravention has been duly served on the owner of the 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 the ship ceases to be eligible to be registered;

- (c) if the owner of the ship applies to have the registration of the ship terminated;
- (d) if the ship becomes a total loss or is otherwise destroyed by, among other things, shipwreck, demolition, fire or sinking;
- (e) if section 8(1)(b) is contravened.

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

(3) If the registration of the ship is terminated—

- (a) under subsection (1), the Registrar shall notify all registered mortgagees of the termination of the ship's registration; and
- (b) under subsection (1)(c) or (d), the Registrar shall immediately 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) If—

- (a) any of the circumstances referred to in subsection (1)(a) apply in respect of a ship, and it appears to the Registrar that subsection (1)(b) or (e) also applies, he may serve notice on the owner or on any representative person appointed in relation to the ship to produce, within twenty-one days, evidence sufficient to satisfy the Minister or the Registrar, that the ship is eligible to remain on the register, and if at the expiry of that period the Minister or the Registrar, is not 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 seven days after the 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; and
- (c) a ship's registration is terminated under this subsection, the Registrar shall issue a closure transcript and the owner of the ship shall immediately surrender the ship's certificate of registry to the Registrar for cancellation.

- (6) A person who—
- (a) in connection with the making of any representations in pursuance of subsection (5)(a), knowingly or recklessly furnishes information which is false in a material particular commits an offence and is liable on summary conviction to a fine of \$5,000 or imprisonment for six months, or on conviction on indictment to a fine of \$10,000 or to imprisonment for twelve months; or
 - (b) fails, without reasonable cause, to surrender a certificate of registry when required to do so under subsection (4) or (5), commits an offence and is liable on summary conviction to a fine of \$3,000 or to imprisonment for four months.

Liability of body corporate

11. (1) If a body corporate commits an offence under this Act or any regulations made under it, and that 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 such capacity, he, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.

(2) If 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 the member's functions of management, as if the member, is a director of the body corporate.

Procedure for Registration

Directions to Registrar

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

Register

13. (1) There shall be a register of Montserrat ships for all registrations of ships in Montserrat.

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

(3) The register shall be so constituted as to distinguish, in separate parts, registration of small ships, pleasure vessels and submersible craft, and may be otherwise divided into parts so as to distinguish between classes or descriptions of ships.

(4) The register shall be maintained in accordance with the Registration of Ships Regulations and the private law provisions for registered ships and any directions given by the Minister under section 12.

(5) The Registrar shall make the register available for public inspection.

Entries in register

14. Entry 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 64 shares;
- (b) subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than 64 individuals may 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 a company represented by or claiming under or through a registered owner or joint owner;
- (c) a person is not eligible to be registered as owner of a fractional part of a share in a ship;
- (d) any number of persons, not exceeding five, may be registered as joint owners of a ship, or of any share or shares in the ship;
- (e) joint owners are considered as constituting one person only as regards the persons who may be registered, and shall not dispose in severalty of any interest in a ship, or in any share in a ship in respect of which they are registered; and
- (f) a body corporate shall be registered as owner by its corporate name.

Survey and measurement of ships

15. (1) A ship shall, before registration, be surveyed by a surveyor of ships and its tonnage ascertained in accordance with the tonnage regulations, made under this Act, and the surveyor shall grant a certificate specifying the ship's tonnage and build, and any other particulars descriptive of the identity of the ship as may be required by the Minister and the 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

16. (1) A ship, other than a pleasure vessel which is under twenty-four metres in length, shall before registration be marked permanently and conspicuously to the satisfaction of the Minister as follows—

- (a) the ship's name shall be marked on each side of the bow, and the name of the ship and the name of its port of registry shall be marked on the 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, and of proportionate breadth;
 - (b) the ship's 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) subject to paragraph (e), in the case of a ship built before the 1 May 1988, a scale of feet denoting the ship's draught of water is marked on each side of the ship's stem and of the ship's stern post in Roman capital numerals or in figures, 6 inches and over in length, the lower line of such letters or figures to coincide with the draught line, and those letters and figures shall be 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) in the case of a ship built after the 1 May 1988, a scale of decimetres, or of metres and decimetres, denoting a draught of water shall be marked on each side of the ship's stem and the ship's stern post in figures at two-decimetre intervals and at intervening two-decimetre intervals, if the scale is in metres and decimetres, the capital letter "M" being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of the figures, or figures and letters, coinciding with the draught line denoted thereby; the figures and letters being one decimetre and over 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 the 1 May 1988 may comply with the requirements of paragraph (d).
- (2) Unless in special circumstances the Minister directs otherwise, a small ship or pleasure vessel is in compliance with subsection (1)(a) if its name and the name of its port of registry is marked on its 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 a ship commits an offence and is liable on summary conviction to a fine of \$3,000.
- (4) The marks required by this section shall be permanently continued, and no alteration shall be made to them, except in the manner provided by this Act.

(5) If an owner or master of a registered ship neglects to keep the ship marked as required by this section, or if a person conceals, removes, alters, defaces, or obliterates or suffers a person to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event referred to in subsection (4), that owner, master, or person commits an offence and is liable on summary conviction to a fine of \$3,000 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 is 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) If a ship proceeds to sea without being marked in accordance with this section, the owner commits an offence and is liable on summary conviction to a fine of \$10,000.

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

Application for registration

17. (1) An application for the registration of a ship shall be made to the Registrar in the prescribed form.

(2) 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, whose authority must 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.

(3) If an applicant does not comply with the requirements of this Act preliminary to registration and the application and registration is not completed within one year from the date of application, the application shall lapse and cease to have effect. The lapse of an application does not preclude a person from making a fresh application to register a ship.

Declaration of eligibility

18. (1) A person shall not be registered as owner of a ship or of a share in a ship until he, or in the case of a body corporate the person authorised by this Act 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 the following particulars—

- (a) a statement of his qualifications to own a Montserrat ship, or in the case of a body corporate, of such circumstances of the constitution and business of the body corporate as prove it to be eligible to own a Montserrat ship;
- (b) in the case of a foreign ship, a statement of its foreign name;
- (c) a statement of the number of shares in the ship the legal title to which is vested in him or, the body corporate, whether alone or jointly with any other person or persons; and
(Amended by Act 16 of 2014)
- (d) a declaration that, to the best of his knowledge and belief, a majority interest in the ship is owned by persons eligible to own Montserrat ships, and a ship is otherwise eligible to be registered. *(Amended by Act 16 of 2014)*

(2) In the application to be registered as owner of a ship which is not wholly owned by persons eligible to own Montserrat ships, subsection (1)(a) shall have effect only in relation to persons who are so eligible.

Evidence of title on first registry

19. On the first registration of a ship a person shall produce evidence of title as specified in the Registration of Ships Regulations.

Entry of particulars in register

20. When the requirements of this Act preliminary to registration of a ship have been complied with, the Registrar shall register the ship in accordance with the Registration of Ships Regulations by entering in the register particulars respecting the ship as specified in the Registration of Ships Regulations.

Documents to be retained by Registrar

21. On the registration of a ship the Registrar shall retain in his possession such documents as are specified in the Registration of Ships Regulations.

Port of registry

22. (1) The port of Little Bay, Montserrat is the port of registry of a ship registered under this Act and the port to which it belongs.

(2) The Governor acting on the advice of Cabinet may, by notice published in the *Gazette*, appoint any other port in Montserrat as a port of registry for the purposes of subsection (1).

Certificate of Registry

Certificate of registry

23. On completion of the registration of a Montserrat ship, the Registrar shall grant a certificate of registry comprising the particulars of the ship as specified in the Registration of Ships Regulations.

Custody of certificate

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

Penalty for use of improper certificate

25. If the master or owner of a ship uses or attempts to use for navigation a certificate of registry not legally granted in respect of the ship, the master or owner commits an offence and is liable on summary conviction to a fine of \$25,000, and the ship shall be subject to forfeiture.

Power to grant new certificate

26. The Registrar may, with the approval of the Minister, and on the surrender to him of the certificate of registry of a ship, grant a new certificate of registry of the ship.

Duplicate certificates

27. (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 (an “event”), he may issue to the owner a duplicate of that certificate, which is marked duplicate, and shall be of the same effect as the original.

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

(3) If—

- (a) the port where a ship is at the time of an event or, where it first arrives after the event, is not in Montserrat; 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 event,

the proper officer shall notify the Registrar.

(4) On being notified of an event and being satisfied that a ship is eligible 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, must be surrendered to the Registrar, as soon as an original duplicate certificate referred to in subsection(1) is received by the owner.

(6) A person who, without reasonable cause, fails to surrender a certificate of registry in accordance with subsection (2) commits an offence and is liable on summary conviction to a fine of \$3,000.

Endorsement of change of ownership

28. (1) If 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.

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

(3) If the master fails to deliver to the Registrar the certificate of registry as required by this section he commits an offence and is liable on summary conviction to a fine of \$3,000.

Provisional certificate for ship becoming eligible to be registered while abroad

29. (1) If a ship becomes eligible to be registered while at port in a country outside Montserrat 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—

- (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) A provisional certificate shall not be issued by the proper officer unless the proper officer is satisfied that an application under the

Registration of Ships Regulations for registration of the ship has been made or is intended to be made.

(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 Little Bay, Montserrat,

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

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

Bareboat Charter Registration

Registration of ships chartered by bareboat to a eligible person

30. (1) Subject to subsection (3), a ship may be registered in Montserrat if—

(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 eligible to own a Montserrat ship by virtue of section 6; and (*Amended by Act 16 of 2014*)

(c) the requirements corresponding to those imposed on the owner of a majority interest in a ship by sections 7(3) and (4), 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 must be—

(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 or more years 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 the ship) are vested in the charterer.

(3) Without prejudice to subsection (4), the Registrar may refuse to register a ship if—

(a) he is not satisfied that—

- (i) the owner of the ship has consented to the registration of the ship in Montserrat; or
- (ii) any mortgagee of the ship has consented to the registration of the ship in Montserrat;
- (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 16; *(Amended by Act 16 of 2014)*
- (d) he reasonably believes that the ship would be precluded by some other Act to which it is subject from flying Montserrat's national colours in accordance with section 66;
- (e) the charter by demise has an unexpired period of two years or less at the date when the application to register the ship is made; or
- (f) it is not in the interests of Montserrat that the ship should be registered in Montserrat.

(4) Sections 8, 9 and 10 shall apply in respect of a ship registered in Montserrat under subsection (1) as if the ship was registered under section 7. *(Amended by Act 16 of 2014)*

Consequences of registration under section 30(1)

31. If a ship is registered under section 30(1), it shall—

- (a) be a Montserrat ship for the purposes of this Act; and
- (b) not fly any colours other than Montserrat's national colours specified in section 66.

Application of this Act where a ship is registered under section 30

32. (1) If an application is made to register a ship under section 30, or if a ship has been registered under that section—

- (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 Act by the owner of the ship, is required to be done or not done by the charterer, and—
 - (i) the charterer is 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 Act 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**” is construed accordingly.

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

- (a) section 14(a) to (e) shall not apply;
- (b) a ship shall not be required to be surveyed for the purpose of ascertaining the tonnage of the ship under section 15 if there is in force in respect of the ship an International Tonnage Certificate (1969) and in such case the tonnage of the ship is deemed to have been ascertained and, on registration, registered in accordance with the Tonnage Regulations;
- (c) the declaration required by section 18 shall include in place of the statements referred to in paragraphs (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 is attached to the declaration and produced to the Registrar a certified copy of the bareboat charter;
- (d) section 19 shall not apply;
- (e) in place of the particulars required to be entered in the register under section 20 the following particulars shall be entered—
 - (i) the name of the charterer as if the charterer were the owner of the ship with such annotation as may be necessary to show that a ship is eligible to be registered under section 30(1);
 - (ii) the name and address of the owner or owners determined in accordance with the provisions of section 14;
 - (iii) the name and address of a person who has been granted a mortgage on the ship or any share in the ship by any owner whose name is or is to be noted on the register under subparagraph (ii);
 - (iv) such details of the terms of any mortgage referred to in subparagraph (iii) as the Registrar shall require to be noted; and
 - (v) the previous name, if any, of a ship;
- (f) the Registrar shall retain, in addition to the surveyor’s certificate issued under section 15, the certified copy of the charter by demise and any certified copy of a transfer referred to in section 33(1)(c) produced to him;
- (g) a certificate of registry granted by the Registrar under section 23 shall be granted for a fixed period of time expiring on the

date on which the bareboat charter comes to an end by effluxion of time;

- (h) a ship shall cease to be registered within the meaning of section 10(1)(c) on the expiry of the fixed period specified in the certificate of registry or, if sooner, on either—
 - (i) the termination of the bareboat charter; or
 - (ii) the transfer by the charterer of the charterer's rights and obligations under the charter in circumstances which cause the registration to cease under section 33; and
- (i) section 51 shall not apply.

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

33. (1) If a ship is registered under section 30(1) and there is a transfer by a charterer of the charterer's rights and obligations under 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 on the transfer unless—

- (a) the transferee is eligible to own a Montserrat ship;
- (b) before the execution of the transfer, the transferee, or in the case of a body corporate, the person authorised by this Act 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 a Montserrat ship or, if the transferee is a body corporate, a statement of such circumstances of the constitution and business of the body as prove it to be eligible to own a Montserrat 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's rights and obligations, has been transferred under the bareboat charter.

Rights and obligations relating to interests in ships registered under section 30(1)

34. If a ship is registered under section 30(1), the rights and obligations of the parties to any contract, bill of sale, mortgage, charge or other instrument creating or disposing of any legal or equitable interest in the ship, whether existing at the date of registration of the ship under section 30(1) or created after the date of registration of the ship, shall not be affected by the registration under section 30(1).

Dispensations for ships bareboat chartered and registered outside Montserrat

35. (1) Where the Minister is satisfied that it is proper for him to do so, the Minister may grant a dispensation to the owner of a Montserrat ship.

(2) The Minister shall not grant a dispensation under this section in respect of ship 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 a registered mortgagee of the ship has consented to the dispensation being granted;
- (c) that, in addition to the registration of the ship in Montserrat, the ship is intended to be registered under the law of a country outside Montserrat; and
- (d) that, on registration under the law of a country outside Montserrat, the ship will become subject to laws that apply to the ship provisions of the Collision Convention, the relevant International Labour Conventions, the Load Line Convention, the Marine Pollution Convention, the Safety Convention and the STCW Convention to the same extent that they apply in respect of the ship by virtue of the ship's registration in Montserrat.

(3) If the Minister has granted a dispensation to the owner of a Montserrat ship then, with effect from the date on which the conditions set out in subsection (4) have been complied with, sections 64(4) and 65 shall not apply to the ship and section 68(1) shall apply to the ship as though the ship was not a Montserrat ship. (*Amended by Act 16 of 2014*)

(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 23;
 - (iii) any certificate issued in respect of the ship under this Act;
- (b) that the owner, or in the case of a body corporate the person authorised by this Act 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 Montserrat and is subject to the jurisdiction of that country in respect of

the enforcement of such provisions of the conventions referred to in subsection (2)(d) as apply in respect of the ship by virtue of the ship's registration in Montserrat; and

- (c) that the Registrar has received confirmation from the administration of the country outside Montserrat in which the ship is registered that the ship is so registered and is subject to the jurisdiction of that country.

Termination and revocation of dispensations granted under section 35

36. (1) A dispensation granted by the Minister under section 35 in respect of a ship shall terminate automatically if—

- (a) the ship ceases to be registered in the country named in the declaration made under section 35(4)(b); or
(b) the bareboat charter in respect of the ship terminates, whether on expiry or otherwise.

(2) The Minister may revoke a dispensation granted under section 35 in respect of a ship—

- (a) on the application of the registered owner or registered mortgagee of the ship;
(b) if he is satisfied that a declaration made for the purpose of section 35(4)(b) is false or misleading;
(c) at the request of the country named in a declaration made under section 35(4)(b); or
(d) if it is not in the interests of Montserrat that the dispensation should continue.

(Amended by Act 16 of 2014)

Flag to be used where a dispensation has been granted under section 35

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

(2) Without prejudice to section 35(3), if a ship flies colours in contravention of subsection (1), the registered owner of the ship commits an offence and is liable on summary conviction to a fine of \$10,000.

Name of Ship

Rules as to name of ship

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

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

(3) Application for permission to change the name of a ship shall be in writing and, if the Registrar is of the opinion that the application is reasonable, the Registrar may grant permission and require that notice of the change of name be published in the *Gazette*.

(4) If permission is granted to change the name of a ship, the ship's name shall immediately be altered in the register, in the ship's certificate of registry, and on its bows and stern.

(5) If it is shown to the satisfaction of the Registrar that the name of a ship has been changed without permission, the Registrar shall direct that—

- (a) the ship's name be altered on its bows and stern to the name it bore before the change; or
- (b) the ship's name be altered in the register, in the ship's registry, and on its bows and stern.

Offences

39. A person who contravenes, or permits a person under his control to contravene, section 38 commits an offence and is liable on summary conviction to a fine of \$3,000, and, except in the case of an application being made under that section with respect to a foreign ship which was not previously registered as a Montserrat ship but has become a Montserrat ship, the ship may be detained until there is compliance with that section.

Registration of Alterations and Registration Anew

Registration of alterations

40. If a registered ship is so altered as not to correspond with the particulars relating to its tonnage or description contained in the register, the Registrar shall, on application being made by the owner of the ship, 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 a ship be registered anew.

Offences

41. If default is made in registering anew a ship, or in registering an alteration of a ship in accordance with section 38, the owner of the ship commits an offence and is liable on summary conviction to a fine of \$3,000 and, in addition, to a fine of \$100 a day during which the offence continues after conviction.

Procedure for registration of alterations

42. (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 may—

- (a) retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered; or
- (b) endorse and sign on the existing certificate a memorandum of the alteration.

(2) The Registrar shall enter the particulars of the alteration, and the fact of the new certificate having been granted, or endorsement having been made, in the register.

Registration anew on change of ownership

43. If the ownership of a ship is changed, the Registrar may, on the application of the owners of the ship, register the ship anew.

Procedure for registration anew

44. (1) If a ship is to be registered anew, the Registrar shall proceed as in the case of first registry and shall register the ship anew and grant a new certificate—

- (a) on the surrender to him of the existing certificate of registry; and
- (b) on compliance with the other requirements for registration, or, in the case of a change of ownership, compliance with those requirements that the Registrar consider material.

(2) If a ship is registered anew, its former register is considered closed, except so far as it relates to any unsatisfied mortgage or existing certificates of sale or mortgage, 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 in any way affect the rights of any of those persons.

Transfer of Registration between Montserrat and the United Kingdom or a Relevant British Possession

Transfer of registration from port of Little Bay, Montserrat

45. (1) Subject to subsection (2), the registration of a ship under this Part may be transferred from the port of Little Bay, Montserrat to a port in the United Kingdom or in another relevant British possession on 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 the transfer shall not affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if the transfer had not been effected.

(2) The Registrar shall transmit notice of an application 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 to the Registrar or to the registrar of the ship's intended port of registry.

(4) If 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 a 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 relevant British possession.

(5) A certificate purporting to be signed by the registrar of the intended port of registry and stating that registration of a ship is not precluded under subsection (4) is conclusive evidence, for the purposes of that subsection, of the matters stated in the certificate.

(6) If the registrar of the intended port of registry grants a new certificate of registry pursuant to an application under subsection (2), the ship shall be considered as registered at the new port of registry, and the name of the port of Little Bay, Montserrat 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.

Transfer of registration to port of Little Bay, Montserrat

46. (1) If a ship is registered in the United Kingdom or in another relevant British possession, the registration of the ship may, subject to subsections (5) and (7), be transferred to the port of Little Bay, Montserrat, 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 a 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 the 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 the ship shall be considered as registered at the port of Little Bay, Montserrat, which 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) The Registrar shall not transfer the registration of a ship to the port of Little Bay, Montserrat unless he is satisfied that the provisions of section 7 have been complied with.

(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 applies to this section, with such modifications as may be necessary.

Tonnage Measurement

Tonnage of ships of foreign countries adopting Tonnage Regulations

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

(2) The Minister may order that ships of the foreign country shall, without being re-measured in Montserrat, 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 a Montserrat ship is treated as being the tonnage of that ship.

(3) If 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 a Montserrat 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 with respect to that space does not come up to the standard which would be required if the ship were a Montserrat ship.

(4) An 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 re-measured in accordance with the Tonnage Regulations.

Tonnage Regulations

48. (1) The tonnage of a ship to be registered under this Part is ascertained in accordance with regulations made by the Governor acting on the advice of Cabinet (“**Tonnage Regulations**”); and if the tonnage of a ship has been ascertained and registered in accordance with the Tonnage Regulations, the same shall be repeated in any subsequent registration, unless any 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.

(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 contravention of a prohibition or restriction an offence for which the master and owner are each liable on summary conviction to a fine of \$10,000 and in default to imprisonment for twelve months.

(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 the other provisions of the Regulations, a lower tonnage applicable if 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 a person appointed by an organisation authorised for the purpose by the Minister.

(5) Tonnage Regulations may provide for the issue, by the Minister, or by a person appointed by an organisation authorised for the purpose by the Minister, of certificates of the tonnage of a 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 Montserrat, 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 by a fine of \$5,000.

(7) In making the Tonnage Regulations the Governor acting on the advice of Cabinet shall consider the provisions of the Tonnage Convention.

(8) Surveyors shall carry out surveys and measurements of ships in accordance with the Tonnage Regulations.

Unregistered Ships

Liabilities of unregistered ships

49. (1) If a ship—

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

then, despite the ship not being eligible for any benefits, privileges, advantage or protection usually enjoyed by a Montserrat 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 a Montserrat 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 for offences under this Act.

*Miscellaneous***Termination of overseas registration**

50. (1) If a ship is registered in Montserrat under section 7, it shall not be registered under the law of a country outside Montserrat except under a dispensation granted under section 35.

(2) If a ship is registered in Montserrat under section 30(1), it shall not be registered under the law of a country outside Montserrat except where such registration is effected by an owner of the ship whose name is noted in the register under section 32(2)(e)(ii).

(3) If a ship is registered under the law of a country outside Montserrat in contravention of subsection (1) or (2), the registered owner of the ship commits an offence and is liable on summary conviction to a fine of \$10,000.

(4) It is a defence for a 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

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

(2) If on the bankruptcy of a registered owner or mortgagee his title is transmitted to his trustee in bankruptcy, the trustee may be registered as the owner or mortgagee of a Montserrat ship or a share therein, provided the ship remains eligible to be registered as a Montserrat ship under section 7.

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

- (a)* the provisions of this Act for preventing trusts being entered in the register or received by the Registrar;
- (b)* the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees; and
- (c)* the provisions of this Act relating to the exclusion of ineligible persons from the ownership of a Montserrat ships,

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

(4) If 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; and proceedings may be taken for the enforcement of any 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

52. (1) If, under this Part, a person is required to make a declaration on behalf of himself or of a body corporate, or any evidence is required to be produced to the Registrar and it is shown to the satisfaction of the Registrar that from any reasonable cause that 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 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 any other officer of the body corporate authorised by it for the purpose.

Fees

53. (1) The Governor acting on the advice of Cabinet may prescribe the fees to be paid under this Act, including fees for—

- (a)* the registration of a Montserrat ship;
- (b)* the issuance of a duplicate certificate of registry under section 27; and
- (c)* any administrative function pertaining to the registration of a Montserrat ship.

(2) All fees shall be paid into the Consolidated Fund.

Returns to be made by Registrar

54. The Registrar shall, if requested by the Registrar General of Shipping and Seamen of the United Kingdom—

- (a)* transmit to him a full return, at a time and in the form 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;
- (b)* the names of persons; and
- (c)* other particulars as may be directed by the Registrar General.

Evidence of certificate of registry and other documents

55. (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.

(2) The following documents are admissible in evidence in the manner provided by this Act—

- (a) a certificate of registry under this Act 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;
- (c) a declaration made in pursuance of this Part.

(3) A person may, on payment of the prescribed fee, obtain a copy, certified as a true copy by the Registrar, of any information contained in an entry in the register.

(4) A person may, on payment of the prescribed fee, obtain 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 the name of the owner of the ship.

Forms of documents

56. (1) The instruments and documents referred to in Schedule 1 shall, subject to subsection (3), be in the prescribed form. *(Substituted by Act 16 of 2014)*

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

(3) In this section—

- (a) the references to “form” include references to alterations made as necessary; and
- (b) public notice of the alteration referred to in paragraph (a) shall be given as may be necessary in order to prevent inconvenience. *(Amended by Act 16 of 2014)*

Instructions as to registration

57. The Minister may, for carrying into effect this Part, give 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 a 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 in pursuance of this Part, as he thinks fit.

Forgery of documents

58. (1) If a person forges, or fraudulently alters—

- (a) an entry or endorsement in the register; or

- (b) any document provided for under this Part (or any entry or endorsement, provided for under this Part, in respect of any other document),

he commits an offence.

- (2) A person who commits an offence under this section is liable—
- (a) on summary conviction, to a fine of \$5,000 or to imprisonment for a term of eighteen months, or to both; or
- (b) on conviction on indictment, to a fine of \$10,000 or to imprisonment for a term of three years, or to both.

False declarations

59. (1) A person who, in the case of any declaration made in the presence of or produced to the Registrar under this Part, or in any document or other evidence produced to the Registrar—

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

commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for twelve months.

(2) A person who wilfully makes a false declaration concerning the qualification of himself or of any other person or of any body corporate to own a Montserrat ship or a share in a Montserrat ship or with respect to the eligibility of a ship to be registered, commits an offence and is liable on summary conviction to a fine of \$15,000 and the ship or share in the ship is subject to forfeiture under this Act 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.

Registration of Ships Regulations

60. The Governor acting on the advice of Cabinet may make regulations for and in connection with the registration of a ship as a Montserrat ship.

Matters to be prescribed in Registration of Ships Regulations

- 61. (1)** Regulations made under section 60 may provide for —
- (a) the issuance 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 in specified 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 Montserrat;
 - (j) inspection of the registry;
 - (k) any matter in relation to the registration of small ships and pleasure vessels;
 - (l) transitional provisions;
 - (m) any other matter which is authorised or required by this Act to be prescribed in the Registration of Ships 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 acting on the advice of Cabinet to be necessary or expedient;
 - (d) make provision for the registration of any class or description of ships so as to exclude the application of any private law provisions for registered ships, and may make provision for the regulation of 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 regulation; and
- (f) provide for—
 - (i) the approval of forms by the Governor acting on the advice of Cabinet; 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 an instrument made under another enactment, to the port of registry of a ship or to the port to which a ship belongs shall be construed as a reference to the port identified by the marks required for the purpose of this Act and the regulations.

(4) A person who contravenes any regulation made under this section commits an offence and is liable on summary conviction to a fine of \$20,000 or two years imprisonment or to both.

Certified copy of entry in register to be evidence

62. 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 is evidence of the matters stated in the document.

PART 3

NATIONAL CHARACTER AND FLAG

National character of ship to be declared before clearance

63. (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 write that name on the clearance.

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

Offences relating to Montserrat character of ship

64. (1) If the master or owner of a ship which is not a Montserrat ship does anything, or permits anything to be done, for the purpose of causing the ship to appear to be a Montserrat ship then, except as provided by subsections (2) and (3), the ship is liable to forfeiture and each of the master, owner and charterer, if any, commits an offence and is liable as provided in section 65.

(2) No liability arises under subsection (1) where the assumption of Montserrat 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) If the registration of a ship has terminated by virtue of any provision of this Act or the Registration of Ships Regulations, any marks prescribed by regulations that are 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 a Montserrat ship does anything, or permits anything to be done, for the purpose of concealing the nationality of the ship, the ship is liable to forfeiture and each of the master, owner and charterer, if any, commits an offence and is liable as provided in section 65.

(5) Without prejudice to the generality of subsections (1) and (4), those subsections apply in particular to acts or deliberate omissions with respect to—

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

Penalties

65. (1) A person who commits an offence under section 64 is liable on summary conviction to a fine of \$25,000, or imprisonment for a term of two years or to both.

(2) This section and section 64 apply to things done outside, as well as to things done within, Montserrat.

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

66. (1) The flag that a Montserrat ship is entitled to fly is—

- (a) the red ensign without any defacement or modification;
- (b) the red ensign defaced or modified, whose adoption for ships registered in Montserrat is authorised or confirmed by Her Majesty by Order in Council; or
- (c) national colours that are allowed to be worn under a warrant from Her Majesty.

(2) If any of the following colours, namely—

- (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 any Montserrat ship without warrant from Her Majesty, the master of the ship, or the owner of the ship (if on board), and a person hoisting them commits an offence and is liable on summary conviction to a fine of \$25,000 or to three years imprisonment.

(3) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to a fine of \$5,000;
- (b) on conviction on indictment, to a fine of \$10,000.

(4) A commissioned military officer, a commissioned naval officer, a customs officer in any of Her Majesty's dominions, a British consular officer or a harbour master may—

- (a) board any Montserrat ship on which any colours or pendants are hoisted contrary to this section; and
- (b) seize the colours or pendant, which shall be forfeited to Her Majesty.

(5) A Montserrat ship shall hoist the proper national colours—

- (a) on a signal being made to it by one of Her Majesty's ships (including any vessel under the command of an officer of Her Majesty's navy on full pay);
- (b) on entering or leaving any foreign port; and
- (c) if of 50 gross tonnage or upwards, on entering or leaving a port in Montserrat.

(6) If a Montserrat ship fails to comply with subsection (5), the master of the ship commits an offence and is liable on summary conviction to a fine of \$3,000.

(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 to colours worn by merchant ships.

Proceedings on forfeiture of a ship

67. (1) If the ship has either wholly or as to any share in it become liable to forfeiture under this Act—

- (a) a commissioned naval or military officer or customs officer;
- or

(b) a person appointed by the Minister under this section, may seize and detain the ship and bring the ship for adjudication before the Court.

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

(a) adjudge the ship and its 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 is liable in damages in respect of the seizure or detention of a 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 4

PROPRIETARY INTERESTS IN REGISTERED SHIPS

Private law provisions for registered ships and liability as owner

68. (1) The Schedule has effect in relation to the title to and the registration of mortgages over ships, except ships that are excluded from its application by any provisions of the Registration of Ships Regulations.

(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, is liable to any pecuniary penalties imposed by or under this Act or any other Act, or any enactment extending to Montserrat, on the owners of registered ships.

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

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

PART 5

SAFETY AND ENVIRONMENTAL PROTECTION

Safety and health on ships and control of pollution by ships

69. (1) The Governor acting on the advice of Cabinet may make regulations—

- (a) to protect the health of persons on Montserrat ships;
 - (b) to protect the health of persons on ships other than Montserrat ships while they are in Montserrat waters;
 - (c) to prevent, reduce or minimize pollution from Montserrat ships and other ships while they are in Montserrat waters.
- (2)** Regulations under subsection (1)—
- (a) do 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) do 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 any provisions of an international agreement, ratified by the United Kingdom on behalf of Montserrat.
- (3)** In subsection (1), “**Montserrat ship**” means a ship that—
- (a) is registered in Montserrat; 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 Montserrat; or
 - (ii) a body corporate that is established under Montserrat law and its principal place of business in Montserrat.

(4) The power conferred by subsection (1) extends to the making of regulations for the prevention of collisions between seaplanes on the surface of the water and between ships and seaplanes; and subsections (5) to (8) have effect accordingly.

(5) Regulations may—

- (a) authorise the making of orders under this section;
- (b) make provision in terms of approvals given by the Governor acting on the advice of Cabinet, or enable the Governor acting on the advice of Cabinet to specify standards or other provisions in documents that the Governor acting on the advice of Cabinet considers relevant from time to time; or

- (c) provide for the cancellation of an approval given under the regulations and for the alteration of the terms of such an approval.

(6) An approval under regulations made under subsection (5) shall be given in writing and shall specify the date on which it takes effect and the conditions, if any, on which it shall be given.

(7) Regulations may provide—

- (a) for the Minister or another person to grant, on any terms the Minister or other person may specify, 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.

(8) Regulations may provide that—

- (a) where prescribed by the regulations, a ship is 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 a ship;
- (b) a contravention of the regulations is an offence punishable on summary conviction by imprisonment for two years and a fine, or such lesser penalty as is prescribed by the regulations;
- (c) where prescribed by the regulations, an offence under paragraph (b) may be committed by each of a number of prescribed persons.

Provisions supplementary to section 69

70. (1) Regulations under section 69 may—

- (a) be made so as to apply outside Montserrat;
- (b) provide, 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,

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

(2) The Governor acting on the advice of Cabinet may, by regulation—

- (a) repeal or modify a provision of any other enactment in force in Montserrat, or that applies to Montserrat ships, as the Governor acting on the advice of Cabinet considers

appropriate in connection with any repeal or modification made or to be made under subsection (1)(a); and

- (b) provide for anything done under a provision repealed or otherwise modified by virtue of paragraph (a) to have effect as if done under regulations under section 69.

(3) Nothing in section 69(4) to (7), or in subsection (1), shall be construed as prejudicing the generality of section 69(1).

PART 6

SAFETY OF LIFE AT SEA

General

Interpretation

71. In this Part—

“**cargo ship**” means a ship that is not a—

- (a) passenger ship;
- (b) ship of war;
- (c) fishing vessel; or
- (d) pleasure vessel;

“**Cargo Ship Safety Certificate**”, “**Cargo Ship Safety Construction Certificate**”, “**Cargo Ship Safety Equipment Certificate**”, “**Cargo Ship Safety Radio Certificate**” and “**Passenger Ship Safety Certificate**” mean certificates under any of those names issued under section 85;

“**certificate**” means a certificate issued in accordance with the Safety Convention as defined therein;

“**international voyage**” means a voyage between a port in one country and a port in another country where at least one of the ports is a Safety Convention Country;

“**Passenger Certificate**”, “**Montserrat Cargo Ship Safety Certificate**” and “**Caribbean Cargo Ship Safety Certificate**”, mean certificates under any of those names issued under section 86;

“**radio installation**” means any radio installation provided on board a ship in life-saving appliances, in compliance with the relevant regulations;

“**radio-navigational equipment**” means the equipment required by the relevant regulations;

“**Safety Convention**” means the International Convention for the Safety of Life at Sea, 1974 and its Protocols of 1978 and 1988, and includes any amendments to the International Convention for the Safety of

Life at Sea, 1974 and its Protocols of 1978 and 1988 as may be in effect in respect of Montserrat;

“Safety Convention Certificate” means a certificate that is required to be issued to a Safety Convention ship that complies with the relevant provisions of the Safety Convention and includes a Safety Certificate, Safety Construction Certificate, Safety Equipment Certificate, Safety Radio Certificate, and a certificate that is limited, modified or restricted by an Exemption Certificate;

“Safety Convention Country” means a country, the government of which has accepted the Safety Convention and which has not denounced that Convention, or a territory of such country to which the Convention extends and remains extended;

“short international voyage” means an international voyage—

- (a) in the course of which a ship does not exceed 200 nautical miles from a port or place in which the passengers and crew could be placed in safety; or
- (b) which does not exceed 600 nautical miles in length between the last port of call and the final destination, no account being taken of any deviation by the ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could reasonably have prevented or forestalled;

“surveyor” includes a person or organisation, duly authorised by the Harbour Master to act as a surveyor for the purpose of surveying ships and issuing Safety Convention certificates;

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature, the age of which is determined from the year of build as indicated on its certificate of registry;

“tons” means gross tonnage and a reference to tons in relation to a ship having alternative gross tonnages is a reference to the larger of those two tonnages.

Maritime Administration

72. (1) There shall be a Maritime Administration consisting of the following persons—

- (a) Permanent Secretary, Ministry of Communications and Works;
- (b) Harbour Master;
- (c) Registrar of ships;
- (d) Port Manager, if different from the Harbour Master;
- (e) Chief Fisheries Officer;

(f) Director of the Environment.

(2) The Maritime Administration shall have such functions and duties as relates to safety at sea, as may be prescribed by the Governor acting on the advice of Cabinet.

Application of Safety Convention and exceptions

73. (1) Subject to subsection (2), the Safety Convention, including all its related instructions, shall, unless excepted by this Act, apply to all Montserrat ships and all other ships engaged on international voyages while they are in Montserrat waters.

(2) Unless expressly provided otherwise, the Safety Convention shall not apply to—

- (a) ships of war and troop ships;
- (b) cargo ships not exceeding 500 tons;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure vessels not engaged in trade; or
- (f) fishing vessels.

(3) Except as expressly provided in this Act or in regulations made under this Act, nothing in the Safety Convention shall apply to Montserrat ships solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and on the north side of Anticosti Island, the 63rd meridian.

(4) Notwithstanding that any provision of this Part or any regulations made under this Part is expressed to apply to ships that are not Montserrat ships while they are within any port in Montserrat, such provision shall not apply to a ship that would not be within a port but for such stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could have prevented or forestalled.

(5) This Part applies to Montserrat ships wherever they may be and to other ships whilst they are in Montserrat waters, but not to fishing vessels or pleasure vessels.

Exemptions

74. (1) The Harbour Master may exempt a ship or class of ship from any safety requirements imposed by or under this Act either absolutely or subject to such conditions as he thinks fit.

(2) Without prejudice to subsection (1), where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Harbour Master, if he is of the opinion that the

ship complies with safety requirements imposed by or under this Act, may exempt the ship while engaged on that voyage.

(3) Without prejudice to subsection (1), a ship which embodies features of a novel kind may be exempted from any requirements imposed by or under this Act relating to safety construction, life-saving appliances and radio-communications, the application of which might seriously impede research into the development of such features and their incorporation in ships engaged in international voyages; provided however that such ship shall comply with safety requirements which, in the opinion of the Harbour Master are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship:

Provided that, if an exemption is granted under this subsection, the Harbour Master shall communicate to the International Maritime Organization particulars of the exemption and the reasons for the exemption.

(4) The Harbour Master may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements relating to safety construction, life-saving appliances and radio communications unreasonable or unnecessary, exempt from those requirements individual Montserrat ships, or classes of ships, which, in the course of their voyage, do not proceed more than twenty miles from the nearest land.

Regulations relating to safety at sea

75. (1) The Governor acting on the advice of Cabinet may make regulations—

- (a) to give effect to the Safety Convention and its related instruments; and
- (b) prescribing the functions and duties of the Maritime Administration;
- (c) to provide generally for safety at sea, referred to as “**Safety Regulations**”, which shall prescribe the requirements for the hull, equipment and machinery of Safety Convention ships and their survey and inspection.

(2) For the purpose of giving effect to the provisions of Chapter VIII of the Annex to the Safety Convention, the Governor acting on the advice of Cabinet may make regulations as he considers appropriate with respect to ships provided with nuclear power plants.

Regulations for cargo ship safety requirements and surveys

76. (1) The Governor acting on the advice of Cabinet may make regulations, in this Act referred to as “**Caribbean Cargo Ship Safety Regulations**” and “**Local Cargo Ship Safety Regulations**”, prescribing requirements for the hull, equipment and machinery of ships to which this

section applies and requiring any Montserrat ship to be surveyed to such an extent, in such a manner and at such intervals as may be prescribed.

(2) The regulations shall include requirements as appear to the Governor acting on the advice of Cabinet to be necessary to implement the provisions of the Safety Convention in relation to the hull, equipment and machinery of such ship.

(3) This section applies to—

- (a) Montserrat cargo ships of 500 tons and over not engaged in international voyages;
- (b) Montserrat cargo ships of such lower tonnage and of such description as the Minister may specify; and
- (c) foreign cargo ships not exceeding 500 tons while they are within Montserrat waters and while they are not exempted under this Act.

Regulations for small ships safety requirements and surveys

77. The Governor acting on the advice of Cabinet may make regulations in this Act referred to as “**Small Ship Safety Regulations**” prescribing requirements for the hull, equipment and machinery of small ships and requiring such ships to be surveyed to such an extent, in such a manner and at such intervals as may be prescribed as well as specifying the examinations required for boat masters and engineers and the appointment of surveyors.

Appointment of surveyor

78. (1) The Maritime Administration may appoint the following persons—

- (a) a surveyor to survey a Montserrat ship and issue a Safety Convention certificate;
- (b) an inspector of marks to verify the carving and marking of a Montserrat ship; and
- (c) a measurer to carry out the measurement of a Montserrat ship.

(2) A person appointed under subsection (1)(a) shall be a certified surveyor of ships.

(Inserted by Act 16 of 2014)

Surveys and Certification

Surveyor’s duties

79. (1) Surveyors shall, as and when required by or under this Act, carry out surveys of—

- (a) the hull and machinery of ships;
- (b) the equipment of ships, including their tackle, and appurtenances;
- (c) the life-saving, fire-fighting and other safety equipment of ships;
- (d) the radiotelegraphy and radiotelephony installations of ships; and
- (e) the stowage and manner of loading of ships' cargoes and the stowage of dangerous goods.

(2) For the purposes of this Part, the survey and inspection of ships shall be carried out by surveyors or, subject to such conditions as the Harbour Master may impose, by any corporation or society for the survey and classification of ships authorised by the Harbour Master.

Surveyor's powers of inspection

80. (1) A surveyor may at all reasonable times inspect a ship in Montserrat waters and a Montserrat ship anywhere for the purpose of ensuring that it is in compliance with the Safety Convention, the Load Line Convention, Collision Regulations and regulations made under this Act.

(2) If a surveyor finds that any of the Conventions or regulations referred to in subsection (1) have not been complied with in respect of a ship, he shall give written notice to the owner or master of the ship stating in what respect there is deficiency in compliance and what action, in his opinion, is required to rectify such deficiency.

(3) A notice referred to in subsection (2) shall be communicated in a manner directed by the Harbour Master to the Customs Officer of any port at which the ship may seek a clearance and clearance shall not be granted and the ship may be detained.

(4) If a surveyor considers a ship to be unsafe or, in the case of a passenger ship, unfit to carry passengers, or the machinery or equipment to be defective in a way so as to expose persons on board to serious danger, he shall detain the ship, and a surveyor may also detain a ship in respect of which any of the provisions of this Act have not been complied with, if in his opinion such detention is warranted in the circumstances.

(5) A surveyor who visits a ship under this section may ask the owner or his agent, the master or chief engineer, or any other person on board and in charge or appearing to be in charge of the ship, any questions concerning the ship as he thinks fit and the person asked shall fully and truthfully answer such questions.

(6) A surveyor may reasonably require of the owner or his agent, the master or chief engineer or any other person on board or in charge, or appearing to be in charge of a ship, that the machinery of a ship be activated or dismantled so that he may satisfy himself as to its condition,

and a person of whom such a request is made, who is capable of so doing, shall comply with the requirement.

(7) A person who contravenes subsection (5) or (6) commits an offence and is liable on summary conviction to a fine of \$5,000.

Surveyor to report to Harbour Master

81. A surveyor, if satisfied on inspection that he can with propriety do so, shall forward a report to the Harbour Master which shall contain a statement showing—

- (a) that the hull and machinery are sufficient for the service intended and in good condition;
- (b) that the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this Part;
- (c) that the safety equipment and radio installations required under this Part are on board and in good condition;
- (d) that the master, mates and engineers are persons duly certificated as required under this Act and that the crew is sufficient and efficient;
- (e) the class of voyage on which a ship is fit to ply and the time, if not exceeding one year, for which the hull, equipment and machinery will be sufficient;
- (f) if a ship is a passenger ship, the number of passengers which it may carry; and
- (g) the steam pressure that may be carried on the boilers.

Record of inspections and certificates

82. A surveyor shall keep a record of the inspections he makes and certificates he issues in such form and with such particulars respecting them as the Harbour Master may direct and shall furnish copies and any other information pertaining to the duties of his office which the Harbour Master may require.

Responsibilities of owner and master and compliance with ISM Code

83.(1) The owner and master of a ship to which this section applies shall ensure that—

- (a) the condition of the ship, including its structure, machinery and equipment, is maintained so as to comply with the relevant provisions of this Part applicable to the ship;
- (b) after any survey required has been completed, no material change is made to the structure, machinery or equipment of

the ship which was subject to the survey without the approval of a surveyor, except by direct replacement; and

- (c) if an accident occurs to the ship or a defect is discovered that affects the safety of the ship or the efficiency or completeness of the ship, including its structure, machinery and equipment—
 - (i) it is reported at the earliest opportunity to a surveyor, or a proper officer; and
 - (ii) if a Montserrat ship is in a port outside Montserrat it is also reported to the appropriate authorities of the country in which the port is situated.

(2) If an accident or defect is reported to a surveyor or to a proper officer under subsection (1)(c)(i), the surveyor or proper officer shall cause investigations to be initiated to determine whether a survey is necessary and shall, in that event, require such a survey to be carried out.

(3) Subsections (1) and (2) apply to—

- (a) Montserrat ships; and
- (b) except as regards subsection (1)(a), other ships which have been surveyed under this Part.

(4) All Montserrat ships, all other ships while in Montserrat waters and all companies in relation to ships referred to in this subsection shall comply with the ISM Code.

(5) For the purposes of subsection (4), “**ISM Code**” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization as may be amended from time to time, and “**company**” has the same meaning as in the ISM Code.

Procedure to be adopted when a ship, including its structure, machinery and equipment, is deficient

84. (1) If a surveyor determines that the condition of a ship to which this section applies, including its structure, machinery and equipment, does not correspond substantially with the particulars on one or more of the certificates referred to in this Part or that a ship is not fit to proceed to sea without danger to the ship or persons on board, the surveyor shall advise the owner or master of the ship of the corrective action that in the surveyor’s opinion is required, and the surveyor shall notify the Harbour Master of the action required.

(2) If such corrective action is not taken within a reasonable period as a surveyor may specify, the surveyor shall, at the end of that time, immediately notify the Harbour Master who may, on receipt of such notification, suspend the validity of the certificate issued to the ship and

give notice of a suspension to the owner, and to the surveyor, who in turn shall notify the master.

(3) This section applies only to Montserrat ships and other ships which have been surveyed under this Part.

Issue of certificates to Montserrat ships engaged on international or short international voyages

85. (1) When surveys to meet the requirements set out in this Part and in regulations made under section 75 or 77 are satisfactorily completed, the Harbour Master, or any other person authorised by him, shall issue—

- (a) in the case of a passenger ship engaged on international voyages, a Passenger Ship Safety Certificate, unless the ship is only engaged on short international voyages, in which case a short international voyage Passenger Ship Safety Certificate shall be issued;
- (b) in the case of a cargo ship of 300 tons or over engaged on international voyages, a Cargo Ship Safety Radio Certificate;
- (c) in the case of a cargo ship of 500 tons or over engaged on international voyages, a Cargo Ship Safety Equipment Certificate; or
- (d) in the case of a cargo ship of 500 tons or over engaged on international voyages, a Cargo Ship Safety Construction Certificate.

(2) A Cargo Ship Safety Certificate may be issued as an alternative to the certificates referred to in subsections (1)(b), (c) and (d).

(3) Whenever in this Part reference is made to a Cargo Ship Safety Construction Certificate, a Cargo Ship Safety Equipment Certificate, or a Cargo Ship Safety Radio Certificate, it shall apply to a Cargo Ship Safety Certificate where it is used as an alternative to these certificates.

Issue of certificate to Montserrat ships not engaged on international voyages and ships 500 tons and over

86. When surveys to meet the requirements set out in this Part or in regulations made under section 76 are satisfactorily completed, the Harbour Master shall issue—

- (a) in the case of a Montserrat passenger ship not engaged on international voyages, a Passenger Certificate appropriate to its Class;
- (b) in the case of a Montserrat cargo ship of 500 tons or over not engaged on international voyages, a Montserrat Cargo Ship Safety Certificate; or

- (c) subject to regulations made under section 77, in the case of a Montserrat cargo ship not exceeding 500 tons, a Caribbean Cargo Ship Safety Certificate.

Form of certificate

87. (1) A Passenger Ship Safety Certificate, Cargo Ship Safety Certificate, Cargo Ship Safety Radio Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Construction Certificate and Exemption Certificates shall be in the form prescribed by the Safety Convention.

(2) A Passenger Certificate, Montserrat Cargo Ship Safety Certificate and Caribbean Cargo Ship Safety Certificate shall be in such form as may be prescribed by the Governor acting on the advice of Cabinet and a Passenger Certificate shall indicate compliance with the provisions of this Act and state—

- (a) the limits (if any) beyond which a ship is not fit to ply;
(b) the number of passengers which a ship is fit to carry; and
(c) any condition with which a ship has to comply.

Duration and validity of certificates

88. (1) The duration of certificates issued under section 85 shall be as follows—

- (a) a Passenger Ship Safety Certificate and a short international voyage Passenger Ship Safety Certificate shall be issued for a period of validity not exceeding twelve months;
(b) a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Equipment Certificate, a Cargo Ship Safety Construction Certificate or a Cargo Ship Safety Certificate shall be issued for a period of validity not exceeding five years.

(2) The duration of certificates issued under section 86 shall be as follows—

- (a) a Passenger Certificate shall be issued for a period of validity not exceeding twelve months;
(b) a Montserrat Cargo Ship Safety Certificate and a Caribbean Cargo Ship Safety Certificate shall be issued for a period of validity not exceeding five years.

(3) A certificate shall cease to be valid—

- (a) if its period of validity has been exceeded and the certificate has not been extended under section 90;
(b) if annual intermediate or periodical surveys have not been carried out in accordance with this Part and the certificate has not been endorsed; or

(c) on the transfer of a ship to the flag of another State.

Issue and duration of exemption certificates

89. (1) If an exemption is granted to a ship in accordance with the relevant provisions applicable to the ship, a certificate called an Exemption Certificate shall be issued in addition to any certificate issued under section 85.

(2) An Exemption Certificate shall be issued for a period of validity that is not longer than the period of validity of the certificate to which it refers.

(3) An Exemption Certificate shall be subject to the same extension and other provisions as the certificate to which it refers.

(4) Where an Exemption Certificate has been issued, a statement to this effect shall be included on the certificate to which it refers.

Extension and other provisions

90. (1) If a Montserrat ship, at the time when a certificate issued under section 85(1) or (2) expires, is not in a port in Montserrat or the port in which it is to be surveyed, the Harbour Master may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to a port in Montserrat or the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable.

(2) No certificate shall be extended for a period longer than three months, and a ship in respect of which an extension is granted shall not, on its arrival in a port in Montserrat or the port in which it is to be surveyed, be eligible by virtue of the extension to leave that port or Montserrat without having obtained a new certificate.

(3) The Harbour Master may extend a certificate issued under section 85(1) or (2) which has not been extended under subsection (1) for a period of grace of up to one month from the date of expiry stated on it.

(4) In the case of a Montserrat ship in respect of which a Passenger Ship Safety Certificate or a short international voyage Passenger Ship Safety Certificate is in force and the total number of persons on board for a particular voyage is less than the number for which the ship's life-saving appliances provide, the Harbour Master may, at the request of the master of the ship, issue a memorandum that states the total number of persons on board for that voyage and the modifications that may be made with persons on board for that voyage and sets out the details of the modifications that may be made with respects to life-saving appliances stated on the certificate.

(5) The memorandum referred to in subsection (4) shall be attached to the certificate during the particular voyage and shall be returned to the Harbour Master at the completion of the voyage.

(6) In the case of a ship that has transferred from the registry of the government of another country to the Montserrat registry, the Harbour Master, subject to such survey requirements that may be considered to be necessary, may issue one or more of the certificates referred to in section 85 for a period to be determined by the Harbour Master, but for not longer than the period of validity of the certificate or certificates issued by or on behalf of the government of that other country if satisfied that—

- (a) the ship has already been subjected to satisfactory initial, periodical, intermediate, annual and additional surveys, as appropriate;
- (b) the certificate issued by or on behalf of the government of that country would have remained valid had the registry of the ship not been changed;
- (c) the condition of the ship, including its structure, machinery and equipment, has been maintained so as to comply with the regulations applicable to the ship; and
- (d) after any of the surveys referred to in paragraph (a) have been completed, no material change has been made to the ship, including its structure, machinery and equipment, subject to such surveys, without the approval of the relevant authority of that other country or the Harbour Master except by direct replacement.

Issue and endorsement of certificates by another government

91. (1) The Harbour Master may request, through a proper officer or otherwise, the government of a Safety Convention Country—

- (a) to survey a ship; and
- (b) if that government is satisfied that the requirements of the Convention are complied with, to issue to the ship a certificate referred to in section 85 or to authorise such issue.

(2) A certificate issued in accordance with a request under subsection (1) shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Harbour Master.

Ships not registered in Montserrat and to which the Safety Convention applies

92. (1) The Harbour Master may, at the request of a government of a Safety Convention Country, survey a ship registered in that Country and, if satisfied that the requirements of the Convention are complied with and that a survey has been satisfactorily completed in accordance with this Part, the Harbour Master may issue to a ship a certificate referred to in section 85 and, where appropriate, endorse such certificate in accordance with the requirements of the Convention. A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall

have the same effect as if it was issued by that government and not by the Harbour Master.

(2) If a memorandum, issued by or under the authority of the government concerned, is attached to a valid Passenger Ship Safety Certificate or a valid short international voyage Passenger Ship Safety Certificate, in respect of a ship to which the Safety Convention applies, which modifies the certificate in respect of the number of persons that may be carried for a particular voyage, the certificate shall have effect for the purpose of the voyage as if it was modified in accordance with the memorandum.

(3) A surveyor may go on board a ship to which the Safety Convention applies for the purpose of verifying that there is in force a certificate or certificates required by this Part, that the hull, machinery and equipment correspond substantially with the particulars shown on the certificate or certificates and that the provisions of section 83 are being complied with.

Other ships which are not Montserrat ships

93. (1) In the case of ships that are not Montserrat ships, when surveys to meet the requirements set out in this Part are completed in accordance with this Part—

- (a) the Harbour Master shall issue, in the case of a passenger ship not engaged on international voyages, a Passenger Certificate appropriate to its class; and
- (b) the Harbour Master shall issue, in the case of a cargo ship of 500 tons or over not engaged on international voyages, a Cargo Ship Safety Certificate issued under subsection (1).

(2) A certificate issued under subsection (1) shall be subject to the requirements of this Part as though it was issued under section 86.

Cancellation of a certificate

94. (1) The Harbour Master may cancel a certificate issued to a Montserrat ship where he has reason to believe that—

- (a) the certificate was fraudulently issued;
- (b) the certificate was altered without permission;
- (c) the certificate was issued on false or erroneous information; or
- (d) since any survey required by this Part, the structure, equipment or machinery has sustained damage or is otherwise deficient.

(2) If a certificate issued to a Montserrat ship has expired or has been cancelled, the Harbour Master may require that the certificate be surrendered as directed.

- (3) A person who—
- (a) intentionally alters a certificate referred to in this Part;
 - (b) intentionally makes a false certificate referred to in this Part;
 - (c) in connection with any survey required by this Part, knowingly or recklessly furnishes false information;
 - (d) with intent to deceive, uses, lends, or allows to be used by another, a certificate referred to in this Part; or
 - (e) fails to surrender a certificate required to be surrendered under subsection (2),

commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment of six months.

Availability of certificates

95. The owner and master of a ship issued with a certificate in accordance with this Part shall ensure that it is readily available on board for examination at all times.

Prohibition on proceeding to sea without the appropriate documentation

96. (1) No Montserrat ship shall proceed to sea unless it has been surveyed and there is in force the following certificate or certificates—

- (a) in the case of a passenger ship engaged on international voyages, a Passenger Ship Safety Certificate, or, if a ship is only engaged on short international voyages, a short international voyage Passenger Ship Safety Certificate;
- (b) in the case of a cargo ship of 300 tons or over engaged on international voyages, a Cargo Ship Safety Radio Certificate;
- (c) in the case of a cargo ship of 500 tons or over engaged on international voyages, a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Construction Certificate;
- (d) in the case of a cargo ship of 500 tons or over engaged on international voyages, a Cargo Ship Safety Certificate;
- (e) in the case of a small ship, a certificate of inspection.

(2) No ship registered in a Safety Convention Country shall proceed to sea from a port in Montserrat unless there is in force such Convention certificates that would be required if the ship was a Montserrat ship. The extension provisions in section 90 shall apply to such certificates as if the ship was a Montserrat ship and the government of the country in which the ship is registered is substituted for the Harbour Master.

(3) No cargo ship of 500 tons and over not engaged on international voyages shall proceed to sea from a port in Montserrat unless it has been

surveyed and there is in force a Montserrat Cargo Ship Safety Certificate, unless there is in force a Cargo Ship Safety Certificate as referred to in this Part.

(4) Subject to regulations made under section 77, no cargo ship of less than 500 tons shall proceed to sea from a port in Montserrat unless it has been surveyed and there is in force a Caribbean Cargo Ship Safety Certificate.

(5) A ship that is registered in a country to which the Safety Convention does not apply shall not proceed to sea from a port in Montserrat unless the ship is in possession of documentation which shows that—

(a) the ship has been surveyed for compliance with regulations applicable to Montserrat ships; or

(b) the ship has been surveyed and is in compliance with regulations applicable to the ship.

(6) If a certificate is issued subject to conditions or specifies sea areas in which a ship is certified to operate, the owner and master shall ensure that all conditions are complied with, or that the ship only operates in the specified sea areas.

(7) The master of a ship shall produce to a customs officer from whom a clearance for the ship is requested for an international voyage the certificates or documentation referred to in this section; and, until production of the certificates or documentation, a clearance shall not be granted and the ship may be detained.

Prohibition on proceeding on a voyage or excursion without the appropriate certificate

97. (1) Subject to regulations made under section 77, a passenger ship engaged on voyages which are not international voyages shall not proceed on a voyage or excursion unless it has been surveyed and there is in force a Passenger Certificate applicable to that voyage or excursion.

(2) Where a certificate is issued subject to conditions, a ship shall not proceed on a voyage or excursion unless all the conditions are complied with.

Limit on the number of passengers on passenger ships

98. The owner and master of a passenger ship shall ensure that there is not on board a greater number of passengers than that stated on the ship's passenger Ship Safety Certificate or Passenger Certificate.

Offences

99. (1) If a ship to which this Part applies proceeds or attempts to proceed to sea or on a voyage or excursion without complying with the regulations made under sections 75, 76 and 77, the owner and master of the

ship each commits an offence and is liable on summary conviction to a fine of \$5,000.

(2) Any contravention of section 83(1), section 96(1) to (6) or section 97 is an offence and the owner and master of a ship each commits the offence and is liable on summary conviction to a fine of \$5,000.

(3) If a ship proceeds to sea without section 95 being complied with, the owner and master each commits a summary offence and is liable on conviction to a fine of \$5,000.

(4) If the owner or master of a ship contravenes section 98, each commits an offence and is liable—

(a) on summary conviction, to a fine of \$20,000; and

(b) on conviction on indictment, to a fine of \$30,000 or imprisonment for two years or both.

(5) Any contravention of section 96(7) is an offence by the master and is punishable on summary conviction by a fine of \$3,000.

(6) It is a defence for a person charged with an offence under this Part to prove that he took all reasonable steps to ensure that the Part was complied with.

Power to detain

100. If a ship does not comply with the requirements of this Part, the ship is liable to be detained.

Arbitration

101. (1) If the owner of a ship, or any person who applies for a survey that is required by this Act, disputes the outcome of the survey because the issue of a certificate under section 85 or 86 has been refused or for any other reason, that person may serve notice, within twenty one days of the completion of the survey, on the person responsible for issuing the certificate that the dispute shall be referred to a single arbitrator appointed by agreement between the parties to be settled by him or if there is no agreement to an arbitrator appointed by the Minister.

(2) A person is not eligible for appointment as an arbitrator under this section unless he is—

(a) a person holding a certificate of competency as Master without limitation or as a Chief Engineer without limitation, or a person holding a certificate equivalent to that certificate;

(b) a naval architect;

(c) an attorney at law with at least ten years of experience in shipping law; or

(d) a person with special experience of the shipping industry.

(3) In connection with his functions under this section, an arbitrator shall have the powers of inspection conferred by the relevant provisions of this Act.

Miscellaneous

Penalty for non-compliance with conditions of exemption certificates

102. If an exemption certificate, issued in respect of any Montserrat ship, specifies conditions on which the certificate is issued and any of those conditions is not complied with, the owner and the master of the ship each commits an offence and is liable on summary conviction to a fine of \$5,000.

Inspection of ships holding Safety Convention Certificates

103. (1) If a valid Safety Convention Certificate is produced in respect of a ship of a Safety Convention Country (other than Montserrat), it shall be accepted and a ship shall be exempt from surveys or inspection under this Part, unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of the Certificate or that the ship and its equipment are not in compliance with regulations made under this Act respecting the maintenance of conditions of ships and their equipment after survey.

(2) If a Certificate is not acceptable due to the circumstances referred to in subsection (1), or if a Certificate has expired or ceased to be valid, a ship shall not be granted clearance and shall be detained until it can proceed to sea or to the appropriate repair yard without causing danger to the ship or persons on board, and the following person shall be notified in writing of the circumstances, namely—

- (a) the local Consular officer of the ship's flag State or, in his absence, the nearest diplomatic representative of the ship's flag State; and
- (b) nominated surveyors or recognised organisations responsible for the issue of the Certificate referred to in subsection (1).

Ships to carry stability information

104. (1) A Montserrat passenger ship, regardless of size, and a Montserrat cargo ship having a length of twenty four metres or more, shall carry on board such information about the ship's stability as may be prescribed and shall send a copy of the information to the Harbour Master.

(2) The information shall be based on the determination of the ship's stability by means of an inclining test of the ship, unless the Harbour Master allows the information to be based on a similar determination of the stability of a sister ship.

(3) If a ship proceeds or attempts to proceed to sea without having on board the information as required by subsections (1) and (2), the owner

and master of the ship each commits an offence and is liable on summary conviction to a fine of \$3,000.

Regulations for local safety certificates

105. The Governor acting on the advice of Cabinet may make regulations prescribing safety requirements and providing for the issue of local certificates in respect of—

- (a) pleasure vessels; and
 - (b) such other classes or classes of vessels as may be designated.
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SCHEDULE 1*(Section 56)***INSTRUMENTS AND DOCUMENTS FOR WHICH
FORMS ARE TO BE PRESCRIBED**

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 account current, etc. (individuals or joint owners).
12. Transfer of mortgage by individual or joint owners.
13. Transfer of mortgage by body corporate.
14. Deletion Certificate.
15. Transcript of Register.
16. Caribbean Ship Record.
17. Notice of name proposed for Montserrat ship.
18. Ships carving and marking note.
19. Application to register a ship.
20. Appointment of authorised officers for a body corporate.
21. Appointment of representative person.
22. Request for duplicate certificate.
23. Appointment of managing owner.
24. Application for renewal of registration.
25. Discharge of mortgage form.
26. Notice of mortgage of intent.

SCHEDULE 2

(Section 68)

PRIVATE LAW PROVISIONS FOR REGISTERED SHIPS

DEFINITIONS

1. In this Schedule—

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

“**prescribed**” means prescribed in the Registration of Ships Regulations;

“**registered mortgage**” means a mortgage registered under paragraph 8(3).

GENERAL

2. (1) Subject to any 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 of Ships Regulations.

(2) Subparagraph (1) does 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 a 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 a ship or the share in a 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 a ship ceasing to have a Montserrat connection.

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

(a) he has made the prescribed application to the Registrar; and

(b) the Registrar is satisfied that a ship retains a Montserrat connection and that he would not refuse to register a ship.

(3) If an application under subparagraph (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 a share in a registered ship, is transmitted to a person by lawful means other than a transfer under paragraph 3 and a ship continues to have a

Montserrat connection, that person shall not be registered as owner of a ship or share unless—

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

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

5. (1) If the property in a registered ship or a share in a registered ship is transmitted to a person by lawful means other than a transfer under paragraph 3, but as a result a ship no longer has a Montserrat 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 twenty eight 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 subparagraph (3); or
- (b) the Court refuses an order for sale;

a ship or share in the ship that was transmitted is 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 a ship or share.

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

(3) The Registrar shall deal with an application relating to the transfer of a 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, shall be 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 or approved under the Registration of Ships Regulations.

(3) If a mortgage executed in accordance with subparagraph (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 mortgagees between themselves shall, subject to subparagraph (2), be determined by the order in which the mortgages were registered and not by reference to another matter.

(2) The Registration of Ships 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 subparagraph (2), a registered mortgagee may, if the mortgage money or part of it is due, sell a 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 a ship or share without the concurrence of a 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 a ship or share available as a security for the mortgage debt, the mortgagee shall not, because of the mortgage, be treated as owner of a ship or share; and
- (b) the mortgagor shall be treated as not having ceased to be the owner of a ship or share.

TRANSFER OF REGISTERED MORTGAGE

12. (1) A registered mortgage may be transferred by an instrument made in the form prescribed or approved under the Registration of Ships 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 a ship or share in question.

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.

**MERCHANT SHIPPING (REGISTRATION OF SHIPS)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

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PART 3

REGISTRATION

DIVISION A

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**MERCHANT SHIPPING (REGISTRATION OF SHIPS)
REGULATIONS – SECTIONS 56, 60 & 61**

(S.R.O. 60/2014)

Commencement

[15 August 2014]

PART 1

PRELIMINARY

Short title

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships) Regulations.

Interpretation

2. (1) In these Regulations—

“**Administration**” means the Maritime Administration;

“**application for registration**” includes, except where otherwise stated, application for registration of a ship or share in a ship; application for registration of a small ship; application for re-registration of a small ship; and application for the registration of a transfer or transmission of a ship or a share in a ship; but not application for the renewal of registration;

“**appropriate attestation**” means attestation in a form approved by the Minister;

“**appropriate person**” means, in relation to a port in a territory outside Montserrat—

- (a) a United Kingdom consular officer within whose consular district the port lies; or
- (b) where Her Majesty’s Government in the United Kingdom is represented in that territory by a High Commissioner, a member of the High Commissioner’s official staff nominated by him for the purposes of these Regulations; or
- (c) where that territory is a British overseas territory, the Governor of the British overseas territory or any person appointed by him for those purposes; and in this definition “**High Commissioner**” includes an acting High Commissioner and “**Governor**” includes an acting Governor;

“**authorised measurer**” includes a person appointed under the Act to carry out the measurement of ships for the purposes of these Regulations;

“**bareboat charter ship**” means a ship registered under section 30 of the Act;

“**builder’s certificate**” means a certificate signed by the builder of the ship, containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, the date and place where it was built, the name of

the person, if any, for whom the ship was built, or the name of the person to whom it was delivered;

“certificate of bareboat charter” means a certificate of registration issued to a ship which is registered under section 30 of the Act;

“certificate of registry” means a certificate of registration which is issued to a ship which is registered under the Act and includes a certificate of bareboat charter registry unless the context otherwise requires;

“classification society” means a person authorised to act as a ‘**Certifying Authority**’ for the purposes of the Tonnage Regulations;

“closure transcript” means a certified extract from the Register showing that the entry in the Register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure;

“declaration of eligibility” means a declaration made in accordance with section 18 of the Act;

“freeze” means to prevent any entry (which includes a deletion of an entry) being made in the Register;

“Government” means Her Majesty’s Government of Montserrat;

“identifying number” means—

(a) if the Registrar has allocated a bareboat charter ship a number under regulation 38, that number; or

(b) in any other case, the unique number allocated to a bareboat charter ship for identification purposes by its primary register;

“inspector of marks” includes a person appointed under the Act to verify the carving and marking of a ship under these Regulations;

“overall length”, for ships to be registered on Part 3 of the Register, means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

“owner” means, in relation to a ship or share in a ship, the person who owns the ship, or, as the case may be, a share in the ship, whether or not registered as owner;

“person” includes a body corporate and an individual;

“primary register” means the register on which the ship is registered at the time the application is made to register the ship as a bareboat charter ship;

“Register” means the register of Montserrat ships for the purposes of the Act;

“relevant overseas territory” means the Isle of Man, the Channel Islands or any overseas territory of the United Kingdom, except Montserrat;

“representation” means probate, administration, confirmation, or other instrument constituting a person the executor, administrator or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel;

“**representative person**” means a representative person appointed under section 8 of the Act;

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

“**submersible vessel**” means any vessel used or designed to be used under the surface of any waters;

“**surveyor of ships**” includes a marine surveyor appointed under the Act to undertake the surveys required under these Regulations;

“**transfer of a ship**” includes, except where the context otherwise requires, transfer of a share in a ship.

Prescribed Forms

3. The Forms set out in Schedule 1 are prescribed as the forms to be used for instruments and documents under the Act.

PART 2

THE REGISTER OF MONTSERRAT SHIPS

Register

4. (1) The Register maintained by the Registrar for the purposes of Part 2 of the Act shall be divided into the following Parts—

- (a) Part 1 for ships owned by persons qualified in accordance with these Regulations which are not—
 - (i) fishing vessels; or
 - (ii) registered in that Part which is restricted to small ships;
- (b) Part 2 for small ships;
- (c) Part 3 for ships which are registered under section 30 of the Act.

(2) The Register may consist of both paper and computerised records and other records as the Minister may consider expedient.

(3) A person may, on application to the Registrar, obtain a certified copy, of the entries in the Register.

(4) The Registrar may amend the Register if—

- (a) a clerical error has occurred; or
- (b) sufficient evidence is produced to satisfy him that an entry is incorrect.

(5) If the Registrar amends the Register as provided for under subregulation (4), he shall issue a new certificate of registry.

Registration on only one Part of the Register

5. No ship may be registered on more than one part of the Register at any one time.

Ships not within Register's categorisation not to be registered

6. No ship may be registered if it is of a description of ship whose registration is prohibited by an Order made or treated as made under section 18 of the United Kingdom Merchant Shipping Act 1995.

PART 3

REGISTRATION

DIVISION A

*Application and First Registration***Form of application**

7. (1) An application made under these Regulations shall be made to the Registrar.

(2) An application under subsection (1) shall—

(a) be made in Form 15 of Schedule 1; and

(b) contain the name and address of the applicant and sufficient information to enable the ship to be identified.

Applications for registration

8. (1) A declaration of eligibility shall be made in Form 2 or Form 3 of Schedule 1.

(2) An application for registration of a ship which has, immediately before the application, been registered on any other register shall be accompanied by a certified extract from that register in respect of that ship.

Appointment of managing owner

9. (1) If application is made in respect of a ship which has more than one owner, or whose shares are owned by more than one owner, and no representative person has been appointed under section 7 of the Act, one of those owners who is resident in Montserrat shall be nominated as the managing owner, and the Register shall be marked accordingly and all correspondence shall be sent to that person at the address recorded in the Register in respect of that owner.

(2) If the owners determine that a different managing owner should be appointed, the Registrar shall be notified in writing and the Register noted accordingly.

(3) A document required or authorised to be served by or under the Act or required or authorised by virtue of any statutory provision to be served for the purpose

of the institution of or otherwise in connection with proceedings for an offence under the Act on the owner of a ship shall be treated as duly served on him if—

- (a) delivered to the managing owner;
- (b) sent to the managing owner by post at the address last notified to the Registrar under subregulation (1) or (2) in relation to that person; or
- (c) left for the managing owner at that address.

Applications by bodies corporate

10. If application is made on behalf of a body corporate, the application must be accompanied by—

- (a) if it is a company registered in Montserrat, a copy of its certificate of incorporation, and, in the case of a company which has changed its name since incorporation, its certificates of change of name; or
- (b) if it is a company, other than a company incorporated in Montserrat, with a place of business in Montserrat, a certificate from the Registrar of Companies that the company is registered as an overseas company.

Evidence of title on registration

11. (1) An application to register a ship, other than an application in respect of a small ship, must be supported by the following evidence of title—

- (a) in the case of a new ship, the builder's certificate;
- (b) in the case of a ship which is not new, either—
 - (i) in respect of a pleasure vessel—
 - (A) a previous bill or bills of sale showing the ownership of the ship for at least five years before the application is made; or
 - (B) if the ship has been registered with a full registration at any time within the last five years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered; or
 - (ii) in respect of a ship other than a fishing vessel or a pleasure vessel, one bill of sale showing the most recent transfer of ownership;
- (c) if the evidence required by paragraph (a) or (b) is not available, other evidence of title satisfactory to the Registrar.

(2) If a ship has entered the Register by virtue of subregulation (1)(b)(ii) and subsequently becomes a pleasure vessel, the owner shall then provide the title required under subregulation (1)(b)(i) or under subregulation (1)(c) for the ship to remain eligible to be registered.

Names

12. (1) On applying for the registration of a ship the applicant shall propose a name by which the ship is to be called.

(2) Schedule 2 which provides for the approval of names shall have effect.

Allocation of official number and marking note

13. (1) On receipt of an application for registration of a ship for the first time the Registrar, if he is satisfied the ship is eligible to be registered, shall—

(a) allocate to the ship a register number (“**official number**”); and

(b) issue a carving and marking note.

(2) The Registrar may, on request by a classification society, allocate an official number to a ship whether or not he is not yet satisfied as to its eligibility.

(3) If a ship has a number allocated under subregulation (2) and that number is carved into the ship’s beam but the ship is not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided by the classification society to the Registrar.

Marking

14. On receipt of a carving and marking note on first registration the owner shall—

(a) if the ship has not already been surveyed or measured as required by section 15 of the Act, cause it to be so surveyed or measured;

(b) cause the ship to be carved and marked in accordance with section 16 of the Act, or in the case of a pleasure vessel under 24m in length, in accordance with Schedule 3; and

(c) if required under regulation 15, cause the ship’s carving and marking to be inspected by an inspector of marks.

Inspection of marks

15. (1) In respect of a ship, other than a pleasure vessel which is under 24m in length, an inspector of marks shall satisfy himself that the ship has been carved and marked in accordance with section 16 of the Act or Schedule 3 and, when so satisfied, shall complete the carving and marking note and return it to the Registrar.

(2) In respect of a pleasure vessel which is under 24m in length, the owner shall certify that the ship has been carved and marked in accordance with section 16 of the Act or Schedule 3 and return the certified carving and marking note to the Registrar.

Verification of measurement and carving and marking

16. (1) If the Registrar is not satisfied—

(a) that the particulars of the measurement and tonnage or other particulars describing the identity of the ship, as have been required by the Minister, furnished to him are correct; or

- (b) that the ship is carved and marked in the manner required by section 16 of the Act or Schedule 3,

he may direct the owner to have the measurement or other details, and/or carving or marking of the vessel verified by an authorised measurer or inspector of marks, as appropriate.

(2) If the owner of a ship fails to comply with the direction of the Registrar, the Registrar may—

- (a) if the ship is not registered, refuse it registration until his direction has been complied with; or
- (b) if the ship is registered, serve notice on the owner or managing owner, or any charterer, manager or operator of the ship, requiring him to produce evidence within thirty days sufficient to satisfy him that the particulars of the measurement and tonnage are, or that the marking of the ship is correct.

(3) If at the expiry of a period of thirty days after a notice is given under subregulation (2)(b), the Registrar is not satisfied, with the information produced by the owner of the ship, the Registrar may—

- (a) extend the notice and ask for further information; or
- (b) serve a final notice which closes the ship's registration, the closure to be effected seven days after the service of the notice.

(4) If a ship's registration is closed under subregulation (3) the owner of the ship shall immediately surrender its certificate of registry.

(5) If the Registrar serves a notice under this regulation on the owner of a ship in respect of which a mortgage is registered, he shall send a copy of that notice to the mortgagee at the address recorded in the Register for the mortgagee.

Cancellation of carving and marking note

17. If a carving and marking note issued under regulation 13 is not duly completed and returned to the Registrar within three months of its issue, the Registrar may cancel it and the application shall be treated as having been withdrawn.

Particulars of registration

18. If the Registrar is satisfied in respect of an application that—

- (a) the ship is eligible to be registered as a Montserrat ship;
- (b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided;
- (c) the particulars of the ship furnished to him are correct;
- (d) title to the ship has been adequately proved (where necessary); and
- (e) the relevant requirements of these Regulations have been complied with,

he shall, subject to section 9 of the Act, register the ship by entering in the Register the particulars of the ship and its owners specified in Schedule 4.

Issue of certificate of registry

19. A certificate of registry issued under section 23 of the Act shall contain the particulars set out in Schedule 5.

Documents to be retained by the Registrar

20. (1) On registering a ship the Registrar shall retain in his possession a copy of any builder's certificate or bill of sale or other evidence of title produced on first registration, any certificate of measurement or survey, and all declarations of eligibility.

(2) A document that is submitted to the Registrar to establish title shall be returned to the applicant once the ship is registered and the document shall be stamped by the Registrar to indicate that the document was used to register the ship.

DIVISION B

Renewals

Period of registration

21. Subject to regulation 65, the registration of a ship shall, unless terminated under these Regulations, be valid for a period of five years beginning with the date of registration specified in the certificate of registry and expires at the end of that period unless it is renewed in accordance with regulation 23.

Renewal notices and time limit for renewal

22. (1) At least three months (but not more than six months) before the expiry of the registration period the Registrar shall issue to the owner of the ship a renewal notice.

(2) Subject to subregulation (3), the owner of the ship may apply for renewal of registration at any time between the date of issue of the renewal notice and the date of expiry of the current registration period.

(3) Despite subregulation (2), an application for renewal of registration may be made before the last three months of the current registration (or issue of a renewal notice) for issue of a certificate of registry commencing before the expiry of the current registration period.

(4) If a certificate of registry is issued it shall not be valid for a period greater than five years commencing on the date of issue and the previous certificate shall then cease to be valid.

Application for renewal of registration

23. (1) An application for renewal of registration shall be in Form 20 of Schedule 1 and shall be accompanied by—

- (a) a declaration of eligibility; and
- (b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar.

(2) If an application for renewal is not made the Registrar shall notify each mortgagee of the expiration of the ship's registration.

DIVISION C

Transfers, Transmissions and Changes

Evidence of title on transfer of ship

24. On application for registration under paragraph 3(2) of the Schedule to the Act of a transfer of a registered ship or a share in a registered ship, the bill of sale shall be produced to the Registrar.

Registration of transfer of a ship

25. (1) If the application under paragraph 3(2) of the Schedule to the Act is granted by the Registrar, he shall—

- (a) register the bill of sale by entering the name of the new owner in the Register as owner of the ship or share in question; and
- (b) endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.

(2) If the Registrar is satisfied with the evidence under regulation 24 that the ship or share in a ship has been transferred, he shall enter the name of the new owner in the Register as the owner of the ship or share in question and issue a new certificate, which is valid for a period of five years.

Evidence of title on transmission of a registered ship

26. (1) An application for registration of a transmission of a registered ship or a share in a registered ship under paragraph 4(1) of the Schedule to the Act shall be made in Form 7 or Form 8 of Schedule 1.

(2) The following evidence shall be produced to the Registrar on an application for a transfer of a registered ship or share in a registered ship by way of transmission—

- (a) if the transmission was consequent on death, the grant of representation or an office copy or an extract;
- (b) if the transmission was consequent on bankruptcy, evidence as is receivable in courts of justice as proof of title of persons claiming under bankruptcy;
- (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of that court.

Refusal of registration of transfer or transmission

27. (1) If, on an application for transfer or transmission of a ship or shares in a ship, the Registrar is not satisfied that the ship is eligible to be registered—

- (a) the Registrar shall serve a notice under subregulation (2) on the owner of the ship; and
- (b) the ship's registration shall terminate by virtue of this paragraph at the end of the period of fourteen days beginning with the date of the service of that notice.

(2) A notice under this paragraph shall state—

- (a) that the Registrar is not satisfied that the vessel in question is eligible to be registered; and
- (b) that the ship's registration will accordingly terminate by virtue of subregulation (1) at the end of the period referred to in that subregulation.

Notification of changes of ownership, etc

28. (1) If at any time there occurs, in relation to a registered ship, any change affecting the eligibility of the ship to be registered, not being a change which affects the qualification or eligibility of the owner, the owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) The notification referred to in subregulation (1) shall—

- (a) be made in writing;
- (b) be signed by the owner; and
- (c) specify the nature of the change and the name and the official number of the ship.

(3) A person who contravenes subregulation (1) commits an offence.

Notification of transfer, etc

29. (1) If there is any transfer or transmission of a registered ship or share in a registered ship—

- (a) the person ceasing to own the ship or share, or in the event of his death, his legal personal representative, shall notify the Registrar and surrender the certificate of registry; and
- (b) the Registrar shall cancel the certificate of registry and shall freeze the Register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.

(2) If there is a transfer of a registered ship—

- (a) the new owners shall within thirty days of the transfer make application in accordance with these Regulations for the transfer to be registered;

- (b) if the transfer is of all the shares in the ship, and application is not made within the thirty days, the Registrar may cancel the registration of the ship and the certificate of registry;
 - (c) if the transfer is of one or some of the shares in the ship, and application is not made within the thirty days, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within thirty days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.
- (3) If there is a transmission of a registered ship—
 - (a) the new owners shall promptly apply for the transmission to be registered;
 - (b) if the transmission is of all the shares in the ship, and application is not made within a reasonable time, the Registrar may cancel the registration of the ship and the certificate of registry;
 - (c) if the transmission is of one or some of the shares in the ship, and application is not made within a reasonable time, the Registrar shall serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within thirty days of the date of the notice, the registration of the ship and the certificate of registry may be cancelled.
- (4) A person who fails to—
 - (a) notify the Registrar of any transfer or transmission of a registered ship or share in a registered ship;
 - (b) surrender the certificate of registry; or
 - (c) make an application as required under subregulation (1), (2) or (3),commits an offence.

PART 4

MORTGAGES

Form of transfer or discharge of mortgage

30. (1) A transfer of a registered mortgage shall be in Form 12 or Form 13 of Schedule 1.

(2) A discharge of a registered mortgage shall be in Form 21 of Schedule 1.

Registration of mortgage

31. If a mortgage executed in accordance with Form 7 or Form 8 of Schedule 1 is produced to the Registrar for registration, he shall—

- (a) register the mortgage; and

(b) endorse on it the date and time it was registered.

Notices by intending mortgagees: priority notices

32. (1) If a person who is an intending mortgagee under a proposed mortgage of—

- (a) a registered ship; or
- (b) a share in a registered ship,

notifies the Registrar of the interest which it is intended that he should have under the proposed mortgage, the Registrar shall record that interest.

(2) For the purpose of subregulation (1), the notice to the Registrar shall be in Form 22 of Schedule 1 and shall contain the name and official number of the ship, the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(3) If a person who is an intending mortgagee under a proposed mortgage of a ship which is not registered or a share in a ship gives the Registrar written notification of the interest which it is intended that he should have under the proposed mortgage, the Registrar—

- (a) shall record that interest in the Register; and
- (b) if the ship is subsequently registered, register the ship subject to that interest or, if the mortgage has by then been executed in accordance with Form 22 of Schedule 1 and produced to the Registrar, subject to that mortgage.

(4) For the purposes of subregulation (3), a notice shall be in Form 22 of Schedule 1 and contain the following information—

- (a) the current name of the ship;
- (b) the intended name of the ship;
- (c) the approximate length of the ship;
- (d) where the ship is registered outside Montserrat, a copy of its certificate of registry or other document evidencing its registration and giving its port of registration;
- (e) if the ship is a new ship, the builder's certificate or, if that is not available, the name and address of the builder and the ship's yard number;
- (f) if the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified; and
- (g) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(5) If—

- (a) paragraph 10 of the Schedule to the Act operates to determine the priority between two or more mortgagees; and
 - (b) any of those mortgagees gave notification under subregulation (1) or (3) above with respect to his mortgage,
- paragraph 10 of the Schedule to the Act shall have effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the Register under subregulation (1) or (3).
- (6) A notification given by a person under subregulation (1) or (3) (and anything done as a result of it) shall cease to have effect—
- (a) if the notification is withdrawn; or
 - (b) at the end of the period of thirty days beginning with the date of the notification, unless the notification is renewed in accordance with subregulation (7).
- (7) The person by whom a notification is given may renew or further renew the notification on each occasion for a period of thirty days, by written notification given to the Registrar—
- (a) before the end of the period mentioned in subregulation (6)(b); or
 - (b) before the end of a period of renewal,
- as the case may be.

Evidence of transmission of mortgage

33. On the application for registration of a transmission of a registered mortgage as mentioned in paragraph 13 of the Schedule to the Act the evidence to be produced to the Registrar shall be—

- (a) a declaration of transmission of mortgage in Form 7 or Form 8 of Schedule 1; and
- (b) if the transmission was—
 - (i) consequent on death, the grant of representation or an office copy or an extract;
 - (ii) consequent on bankruptcy, the evidence receivable in courts of justice as proof of title of persons claiming under bankruptcy;
 - (iii) consequent on an order of a court, a copy of the order of that court.

Transfer or transmission of registered mortgage

34. If a transfer of a registered mortgage or evidence of a transmission is produced to the Registrar, the Registrar shall—

- (a) enter the name of the transferee, or the name of the person to whom the mortgage has been transmitted, in the Register as mortgagee of the ship or share in question; and

- (b) in respect of a transfer, endorse on the instrument of transfer the date and time the entry was made.

Discharge of mortgages

35. (1) If a registered mortgage has been discharged, the Registrar shall, on production of the mortgage deed and with the evidence of the discharge as satisfies him that the mortgage has been discharged, record in the Register that the mortgage has been discharged.

(2) If for good reason the registered mortgage cannot be produced to the Registrar, he may, on being satisfied that the mortgage has been properly discharged, record in the Register that the mortgage has been discharged.

Effect of termination of registration on registered mortgage

36. If the registration of a ship terminates by virtue of any of these Regulations, that termination shall not affect any entry in the Register of any undischarged registered mortgage of that ship or any share in the ship.

PART 5

REGISTRATION OF BAREBOAT CHARTER

Names

37. (1) On making an application for registration of a bareboat charter ship the applicant shall propose a name which the ship is to be called during the period of registration.

(2) If the Registrar is satisfied that the name is in compliance with Schedule 2 he shall approve the name.

Allocation of identifying number

38. In the case of an application for registration of a bareboat charter ship the Registrar may allocate an identifying number, whether or not the ship already has a number allocated by its primary register.

Period of registration

39. (1) The registration of a bareboat charter ship expires—

- (a) on the expiry of the charter period; or
(b) at the end of a period of five years beginning with the date of registration specified in the certificate of bareboat charter registry; whichever is the earlier.

(2) Three months before the expiry of the registration period the Registrar shall issue to the charterer of the ship a renewal notice.

(3) Application for renewal of registration may be made during the last three calendar months of the current registration period.

(4) An application for renewal of a bareboat charter shall be in Form 15 of Schedule 1 and shall be accompanied by a declaration of eligibility and by the certificate of bareboat charter registry.

Notification to foreign registries by Registrar

40. The Registrar shall notify the responsible authority for registration of ships in the territory of primary registration when—

- (a) the ship has been registered as a bareboat charter ship on the Montserrat Register;
- (b) the ship's registration has closed by reason of the expiry of the certificate of registry under regulation 39(1)(b); or
- (c) the ship's registration has been closed by the Registrar by reason of regulation 41.

Closure of bareboat charter ship's registration by the Registrar

41. (1) The Registrar may, in addition to the powers conferred by section 10 as applied by section 30 of the Act, close the registration of a bareboat charter ship—

- (a) on application by the charterer;
- (b) where under section 40 of the Act a person is required to make an application, and has not done so; or
- (c) on the ship being destroyed (which includes but is not limited to shipwreck, demolition, fire and sinking).

(2) On closure of a ship's registration under subregulation (1) the charterer shall immediately surrender to the Registrar the certificate of bareboat charter for cancellation.

PART 6

BAREBOAT CHARTER OUT

Entry in Register of bareboat charter out

42. If a dispensation has been granted under section 35 of the Act the owner shall deliver to the Registrar the documents referred to in section 35(4) of the Act, and the Registrar shall enter in the Register a note to the effect that the ship is no longer to be treated as a Montserrat ship.

PART 7

REGISTRATION OF SMALL SHIPS

Eligibility to be registered as a small ship in Part 2 of the Register

43. To be eligible to be registered on Part 2 of the Register a ship must be a small ship other than—

- (a) a fishing vessel; or
- (b) a submersible vessel.

Persons qualified to be the owners of a small ship to be registered on Part 2 of the Register

44. An individual qualified under section 6 of the Act may be registered as owner of a small ship to be registered on Part 2 of the Register.

Montserrat connection

45. Subject to regulation 48(2), a small ship may be registered if it is owned by one or more persons who are ordinarily resident in Montserrat and who are qualified to be the owners of a small ship by virtue of regulation 44.

Disapplication of the Schedule to the Act in respect of small ships

46. The Schedule to the Act relating to the private law provisions shall not apply to a small ship.

Applications

47. An application shall be in Form 15 of Schedule 1 and shall include—

- (a) a description of the ship;
- (b) the overall length of the ship;
- (c) the name of the ship;
- (d) the name and address of every owner of the ship; and
- (e) a declaration by an applicant owner—
 - (i) that he is eligible to be the owner of a small ship under regulation 44; and
 - (ii) that the ship may be registered in Part 2 of the Register in accordance with regulation 45.

Details to be registered and refusal

48. (1) On receiving an application for registration and being satisfied that the ship may properly be registered and that the name of the ship does not appear to him to be undesirable, the Registrar shall register the ship and shall record in the Register the following details—

- (a) the registration number of the ship;
- (b) the date of registration;
- (c) the date of expiry of registration in accordance with regulation 51;
- (d) the details specified in regulation 47(a) to (d).

(2) If the Registrar is not satisfied that the ship is eligible to be registered on this Part of the Register, he may, subject to regulation 58, refuse to register the ship.

Certificate of registry

49. On registration the Registrar shall issue a certificate which shall contain the details recorded in the Register in accordance with regulation 48 save for the address of any owner.

Marking

50. A person registered as owner of the ship shall ensure that—

- (a) within one month of the date on which the registration of the ship takes effect there is clearly painted on or affixed to a visible external surface of the ship the number of its registration preceded by the letters SSR; and
- (b) the marking is effectively maintained and renewed when necessary during the period of the registration of the ship.

Period of registration

51. The registration of a ship under this Part is, unless terminated under these Regulations, valid for a period of five years beginning with the date of registration specified in the certificate of registry and expires at the end of that period unless it is renewed under regulation 52.

Renewal

52. (1) An application for renewal of registration may be made during the last three calendar months of the current registration period.

(2) An application for renewal shall be in writing and shall be accompanied by a declaration as required by regulation 47(e).

Notification of changes of ownership, etc

53. (1) If there is, in relation to a ship registered under this Part—

- (a) a change affecting the eligibility of the ship to be registered as a Montserrat ship;
- (b) a change in relation to the address of the registered owner of the ship; or
- (c) a change in any details relating to the ship,

the registered owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar.

(2) Notification made under subregulation (1) shall be in writing, shall be signed by the registered owner and shall specify the nature of the change and the name and the number of the ship.

Supplementary information production of ship

54. (1) If it appears to the Registrar that there is any doubt as to the eligibility of the ship to be registered on Part 2 of the Register, the Registrar may require satisfactory evidence to be produced by the person registered as the owner.

(2) The evidence required under subregulation (1) may include the production of the ship for inspection at a place and under conditions as the Registrar requires.

(3) If the evidence required under subregulation (1) is not provided to the Registrar within three months, the Registrar may terminate the registration of the ship.

Termination of registration

55. (1) The Registrar shall terminate the registration of a ship if—

(a) the ship ceases to be a ship to which this Part applies; or

(b) there is a change in the details recorded on the certificate of registry respecting the ship.

(2) If the Registrar terminates the registration of a ship under subregulation (1), the certificate of registry ceases to have effect and shall, within one month, be surrendered to the Registrar by the person registered before the termination as the owner of the ship or, if he has died, by his legal personal representative.

PART 8

MISCELLANEOUS

Documents not in the English language to be accompanied by a translation

56. A document which is not written in the English language and is produced in support of an application under these Regulations shall be accompanied by a notarised translation of the document in the English language.

Witnessing of documents

57. If the signature on a document made under these Regulations is required to be witnessed, a witness to the signature shall be a person of full age and shall not be the spouse of the signatory.

Requirement for supplementary information

58. If the Registrar is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration or that any of the particulars or other information supplied is correct or sufficient, he may require supplementary information or evidence as he considers appropriate.

Fees

59. If a fee is prescribed in respect of a service or other transaction to be carried out under these Regulations, the Registrar shall carry out the service or other transaction only if the appropriate fee has been paid.

Surrender of certificate on termination or expiry of registration

60. On the termination, whether by expiration of the registration period or otherwise, of a ship's registration the certificate of registry must be returned by the owner or charterer to the Registrar for cancellation.

Dispensing with production of certificate

61. If a certificate of registry is required by these Regulations to accompany an application and it is shown to the satisfaction of the Registrar that for a reasonable cause (which includes, but is not limited to, the ship being in a port outside Montserrat, or the certificate being needed for an imminent voyage, at the time the application was made) the certificate cannot be produced, the Registrar may, subject to conditions as he thinks fit, dispense with its production.

Removal of marks on cessation of registration

62. If a ship's registration is terminated, whether by expiration of the registration period or otherwise, the marking prescribed under these Regulations must be removed from the ship and written confirmation of that removal must be sent to the Registrar.

Transfers, etc. where tonnage not in accordance with ITC 69

63. (1) Subject to subregulation (2), no transfer of ownership of a ship or shares in a ship, no renewal of registration, nor change of details of the ship or its owners shall be registered in respect of a ship which—

- (a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969 ("ITC 69"); and
- (b) for which no measurement has been undertaken and registered,

until re-measurement takes place and if necessary the certificate of survey has been lodged with the Registrar for amendment of the Register.

(2) Subregulation (1) does not apply if the transfer or change of details, arises by reason of the death of an owner of a ship or a share in a ship.

PART 9

OFFENCES

Offences

64. (1) A person who, with intent to deceive, uses or lends or allows to be used by another, a certificate of registry, whether in force or not, commits an offence.

(2) A person who in connection with the registration of a ship knowingly or recklessly furnishes information which is false in a material particular commits an offence.

(3) A person who intentionally alters, suppresses, conceals or destroys a document which he has been required by these Regulations to produce to the Registrar commits an offence.

(4) A person who, without reasonable excuse, fails to make a notification or to provide information as required by these Regulations commits an offence.

PART 10

TRANSITIONAL PROVISIONS

Definitions for this Part

65. For the purposes of this Part—

“**five year period**” means the period of five years starting on the 1 September 2014;

“**new certificate**” means a certificate of registry issued in accordance with these Regulations;

“**old certificate**” means a certificate of registry, other than a provisional certificate, issued under any Merchant Shipping legislation before the commencement of the Act.

Validity of old certificates

66. (1) An old certificate shall remain in force until either—

(a) a new certificate is issued; or

(b) the expiry of the five year period,

whichever is earlier.

(2) A provisional certificate of registry issued under any Merchant Shipping legislation before the commencement the Act remains in force until the date of its expiry in accordance with the legislation under which it was issued.

Registered information

67. Schedules 4 and 5 shall not apply to a ship until a new certificate is issued in respect of that ship.

Replacement of old certificate

68. (1) A new certificate which—

(a) is issued during the five year period; and

(b) replaces an old certificate,

is valid for a five year period from the date of issue.

(2) A duplicate certificate of registry issued to a ship under section 27 of the Act during the five year period shall be a new certificate issued in accordance with these Regulations and is valid for a period of five years from the date of issue.

(3) The Registrar may during the five year period, at his discretion replace a ship's old certificate with a new certificate which is valid for a five year period.

Advertisement rather than renewal notice

69. (1) Despite regulation 22, no renewal notice shall be issued by the Registrar when an old certificate is due to expire at the end of the five year period under regulation 66(1)(b).

(2) Four months before the expiry of the five year period, the Registrar may cause advertisements to be placed in suitable publications notifying owners of ships, who have not been issued with a new certificate that—

- (a)* all old certificates of registry will expire on the date of expiry; and
- (b)* application for renewal must be made in accordance with regulations 22(2) and 23.

Applications for registration made before commencement of these Regulations

70. (1) Subject to subregulation (2) any application for registration of a ship which is made, but in respect of which registration was not effected, before the commencement of these Regulations shall be completed in accordance with these Regulations.

(2) If—

- (a)* an application for registration of a ship is made, but not completed, before the commencement of these Regulations; and
- (b)* these Regulations would render the ship ineligible for registration; then the application shall be determined in accordance with the relevant legislation under which the application was made.

(3) An application made under these Regulations is deemed to have been made when a properly completed application, accompanied by the proper fee, is received by the Registrar of Montserrat ships in a port of registration.

(4) If the fee paid on an application for registration of ship is not a proper and valid fee, or where the cheque used to pay a fee is returned by the bank on which it is drawn, then the application is not deemed to have been made.

(5) A new certificate which is issued in accordance with this regulation is valid for the five year period and shall contain the information outlined in Schedule 5.

PART 11

GOVERNMENT SHIPS

Registration of a Government ship

71. A ship owned by the Government may be registered in the same manner as any other ship except—

- (a) the application for registration shall be made by the Permanent Secretary of the Ministry or the Head of the Department to whom the management of the ship is entrusted, as the case may be, and shall contain the following particulars—
 - (i) the name and description of the ship;
 - (ii) a statement of the time when and the place where the ship was built, or where the time or the place are not known a statement to that effect, and of her foreign name, if any; and
 - (iii) a statement of the nature of the title to the ship;
 - (b) neither a Declaration of Ownership nor a Declaration of Transfer shall be necessary;
 - (c) the Registrar, on receiving the application and on being satisfied that all the necessary formalities have been complied with, shall enter the ship in the Register as belonging to the Government; and
 - (d) the transfer of ownership of a registered ship owned by the Government shall be made by a bill of sale in the Form 9 of Schedule 1 omitting the covenant and shall be signed on behalf of the Government by a person duly authorised by the Government for that purpose.
-

SCHEDULE 1

FORMS

FORM 1

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT CERTIFICATE OF SURVEY		
GENERAL		
1	Name of Ship	
2	IMO No.	
3	Present Flag	
4	Port of Registry	
5	Call Sign	
6	Type of Ship	
7	Registered Owner	
8	Ship's Manager	
9	GT/NT	
10	Deadweight	
11	Length	
12	Breadth	
13	Depth	
14	Year Built	
15	Classification Society	
16	Class is valid till	
17	Class Notation	
18	Vessel Status	<input type="checkbox"/> A. in service <input type="checkbox"/> B. laid-up <input type="checkbox"/> C. under repair
19	Date of last Dry Docking	
20	DATE OF LAST SPECIAL SURVEY HULL/ MACHINERY	
21	DATE OF NEXT SPECIAL SURVEY HULL/MACHINERY	
22	TRADING AREA ACCORDING TO CLASSIFICATION CERTIFICATE	
23	NEXT PORT OF CALL	
24	In Case of Change of Class, foreseen Classification Society	
SURVEY'S PARTICULARS		
25	SURVEYOR'S NAME	

26	ACCREDITED BY:		
27	DATE OF ACCREDITATION		
28	DATES OF SURVEY		
29	PLACE OF SURVEY		
SHIP'S CERTIFICATES & DOCUMENTS			
	CERTIFICATE/DOCUMENT	YES/NO	CERTIFICATE NO./CERTIFICATE EXPIRY DATE
30	Certificate of Registry		
31	Class Certificate		
32	International Tonnage Certificate		
33	International Load Line Certificate		
34	International Oil Pollution Prevention Certificate (IOPP)		
35	International Air Pollution Prevention Certificate (IAPP)		
36	Sewage Prevention Certificate		
37	Safety Construction Certificate		
38	Safety Equipment Certificate		
39	Safety Radio Certificate		
40	Document of Compliance for Dangerous Goods (if carrying)		
41	Document of authorisation for carriage of grain		
42	Cargo Gear		
43	Safety Management Certificate		
44	Document of Compliance		
45	International Ship Security Certificate		
46	Exemption(s) granted by previous Flag Administration		

47	AFS Compliance Certificate		
PLANS AND RECORDS AVAILABLE ON BOARD			
		Yes/No	Comment
48	General Arrangement Plan		
49	Mid-ship Section Plan		
50	Shell Expansion Plan		
51	Record of Safety Equipment		
52	Fire Control Plans		
53	Training Manuals		
54	Fire Safety Operational Booklet		
55	Oil Record Book – Part 1		
56	Oil Record Book – Part 2		
57	Sounding Book		
58	Radar Log		
59	Compass Error Book		
60	Chronometer Rate Book		
61	Loading Instrument		
62	Loading Manual		
63	Approved Grain Stability Book		
64	SOPEP Manual		
65	Approved Cargo Securing Manual		
66	Deck Maintenance Record Book		
67	E.R. Maintenance Record Book		
68	Medical Log		

69	Port / Flag State Inspection Records (note outstanding deficiencies).			
70	Cargo Gear Book			
71	Radio Log			
MANNING				
	Total	Manning Certificate	Total No. of Persons per Safety Certificate	Remarks
72	Officers			
73	Ratings			
74	Total No. of persons on board			
MANNING RECORD TO MINIMUM SAFE MANNING REQUIREMENTS				
No.	Rank	STCW 95	Remarks	
OTHER DATA				
			Comment	
Vessel Trading Area				
Vessel is classed UMS (UMS notation to be indicated)		Yes/No		

NAVIGATIONAL/RADIO EQUIPMENT			
		Yes/No	Comment
1	Echo Sounding Device		
2	Gyro Compass		
3	Autopilot		
4	Course Recorder		
5	Standard (Magnetic) Compass		
6	Radars		
	Type		
	Type		
7	A.R.P.A		
8	Chronometers		
9	GPS		Indicate number of GPSs:
10	Log/Speed Indicator		
11	Rudder Indicator		
12	Navigation Lights		
13	Signal Lights/Aldis/Whistle/ ships bell & gong		
14	Navigation Shapes		
15	NAVTEX Receiver		
16	Engine Room Telegraph		
17	EPIRB		
18	SART (Radar Transponder)		
19	Portable VHF		

20	Watch Receiver		
21	Emergency Batteries		
RADIO STATION (Description/Condition)			

FIRE FIGHTING EQUIPMENT AND LIFE SAVING APPLIANCES			
1	Description	Yes/No	Comment
	Lifeboats Type and Number		
	Overall Condition		
	Equipment		
	Fittings		
	Launching equipment, davits and wires	Yes/No	
2			Comment
	Life rafts, number and location. (Appropriate certification)	Yes/No	
	Hydrostatic Releases	Yes/No	
	Launching Equipment (as applicable)	Yes/No	
3			Comment
	Signage / instructions posted at point of use	Yes/No	
4			Comment
	Lifebuoys	Yes/No	
	Immersion Suits Number/Condition	Yes/No	
5			Comment
	Life Jackets overall condition and number, Light Expiry	Yes/No	
	Type-Approved	Yes/No	
	Rescue Boat	Yes/No	

6	Thermal Protective Aids Number and Location	Yes/No	
7	Fixed FFA, including surveys as applicable	Yes/No	
8	Fixed Fire Detection	Yes/No	
9	Fire Lines and Hydrants	Yes/No	
10	International Shore Connection	Yes/No	
11	Fire Hoses and Nozzles	Yes/No	
12	Fire Extinguishers (including surveys)	Yes/No	
13	SCBA and ELSA (including surveys)	Yes/No	
14	Portable Oxygen Meters	Yes/No	
15	Bridge Pyrotechnics	Yes/No	
16	Line Throwing Appliance	Yes/No	
17	Lifeboat Pyrotechnics	Yes/No	
18	Emergency Station Bills	Yes/No	
19			Comment
	Fire Control Plan	Yes/No	
	Internal	Yes/No	
	External	Yes/No	
20	Escape Routes and Signs	Yes/No	
21	Life Saving Apparatus Training Manuals (SOLAS)	Yes/No	
22	Maintenance Manuals (FFA/LSA)	Yes/No	
23	EEBD (Number/Position)		

CONDITION OF HULL			
Description			Comment
1	External Shell Plating		
2	Decks, Main Deck, Forecastle, Poop		
3	Superstructure		

[Subsidiary]

4	Internal Shell Plating, Bulkheads, Frames	
5	Ballast Tanks, Peak Tanks, Cofferdams (not less than two salt water ballast tanks are to be inspected)	
6	Mooring Equipment, Anchors, Cables, Mooring Ropes, Fairleads	
7	WT Openings, Doors, Ports, Skylights	
8	Ventilators, Pipes, Sounding Pipes and Closing Devices, including identification of compartment served	
9	Deck Lighting	
10	Manifold, Bunker Tank Vent and Sounding Pipe including identification of tank served	
11	Pilot Hoist /Ladders	
12	Accommodation Ladders and gangways.	
13	Deck Store / Foc'sle Store / Paint Locker / CO ₂ / incident (Oil Pollution etc.) spaces.	
Selected thickness measurement taken at the time of this survey (Relative Report is sent herewith)		Yes/No
Last thickness measurement report taken on (is attached)		Yes/No

STEEL HATCHCOVERS		
Description	Yes/No	Comment
1		Type and Number
2		Method of Opening/Closing

3	Condition of Covers		
4	Coaming Compression Bars		
5	Sealing Rubbers		
6	Cross Joint Drain Channels		
7	Coaming Channels and Drains		
8	Securing Devices for Sea	Yes/No	
9	Hatch covers Container Fitted	Yes/No	

HOLDS INTERNAL			
Description		Comment	
1	Internal Structure		
2	Coatings		
3	Ladders		
4	Guardrails		
5	Cell Guides and Pads		
6	Tank Tops		
7	Manholes, Covers		
8	Bilges and Suctions		
9	Air Sounding Pipes		
10	Lighting		
11	Ventilation Type		
12	Ventilation Trunking		
13	Smothering Distribution System		
Selected thickness measurement taken at the time of this survey (Relative Report is attached)			Yes/No
Date of last thickness measurement report		<i>dd/mm/yyyy</i>	
A copy of the last thickness measurement report taken on (<i>insert date set out directly above</i>) is attached			Yes/No

TANKS (INTERNALLY EXAMINED) / CONDITION	
Description	*Condition

1	Ballast Tanks	
2	Side Tanks	
3	Other tanks	
* Indicate whether condition is Good, Fair, Poor.		
Selected thickness measurement taken at the time of this survey (Relative Report is attached)		Yes/No
Date of last thickness measurement report		dd/mm/yyyy
A copy of the last thickness measurement report taken on <i>(insert date set out directly above)</i> is attached.		Yes/No

GENERAL CONDITION OF OTHER AREAS		
Description	Comment	
1	Accommodation (Internal)	
2	Galleys and Storerooms	
3	Hospital	
4	Dispensary and Medical	
5	Medical Oxygen	

ENGINE ROOM AND MACHINERY		
Description	Yes/No	Comment
1		Overall Condition of Engine Room
2		Main Engine
3		Boiler
4		Auxiliary Boiler
5		Auxiliary Machinery
6		Ballast Pumps
7		F.O. Pumps
8		Lube Oil Pumps
9		General Pumps
10		Air Compressors

11	Cargo Pumps		
12	Emergency Fire Pump		
13	Generators		
14	Purifier Room Cleanliness		
15	Switchboard		
16	Domestic Refrigeration Machinery		
17	Workshops (including machinery guards and/or protective items)		
18	Spares	Yes/No	
19	Control Room Alarms and Instrumentation		
20	Fire Detection System	Yes/No	
21	Smothering System	Yes/No	
	Closing / Sealing Devices	Yes/No	
22	Remote Stops	Yes/No	
23	Oil/Water Separator	Yes/No	
24	Overboard Discharge Alarm	Yes/No	
25	Overboard Discharge Locked in Port?	Yes/No	
26	Fixed Fire System in Engine Room	Yes/No	Extinguishing Media:
27	Fixed Fire System in Cargo Holds	Yes/No	Extinguishing Media:
28	Sanitation System		
29	Sea Valves		
30	Bilge System		
31	High-Level Alarms		
32	Cleanliness		
33	Shaft Tunnel/Stern Gland		
34	Emergency Escape		
35	Fire-Resisting Doors	Yes/No	

36	Fire/Pollution Hazards	Yes/No	
37	Steering Gear and Emergency System		
38	Date Last Tested at Sea		
39	Emergency Generator (Tested)	Yes/No	Date last tested: <i>dd/mm/yyyy</i>
40	Emergency Fire Pump (Tested)	Yes/No	Date last tested: <i>dd/mm/yyyy</i>
41	Emergency Air Compressor (Tested)	Yes/No	Date last tested: <i>dd/mm/yyyy</i>
42	Crane/Hoist –SWL and Record of Examination	Yes/No	
43	Records of Maintenance for Engine Room Equipment.	Yes/No	
COMMENTS			
CARGO AND STORES HANDLING MACHINERY			
Description		Yes/No	Comment
1	Cranes or Derricks Number Type SWL Limit Switches		
2	Cargo Running Gear	Yes/No	
3	Winches	Yes/No	
	Controls	Yes/No	
4	Entries Made in Register	Yes/No	
5	Spares	Yes/No	
6	Safety/Operation Markings	Yes/No	

COMMENTS

CONCLUSION (additional sheets may be added if necessary)

RECOMMENDED TO
REGISTER (Please circle
your recommendation)

YES

NO

LIST OF DEFICIENCIES

Code	List of deficiencies to rectify:	Prior departure	Next port/15 days*	Within one month
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*whichever comes first

PARTICULARS OF TONNAGE

The tonnage of this Vessel is:-
 Gross tonnage: tons
 Net tonnage: tons

I, the understated or (name of Surveyor) Surveyor, having measured the above-named ship, hereby certify that the above particulars are true.

Dated at.....(place of measurement) this day of 20.....

Surveyor

Surveyor's Address:

Official Stamp

FORM 2

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT			
DECLARATION OF OWNERSHIP BY INDIVIDUAL OWNER			
NB: A Declaration must be made before a Registrar of the High Court, a Justice of the Peace, a Commissioner for Oaths or before any person authorised by law to administer oaths.			
GENERAL PARTICULARS			
Name/ proposed name of Ship	Official Number	Call Sign	
Port of Registry	Year of Registration	Type of Ship	
Total Engine Brake Power (KW), if any	Dimensions	Metres (m)	
Overall Length	Overall Depth	Overall Breadth	
PARTICULARS OF TONNAGE			
Gross Tonnage		Net Tonnage	
and as described in more detail in the attached Certificate of Survey.			
LEGAL OWNERSHIP (the 64 shares are legally owned as follows):			
Individual Name/ Company Name	Address/Principal place of business	Nationality/Country of incorporation	No. of shares held individually/jointly
ELIGIBILITY			
I, the undersigned of _____ declare as follows:			
1. I am a citizen of _____			
2. The above general description of the Ship is correct.			
3. I am owner of _____ shares in the said ship.			

4. _____ shares in the said Ship are owned by the persons stated above.

5. To the best of my knowledge, information and belief, a majority interest in a ship is owned by persons eligible to own a Montserrat ship and the ship is otherwise eligible to be registered.

I make this solemn Declaration conscientiously believing the same to be true.

Made this day of, 20.....by the

above named

(print name of signatory)

.....

(signature of person making Declaration)

in the presence of

(print name of witness)

.....

(capacity in which you witness Declaration)

.....

(signature in which you witness Declaration)

FORM 3

<p>MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT</p> <p>DECLARATION OF OWNERSHIP ON BEHALF OF A CORPORATION AS OWNER</p>		
<p>NB: Declarations must be made before a Registrar of the High Court, a Justice of the Peace, a Commissioner for Oaths or before any person authorised by law to administer oaths.</p>		
GENERAL PARTICULARS		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)

PARTICULARS OF TONNAGE			
Gross Tonnage		Net Tonnage	
and as described in more detail in the Certificate of Survey.			
LEGAL OWNERSHIP (the 64 shares are legally owned as follows)			
Individual Name/ Company Name	Address/Principal place of business	Nationality/Country of incorporation	No. of shares held individually/jointly
ELIGIBILITY			
<p>I, the undersigned _____ (<i>Full name</i>) _____</p> <p>of _____ (<i>Address of person making declaration</i>) _____</p> <p>and _____ (<i>Designation within corporation</i>) _____</p> <p>of _____ (<i>Name of Corporation</i>) _____ declare as follows:</p>			

- 1. The said body corporate, which has its registered office at _____ was, incorporated under the Laws of _____ on the _____ day of _____ 20 ____.
- 2. The above general description of the ship is correct.
- 3. The said ship was built at _____ in 19__ /20 ____.
- 4. The said corporation is eligible to be registered as owner of _____ shares in the above-named Ship.
- 5. The said ship is free from registered encumbrances.
- 6. To the best of my knowledge, information and belief, a majority interest in a ship is owned by persons eligible to own a Montserrat ship and the ship is otherwise eligible to be registered.

I make this solemn Declaration conscientiously believing the same to be true.

Made this day of, 20..... by the

above named

(print name of signatory)

.....
(signature of person making Declaration)

in the presence of

(print name of witness)

.....
(capacity in which you witness Declaration)

.....
(signature in which you witness Declaration)

FORM 4

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT CERTIFICATE OF REGISTRY			
Certificate Number:			of 20
Name of Ship	*IMO/HIN Number	Official Number	*Unique Number
Name of *owner(s)/Charterer	Address of *owner(s) / Charterer	No. of shares owned (individually)	No. of shares owned (jointly)
GENERAL PARTICULARS			
Home Port	Call Sign	Year of Registration	Year of Completion
Type of Ship	Year of Build	Stem	Rigging
No. of Decks	No. of Bulkheads	No. of Masts	Principal Build Material
Length (meters)	Breadth (meters)	Depth (meters)	Estimated Speed
Brake Power	Indicated Power	Shaft Power	Place of Construction
PARTICULARS OF ENGINE			
Engine Make	Engine Model	Engine Power (kilowatts)	
PARTICULARS OF PROPULSION			
Method of Propulsion			
<input type="checkbox"/> Sail	<input type="checkbox"/> Steam	<input type="checkbox"/> Motor	<input type="checkbox"/> Dumb
PARTICULARS OF TONNAGE			
Gross Tonnage	Net Tonnage	Registered Tonnage	
and as described in more detail in the Certificate of Survey and Registry Book.			
* delete as necessary			

<p>CERTIFICATION</p> <p>I, ,certify that the ship described in this certificate is registered under the Merchant Shipping (Registration) Act and that the particulars in this certificate accord with the entry in the Register of Montserrat ships.</p> <p>Date of Issue of Certificate:</p> <p>Date of Expiry of Certificate:</p> <p>.....</p> <p>Registrar</p>

FORM 5

MONTSEERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
DECLARATION OF OWNERSHIP BY INDIVIDUAL TRANSFEREE		
NB: A declarations must be made before a Registrar of the High Court, a Justice of the Peace, a Commissioner for Oaths or before any person authorised by law to administer oaths.		
GENERAL PARTICULARS		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
PARTICULARS OF TONNAGE		
Gross Tonnage	Net Tonnage	
and as described in more detail in the Certificate of Survey and the Register Book.		
I, the undersigned _____ (<i>Full name</i>) _____ of _____ (<i>Address</i>) _____		

declare as follows:-		
1. The above described ship was built at _____ in 19__/20__		
2. The general description of the ship is correct.		
3. I am eligible to be registered as owner of _____ shares in the said ship.		
4. To the best of my knowledge, information and belief, a majority interest in the said ship is owned by a person or a body of persons who are qualified to be the owners of Montserrat ships under the relevant provisions of the Merchant Shipping (Registration) Act.		
I make this solemn Declaration conscientiously believing the same to be true.		
Made this day of, 20.....by the		

above named

(print name of signatory)

.....
(signature of person making Declaration)

in the presence of

(print name of witness)

.....
(capacity in which you witness Declaration)

.....
(signature in which you witness Declaration)

FORM 6

MONTSEERRAT MERCHANT SHIPPING (REGISTRATION) ACT PROVISIONAL CERTIFICATE			
Certificate Number:			of 20
Name of Ship			
PURCHASE DETAILS			
Name of Purchasers	Place of purchase	Time of purchase	
DETAILS OF OWNERS			
Name of *owner(s)/ Charterer	Address of *owner(s) / Charterer	No. of shares owned (individually)	No. of shares owned (jointly)
GENERAL PARTICULARS			
Type of Ship	Call Sign	Year of Build	Stem
No. of Decks	No. of Bulkheads	No. of Masts	Rigging
Length (meters)	Breadth (meters)	Depth (meters)	
Principal Build Material	Place of Construction		
PARTICULARS OF ENGINE			
Engine Make	Engine Model	Engine Power (kilowatts)	
PARTICULARS OF PROPULSION			
Method of Propulsion			
<input type="checkbox"/> Sail	<input type="checkbox"/> Steam	<input type="checkbox"/> Motor	<input type="checkbox"/> Dumb
PARTICULARS OF TONNAGE			
Gross Tonnage	Net Tonnage		
* delete as necessary			

<p>CERTIFICATION</p> <p>I _____ grant this Provisional Registration Certificate for the ship described above under the Merchant Shipping (Registration) Act to _____</p> <hr/> <p>Date of Issue of Certificate: _____ Date of Expiry of Certificate: This certificate is valid for three (3) months from the date of issue or until the ship reaches a Montserrat port, whichever happens sooner.</p> <p>..... Registrar/authorised person</p>

FORM 7

MONTSERRAT
MERCHANT SHIPPING (REGISTRATION) ACT
DECLARATION OF OWNER TAKING BY TRANSMISSION

NB:

1. If there is more than one owner, whether individual or joint, a separate declaration must be completed by each owner.
2. If the transmission takes place by virtue of marriage or is consequent on death or bankruptcy, the declaration of transmission shall be accompanied by the evidence required under regulation 26 of the Merchant Shipping (Registration of Ships) Regulations.
3. A declaration shall be made before a Registrar of the High Court, a Justice of the Peace, a Commissioner for Oaths or before any person authorised by law to administer oaths.

PARTICULARS OF SHIP

Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
		<input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Dumb
Length (meters)	Depth (meters)	Breadth (meters)

PARTICULARS OF TONNAGE

Gross Tonnage	Net Tonnage

and as described in more detail in the Certificate of Survey and the Register Book.

DECLARATION

I _____ (*Full name*) _____ of _____ (*Address*) _____

declare as follows:

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

INDIVIDUAL

I am qualified to own a __(*State country*)__ ship and I am eligible to be registered as:

- owner of _____ shares in the ship described above.
- joint owner of _____ shares in the ship described above.

CORPORATION

I am __(*Name/Designation*)__ of __(*Name of corporation*)__, a corporation incorporated under _____(*Law under which incorporated*) and which has its principal place of business at _____(*Address*)_____

The corporation is entitled to be registered as:

- owner of _____ shares in the ship described above.
- joint owner of _____ shares in the ship described above.

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

- on marriage
- on death
- on bankruptcy
- by lawful means other than a transfer under the Merchant Shipping (Registration) Act

4. The *ship/share in the ship has been transmitted to:

_____.

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

<p>DECLARED at _____)</p> <p>_____ on the)</p> <p>___ day of _____ 20__)</p> <p>Before me:</p> <p>_____</p> <p style="text-align: center;"><i>(signature)</i></p> <p>_____</p> <p style="text-align: center;"><i>(name and title)</i></p>	<p>_____</p> <p><i>(signature of individual or representative/authorised declarant)</i></p>
--	---

REGISTRATION OF OWNER TAKING BY TRANSMISSION	
FOR OFFICIAL USE ONLY	<p>I certify that the within declaration of ownership taking by transmission was recorded in the register of Montserrat ships on the ___ day of _____, 20__ at _____ am/pm.</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Registrar</p>

FORM 8

MONTSERRAT
MERCHANT SHIPPING (REGISTRATION) ACT**DECLARATION OF MORTGAGEE TAKING BY TRANSMISSION**

NB:

1. If there is more than one owner, whether individual or joint, a separate declaration must be completed by each owner.
2. If the transmission takes place by virtue of marriage or is consequent on death or bankruptcy, the declaration of transmission shall be accompanied by the evidence required under regulation 26 of the Merchant Shipping (Registration of Ships) Regulations.
3. A declaration shall be made before a Registrar of the High Court, a Justice of the Peace, a Commissioner for Oaths or before any person authorised by law to administer oaths.

Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
		<input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Dumb
Length (meters)	Depth (meters)	Breadth (meters)

PARTICULARS OF TONNAGE

Gross Tonnage	Net Tonnage

and as described in more detail in the Certificate of Survey and the Register Book.

DECLARATION

I _____ (*Full Name*) _____ of _____ (*Address*) _____

, declare as follows:

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

INDIVIDUAL MORTGAGEE

I am entitled to be registered as:

- mortgagee of _____ shares in the ship described above.
- joint mortgagee of _____ shares in the ship described above.

CORPORATE MORTGAGEE

I am ____ (*Name/Designation*) ____ of ____ (*Name of Corporation*) __, a
corporation incorporated under ____ (*Laws under which*
incorporated) _____

The said corporation is entitled to be registered as:

- mortgagee of _____ shares in the ship described above
- joint mortgagee of _____ shares in the ship described above

3. The shares in the ship described above have been transmitted in the following manner:
- on marriage
- on death
- on bankruptcy
- by lawful means other than a transfer under the Merchant Shipping (Registration) Act

4. The property has been transmitted to:
_____.

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

DECLARED at _____) on the ____ day of _____ 20 ____) Before me: _____ <i>(signature)</i>	_____ <i>(signature of individual or representative/authorised declarant)</i>
_____ <i>(name and title)</i>	

REGISTRATION OF MORTGAGEE TAKING BY TRANSMISSION

FOR OFFICIAL USE ONLY	I certify that the within-written declaration of mortgage taking by transmission was recorded in the register of Montserrat ships on the ____ day of _____, 20__ at _____ am/pm. _____ Registrar
-----------------------	--

FORM 9

MONTSERAT
MERCHANT SHIPPING (REGISTRATION) ACT

BILL OF SALE

NB:

1. A purchaser of a registered Montserrat Ship does not obtain a complete title until the Bill of Sale has been filed at the High Court Registry.

Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
		<input type="checkbox"/> Motor <input type="checkbox"/> Sail <input type="checkbox"/> Steam <input type="checkbox"/> Dumb
Overall Length	Overall Depth	Overall Breadth

1. We,.....("**the Transferor(s)**"), having our principal place of business at....., in consideration of the sum of..... paid to us by ("**the Transferee(s)**"), the receipt whereof is hereby acknowledged, transfer all shares in the ship particularly described above, and in her boats and appurtenances, to the said Transferee(s).
2. Further, *I/We transferor(s) for myself/ourselves and our successor(s) covenant with the transferee(s) and their assigns, that *I/We have power to transfer in manner aforesaid the ship particularly described above, and in her boats and appurtenances hereinbefore expressed to be transferred and that the same are free from encumbrances, maritime liens or any debts.

**delete as necessary*

IN WITNESS whereof we have executed this Bill of Sale this _____ day of _____, 20__

SIGNED, SEALED AND DELIVERED)	
by the within named)	
(name of Transferor(s)), Transferor(s))	

Transferor	
(name of Transferee(s)), Transferee(s))	

Transferee	
Before me:-	

(signature)	

(name and title)	
REGISTRATION OF BILL OF SALE	
FOR OFFICIAL USE ONLY	I certify that the within-written bill of sale was recorded in the register of Montserrat ships on the ____ day of _____, 20__ at _____ am/pm.

	Registrar

FORM 10

MONTSEERRAT
MERCHANT SHIPPING (REGISTRATION) ACT**MORTGAGE TO SECURE PRINCIPAL SUM AND INTEREST**

NB:

1. If there is more than one mortgagor, then a separate mortgage is required from each mortgagor, unless shares are jointly held.
2. The prompt registration of mortgage deed with the Registry is essential to establish the priority of the mortgage. The priority of a mortgage is determined by the date on which it is produced for registration and not the date of the mortgage itself.

The mortgage reference number issued by the mortgagee is:

PARTICULARS OF SHIP

Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)

THE MORTGAGE

1. *I/We _____ (State name and address, with place of business in respect of corporation) _____ as _____ as *mortgagor/joint mortgagors ("the mortgagor(s)"), in consideration of _____ (State the amount of the loan in both figures and words) _____ lent to *me/us by _____ (State name and address, with place of business in respect of corporation) _____ as *mortgagee/joint mortgagees ("the mortgagee(s)") do hereby bind *myself/ourselves to repay to the mortgagee the sum of _____ (State the amount of the loan in both figures and words) _____ together with interest thereon at a rate of _____ % per annum on the _____ day of _____ next.
2. If the principal sum is not paid on the same day, *I/We will during such time as the principal sum or part of the principal sum remains unpaid, pay to the mortgagee(s), interest on the whole principal sum or part of the principal sum as may be for the time being unpaid at the rate of _____ % per annum by equal half-yearly payments on _____ day of _____ and _____ day of _____ in every year.
3. For the purposes of better securing to the mortgagee(s) the principal sum and

interest, *I/we mortgage to the mortgagee(s)

_____ shares of which *I/we are the owners in the ship described above and in its appurtenances.

4. Lastly, *I/we for *myself/ourselves declare that *I/we will have the power to mortgage in the manner aforesaid the above-mentioned share/shares in the ship and that they are free from encumbrances *save as appears by the registry of the above ship.

**delete as necessary*

IN WITNESS whereof we have executed this Mortgage this _____ day of _____, 20__

SIGNED, SEALED AND DELIVERED)

by the within named)

(name of Mortgagor(s)), Mortgagor)

Mortgagor

(name of Mortgagee(s)), Mortgagee(s))

Mortgagee

Before me:-

REGISTRATION OF MORTGAGE

FOR OFFICIAL USE ONLY

I certify that the within-written mortgage was recorded in the register of Montserrat ships on the ___ day of _____, 20__ at _____ am/pm.

Registrar

FORM 11

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT MORTGAGE TO SECURE ACCOUNT CURRENT, ETC. (INDIVIDUALS OR JOINT OWNERS)		
NB:		
1. If there is more than one mortgagor, then a separate mortgage is required from each mortgagor, unless shares are jointly held.		
2. The prompt registration of mortgage deed with the Registry is essential to establish the priority of the mortgage. The priority of the mortgage is determined by the date on which it is produced for registration and not the date of the mortgage itself.		
The mortgage reference no. issued by the mortgagee is:		
PARTICULARS OF SHIP		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
THE MORTGAGE		
WHEREAS there is _____ (State "an account current") _____ _____		
between _____ (State full name and address, with place of business in respect of a corporation) _____		
as *mortgagor/joint mortgagors ("the mortgagor(s)") and _____ (State full name and address, with place of business in respect of a corporation) _____		
as *mortgagee/joint mortgagees ("the mortgagee(s)").		
AND WHEREAS _____ (Describe fully the nature of the liabilities secured. You may refer to another document.) _____ _____		

NOW *I/we as the mortgagor(s) in consideration of the advance made or to be made to *me/us by the mortgagee(s), bind *myself/ourselves to pay to the mortgagee(s) the sums for the time being due on the security whether by way of principal, interest or otherwise at the time(s) and in the manner mentioned above.

For the purposes of better securing to the mortgagee(s) the sums mentioned above, *I/we mortgage to the mortgagee(s) _____

_____ shares of which *I/we am the owner/ are the owners in the ship described above and in its appurtenances.

LASTLY, *I/we for *myself/ourselves declare that *I/we will have the power to mortgage in the manner aforesaid the above-mentioned shares and that they are free from encumbrances *save as appears by the registry of the above ship.

**delete as necessary*

IN WITNESS whereof we have executed this Mortgage this _____ day of _____, 20__.

SIGNED, SEALED AND)

DELIVERED

by the within named)

(name of Mortgagor(s)), Mortgagor(s))

_____ Mortgagor

(name of Mortgagee(s)), Mortgagee(s))

_____ Mortgagee

Before me:-

REGISTRATION OF MORTGAGE

FOR OFFICIAL USE ONLY

I certify that the within-written mortgage was recorded in the register of Montserrat ships on the ___ day of _____, 20__ at _____ am/pm.

_____ Registrar

FORM 12

MONTSEERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
TRANSFER OF MORTGAGE BY INDIVIDUAL OR JOINT OWNERS		
The mortgage reference no. issued by the mortgagee is:		
PARTICULARS OF SHIP		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
TRANSFER OF MORTGAGE		
Full name and Address of Transferor		Full name and Address of Transferee
Name:		Name:
Tel:		Tel:
Fax:		Fax:
Email:		Email:
DETAILS OF TRANSFER CONSIDERATION		
<i>(Insert details on separate sheet and attach hereto if sufficient space is not provided):</i>		
*I/We, the transferor(s), in consideration of the transfer consideration specified above, hereby transfer to the transferee(s) the benefit of the within written security.		

IN WITNESS whereof *I/we have executed this Transfer of Mortgage this _____ day of _____, 20__.	
SIGNED, SEALED AND DELIVERED)	
by the within named)	
(name of Transferor(s)), Transferor(s)) _____	
Transferor	
(name of Transferee(s)), Transferee(s)) _____	
Transferee	
Before me:-	

REGISTRATION OF TRANSFER OF MORTGAGE	
FOR OFFICIAL USE ONLY	I hereby certify that the within-written transfer of mortgage was recorded in the register of Montserrat ships on the ____ day of _____, 20__ at _____ am/pm.

	Registrar

FORM 13

MONTSEERRAT MERCHANT SHIPPING (REGISTRATION)		
TRANSFER OF MORTGAGE BY BODY CORPORATE		
The mortgage reference no. issued by the mortgagee is:		
PARTICULARS OF SHIP		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
TRANSFER OF MORTGAGE		
Full name and Address of Transferor		Full name and Address of Transferee
Name:		Name:
Tel:		Tel:
Fax:		Fax:
Email:		Email:
DETAILS OF TRANSFER CONSIDERATION		
<i>(Insert details on separate sheet and attach hereto, if space makes this necessary):</i>		
*I/We, the transferor(s), in consideration of the transfer consideration specified above, hereby transfer to the transferee(s) the benefit of the within written security.		
IN WITNESS whereof we have executed this Transfer of Mortgage this _____ day of _____, 20__.		

SIGNED, SEALED AND DELIVERED)
 by the within named)
 (name of Transferor(s), i.e. name of)
 *Director/ Corporate Secretary), *Director/Corporate Secretary
 Transferor(s)
 (name of Transferee(s)), Transferee(s))
 Transferee

Before me:-

**delete as necessary*

REGISTRATION OF TRANSFER OF MORTGAGE

FOR OFFICIAL USE ONLY

I hereby certify that the within-written transfer of mortgage was recorded in the register of Montserrat ships on the ____ day of _____, 20 ____ at _____ am/pm.

Registrar

FORM 14

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT					
SHIP CARVING AND MARKING NOTE					
NAME OF SHIP	OFFICIAL NUMBER	CALL SIGN	IMO NUMBER	NET TONNAGE	PORT OF REGISTRY
<p>i. The official number and net tonnage, as stated above, are to be permanently and conspicuously marked on a main part of the ship's permanent structure.</p> <p>ii. The name of the ship is to be marked on each of her bows and the port of registry of the ship is to be marked on the ships' stern in the manner directed by the Merchant Shipping (Registration) Act .</p>					
Date: _____ Registrar					
<ul style="list-style-type: none">• I hereby certify that I have inspected the above-named ship and find that: the official number and net tonnage as stated above, are conspicuously marked in as permanent a method as possible;• her name is marked on each of her bows; and• her name and the name of her port of registry are marked on her stern in the manner directed by the Merchant Shipping (Registration) Act .					
Date: _____ Surveyor/Inspector of Marks					

FORM 15

MONTSERAT MERCHANT SHIPPING (REGISTRATION) ACT (Regulation 3, 37 & 47)		
APPLICATION TO REGISTER A SHIP		
TYPE OF REGISTRATION SERVICE(S) REQUIRED		
<input type="checkbox"/> First Registration	<input type="checkbox"/> Small Ship	
<input type="checkbox"/> Bareboat Charter In	<input type="checkbox"/> Renewal	
APPLICANT DETAILS		
Name	Address	Signature
Telephone No.	Fax No./ email address	Date
Proposed name of ship and alternative name(s) in order of preference (in case your first choice cannot be authorised)	1	
	2	
	3	
Port of Registry (if applicable)		
IMO number		
DETAILS OF SHIP OWNER(S)		
Name (surname, forename and title):		
Address:		
Nationality:		
No. of shares held:	<input type="checkbox"/> Individually:	
	<input type="checkbox"/> Jointly and with whom:	
Name (surname, forename and title):		
Address:		
Nationality:		

No. of shares held:	<input type="checkbox"/> Individually
	<input type="checkbox"/> Jointly and with whom:
BAREBOAT CHARTER SHIP REGISTRATION (Complete if application is for Bareboat Charter Ship Registration)	
Name of Charterer	
Address of Charterer	
Commencement date of Charter Agreement	
Expiry of date of Charter Agreement	
Name of Ship on Primary Register	
Identifying number (if any)	
In which country is the ship registered?	
Port of Registration	
DETAILS OF MANAGING OWNER (if applicable)	
Name	
Address	
Nationality	
No. of shares held	
DETAILS OF BODY COPORATE (if owner of ship)	
Name	
Address of registered office	
Territory of incorporation	
Principal place of business	
No. of shares held	<input type="checkbox"/> Individually:
	<input type="checkbox"/> Jointly and with whom:
DETAILS OF REPRESENTATIVE (if applicable)	
Name of a representative person	
Address of representative person/ place of business	

GENERAL PARTICULARS OF SHIP				
Name of Ship				
Type of Ship	<input type="checkbox"/> dry <input type="checkbox"/> oil tanker	<input type="checkbox"/> cargo <input type="checkbox"/> other (specify	<input type="checkbox"/> passenger	<input type="checkbox"/> bulk carrier
IMO/HIN Number				
Call Sign				
Port of choice				
Length (meters)				
Breadth (meters)				
Depth (meters)				
Built by	Name: Address:			
Place of build				
Year keel laid/when built				
Year of Build				
Date of Delivery				
Year of conversion				
Converted (altered) to				
Converted by				
Place of conversion				
Number of masts				
Number of decks				
Material used to construct Hull				
Method of propulsion	<input type="checkbox"/> sail	<input type="checkbox"/> steam	<input type="checkbox"/> motor	<input type="checkbox"/> dumb
PARTICULARS OF MAIN ENGINE(S)				
Make of engines				
Model of engines				
Number of engines				
Total power of engines (kilowatts)				
PARTICULARS OF TONNAGE				
Deadweight				
Gross tonnage				
Net tonnage				
Registered Tonnage				
Pre-1969 GRT (if applicable)				

CORRESPONDENCE

General correspondence and billings relation to ship should be sent to:

Name:

Address:

Tel:

Fax:

Email:

Emergency correspondence relating to ship should be sent to:

Name of contact person ashore (DPA):

Address:

Tel:

Fax:

Email:

INSURANCE

(Insert details here)

Application is hereby made for the registration of the above-described ship as a Montserrat ship under Part 2 of the Merchant Shipping (Registration) Act .

Signature _____
(Applicant)

Date: _____

**delete as necessary*

The following documents have been included (where applicable) with this application (please write YES/NO in the space provided).

Appointment of Representative Person		Declaration of Transmission	
Bill of Sale		Deletion Certificate	
Builders Certificate		Owner's/Mortgagee's Consent	
Certificate of Registry		Resolution to Sell	
Certificate of Survey		Shipyard Letter	
Charter Party Agreement		Tonnage Certificate	
Construction Contract		Transcript of Register	

Court Order		**Appointment of Authorised officer	
Declaration of Eligibility		**Certificate of Good Standing	
Demise Charter		**Certificate(s) of incorporation (copy)	
Other (please specify)			
<i>**Applicable to Body Corporate</i>			

FORM 16

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT APPOINTMENT OF AUTHORISED OFFICERS FOR A BODY CORPORATE		
Name of Ship		
Official Number/IMO Number		
Number, Year and Port of Registry (if applicable)		
Full Company Name		
Full address of place of business		
<p>The following officer(s) of the Corporation are hereby authorised to make and sign all declarations of ownership and/or other documents for and on behalf of the Corporation, as required under the Merchant Shipping (Registration) Act .</p>		
Full name(s) of Authorised Officer(s)	Specimen Signature	Title
<p>The common seal of the Corporation was affixed to this authority in the presence of:</p>		
Officer	Full Name	Signature
Director		
*Director/Secretary		
Authorised signatory		
<p>Date:</p> <p>*delete as necessary NB: When there is no company seal, the authority must be notarized</p>		

FORM 17

MONTSERRAT
MERCHANT SHIPPING (REGISTRATION) ACT
(Section 8)

APPOINTMENT OF REPRESENTATIVE PERSON

DETAILS OF SHIP

Name of Ship	
Official Number/IMO Number	
Number, Year and Port of Registry (if applicable)	

DETAILS OF REPRESENTATIVE PERSON

Title	
Full name of individual or body corporate	
Full address (for body corporate give place of business)	
Contact Tel/Fax No./Email	
Specimen signature	

*I/We hereby _____ confirm
the appointment of _____ as the
representative person for the above described ship.

Signed: _____

Witness: _____

*delete as necessary

Date: _____

FORM 18

MONTSERRAT
MERCHANT SHIPPING (REGISTRATION) ACT
(section 27)

REQUEST FOR DUPLICATE CERTIFICATE

TO: The Registrar of Shipping,

DETAILS OF SHIP

Name of Ship	
Official Number	
IMO number	
Number, Year and Port of Registry (if applicable)	

DECLARATION

1. *I/We _____ (*Full name of owner/body corporate*) _____
of _____ (*Address*) _____
_ declare that:-

The certificate of registry of the above described ship has been—

- *lost/stolen. Should the original certificate be found or recovered it will be returned to the Registrar of Montserrat ships for cancellation.
- destroyed
- become defaced/illegible, and is hereby enclosed.

2. This information is true to the best of *my/our belief.

*I/We request a duplicate certificate of registry.

Declared before me this _____ day of _____
at _____

.....
(*print name of signatory*)

in the presence of
(*print name of witness*)

.....
(*signature/capacity in which you witness Declaration*)

.....
(*signature of person making Declaration*)

*delete as necessary

Date:

FORM 19

MONTSERRAT
MERCHANT SHIPPING (REGISTRATION) ACT
(Regulation 9)

APPOINTMENT OF MANAGING OWNER

DETAILS OF SHIP	
Name of Ship	
Official Number/IMO Number	
Number, Year and Port of Registry (if applicable)	
DETAILS OF MANAGING OWNER	
Title	
Full name of individual or body corporate	
Full address (for body corporate give place of business)	
Contact Tel/Fax No./Email	
Specimen signature	
<p>*I/We hereby _____ confirm the appointment of _____ as managing owner for the above described ship. Signed: _____ Witness: _____</p> <p>*delete as necessary</p>	
Date: _____	

FORM 20

<p>MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT <i>(Regulation 23 & 39)</i></p> <p>APPLICATION FOR RENEWAL OF REGISTRATION</p>				
SECTION 1: DETAILS OF SHIP				
Name of Ship		Official Number	Date of Expiry	
SECTION 2: DECLARATION				
I declare that the details on the Certificate of Registry have not been changed and I apply for renewal.				
Name				
Signature				
Address				
Date				
SECTION 3: Have any of the owner's addresses as recorded on the Register, changed?				
Yes	<input type="checkbox"/>	If Yes, please complete question 4.		
No	<input type="checkbox"/>	If No, return this form to the Registrar.		
SECTION 4: Please enter the name and address of every owner.				
Full Name		Address(es)	Signatures	No. of shares
FOR OFFICIAL USE ONLY	Renewal date		Expiry Date	
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p>Registrar</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>				

FORM 21

MONTSERRAT
MERCHANT SHIPPING (REGISTRATION) ACT
(Regulation 30)

DISCHARGE OF MORTGAGE FORM

The mortgage reference no. (issued by the mortgagee) is:

PARTICULARS OF SHIP

Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)

DISCHARGE OF MORTGAGE

Full name and Address of Transferor	Full name and Address of Transferee
Tel: Fax: Email:	Tel: Fax: Email:

DETAILS OF DISCHARGE CONSIDERATION

(Insert details on separate sheet and attach hereto, if space makes this necessary):

*I/We the above-mentioned Mortgagee have received the above-stated amount in discharge of _____

*delete as necessary

IN WITNESS whereof *I/we have executed this on,

This ____ day of _____ 20 ____		
SIGNED SEALED AND DELIVERED)	
by the within named)	
(<i>name of Mortgagee</i>), Mortgagee)	_____
		Mortgagee
(<i>name of Mortgagor</i>), Mortgagor)	_____
		Mortgagor
Before me:-		

REGISTRATION OF DISCHARGE OF MORTGAGE		
FOR OFFICIAL USE ONLY	I hereby certify that the within-written discharge of mortgage was recorded in the register of Montserrat ships on the following day and time:	
	Date _____	
	Time _____	

	Registrar	

FORM 22

MONTSEERRAT
MERCHANT SHIPPING (REGISTRATION) ACT
(Regulation 32)

NOTICE OF INTENDED MORTGAGE

SECTION 1: DETAILS OF SHIP (complete if ship is currently registered in Montserrat)

Name of Ship	Official Number

SECTION 2: DETAILS OF SHIP (complete if ship is currently not registered in Montserrat)

Present name of ship	
Intended name of ship	
Intended port of choice	
Details of any permanent marks	
Approximate length (meters)	

If Ship is new, please attach the Builder's Certificate. If not available, complete the following:

Full name and Address of Builder	

If the ship is registered outside Montserrat, please attach the certificate of registry and give:

Port of Registration	
----------------------	--

SECTION 3: MORTGAGOR(S) (to be completed in all cases)

Full Name	Address(es)	Signatures	No. of shares affected

SECTION 4: MORTGAGEE (to be completed in all cases)

Mortgagee's Reference No. or Bank Sorting Code	
Name	
Address	
Signature	

Full Name			
Date			
FOR OFFICIAL USE ONLY			
Mortgage intent ___(priority)___ recorded on the Register ___(date)___.	RENEWAL		
	Renewal date	Expiry Date	

SCHEDULE 2*(Regulation 12)***APPROVAL OF NAMES**

1. Every application to the Registrar to approve a name shall specify a name in Roman letters; any numerals shall be in Roman or Arabic numerals.

2. Subject to paragraph 7, in respect of an application to register a ship on Part 1 or 3 of the Register, the Registrar shall not approve the proposed name if it is—

- (a) already the name of a registered territory/British ship; or
- (b) a name so similar to that of a registered territory ship as to be calculated to deceive or likely to confuse;
- (c) a name which may be confused with a distress signal; or
- (d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, prefix or suffix which might cause confusion as to the name of the ship.

3. Subject to paragraph 4, if the Registrar is satisfied that a name does not fall within paragraph 2(a) to (d) he shall notify the applicant in writing that the name is approved and the ship may be registered with that name.

4. Despite that the Registrar is satisfied as to paragraph 2, he may refuse to approve a name—

- (a) which might cause offence or embarrassment;
- (b) which has a clear and direct connection with the Royal family.

5. Any approval given under paragraph 2 shall be valid only for the period three months beginning with the date it is notified to the applicant.

6. If the Registrar is not so satisfied he shall notify the applicant accordingly.

7. Despite paragraph 2, the Registrar may allow the reservation of a ship's name or designation for a period of ten years if he is satisfied that—

- (a) the ship is intended to replace another of the same name which is to be registered within ten years of the date of the application; and
- (b) the applicant is the owner of a registered ship with the same name as that which is to be reserved and its territory registration will be closed before the registration of the new vessel; or
- (c) the applicant is the owner of a registered ship with the same name as that which is to be reserved and it will be sold before the registration of the new vessel on condition that it changes its name and that its name is so changed.

8. Applications for a reservation under paragraph 7 must be accompanied by a full statement of the circumstances of the case.

9. Where a ship having once been registered has ceased to be registered, no person (unless ignorant of the previous registration (proof whereof will lie on him))

shall apply for registration of the ship other than by the name by which it was previously registered except with the written permission of the Registrar.

SCHEDULE 3*(Regulation 14)***MARKING**

A pleasure vessel which is under twenty four metres in length is to be marked as follows—

- (a) the official number and registered tonnage are—
- (i) to be marked on the main beam or, if there is no main beam, on a readily accessible visible permanent part of the structure of the pleasure vessel either by cutting in, centre punching or raised lettering, or
 - (ii) to be engraved on plates of metal, wood or plastic, secured to the main beam (or, if there is no main beam, to a readily accessible visible permanent part of the structure with rivets, through bolts with the ends clenched), or screws with the slots removed;
- (b) the name (unless an exempted ship), is to be marked on a conspicuous and permanent part of the stern on a dark background in white or yellow letters, or on a light background in black letters, the letters being not less than five centimetres high and of proportionate breadth, or, where this is not possible, by the alternative methods given below—
- (i) by engraving on plates of metal or of plastic or by cutting in on a shaped wooden chock. Where a shaped wooden chock is used it should be secured to the hull through bolts, the ends being clenched;
 - (ii) by individual glass reinforced plastic letters and numbers approximately 2mm in thickness. These to be fixed to the hull with epoxy adhesive, and painted with suitable paint and coated with translucent epoxy resin; or
 - (iii) where metal or plastic plates have been used these must be fixed by the use of epoxy adhesives. Metal or plastic plates secured by adhesives should be coated with translucent epoxy resin after they have been fixed in position.
-

SCHEDULE 4

(Regulation 18)

DETAILS TO GO ON REGISTER

1. The following information is to be registered about each owner who is an individual—

- (a) surname, forename and title;
- (b) address;
- (c) nationality;
- (d) number of shares owned by him, and if held jointly, with whom the shares are held;
- (e) the name of the managing owner.

2. The following information is to be registered about each owner which is a body corporate—

- (a) name of owner;
- (b) the address of its registered office;
- (c) territory of incorporation;
- (d) where it is a body corporate incorporated in Montserrat, in the United Kingdom or in a relevant overseas territory, its principal place of business;
- (e) where it is a body corporate incorporated in a State other than Montserrat, its place of business in Montserrat;
- (f) number of shares owned by the company, and if held jointly, with whom the shares are held.

3. The following information is to be registered about any representative person—

- (a) the full name of the individual or body corporate; and
- (b) the address of the individual in Montserrat, or the place of business in the body corporate in Montserrat.

4. The following information is to be registered about ships registered or to be registered on Part 1 of the Register—

- (a) name;
- (b) either the IMO number or the International Standards Organisation Hull Identification Number (HIN), as appropriate;
- (c) radio call sign;
- (d) port of choice;
- (e) official number;

- (f) year of build;
- (g) method of propulsion e.g. whether sail, steam, motor or dumb;
- (h) where built;
- (i) name and address of builders;
- (j) date keel laid/when built;
- (k) length-metric units;
- (l) breadth-metric units;
- (m) depth-metric units;
- (n) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier;
- (o) material used to construct hull;
- (p) the of the following tonnages as are specified in the certificate of survey: gross, net and registered;
- (q) make and model of engine(s);
- (r) total power of engines in kilowatts.

5. In addition to the information in paragraph 4 the following is to be registered in respects of bareboat charter ships—

- (a) the name and address of the owner;
 - (b) the name and address of the charterer;
 - (c) the name and address of any representative person;
 - (d) the unique number allocated to the ship for identification purposes by its primary register;
 - (e) its country of original registration;
 - (f) commencement date of the charter period and its expiry date;
 - (g) the name by which the ship is known on the primary register (or a translation of that name).
-

SCHEDULE 5

(Regulations 19 and 67)

CERTIFICATE OF REGISTRY

1. A certificate of registry for a ship registered or to be registered on Part 1 of the Register shall contain—

- (a) the full name and address of the owner(s);
- (b) the number of shares owned by each owner and, if any are jointly owned, with whom they are owned;
- (c) the following information about the ship—
 - (i) name,
 - (ii) either the IMO number or HIN number, as appropriate,
 - (iii) radio call sign,
 - (iv) official number,
 - (v) year built,
 - (vi) method of propulsion e.g. whether sail, steam, motor or dumb,
 - (vii) length-metric units,
 - (viii) breadth-metric units,
 - (ix) depth-metric units,
 - (x) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier,
 - (xi) the following tonnages as are specified in the certificate of survey: gross, net and registered,
 - (xii) engine make and model,
 - (xiii) engine power in kilowatts;
- (d) the date of issue of the certificate;
- (e) the date the certificate expires.

2. Bareboat Charter Ships

A certificate of bareboat charter registry for ships registered or to be registered on Part 3 of the Register shall contain the details prescribed by paragraph 1(a), (c), (d) and (e) and the following—

- (a) the name and address of the charterer;
 - (b) the unique number allocated to the ship for identification purposes by its primary register.
-

**MERCHANT SHIPPING (REGISTRATION FEES)
REGULATIONS - SECTIONS 53, 60 AND 61**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Fees
3. First registration fee non-refundable after issue of carving and mark
4. Payment of annual fee

SCHEDULE: Fees

**MERCHANT SHIPPING (REGISTRATION FEES)
REGULATIONS – SECTIONS 53, 60 AND 61**

Commencement

[15 August 2014]

Short title

1. These Regulations may be cited as the Merchant Shipping (Registration Fees) Regulations.

Fees

2. The fee for a ship registration service specified in column 2 of the Schedule is payable at the rate specified in column 3 of the Schedule.

First registration fee non-refundable after issue of carving and mark

3. If the Registrar issues a carving and marking note in relation to a ship, the fee paid on application for first registration is non-refundable.

Payment of annual fee

4. (1) The annual fee for maintenance of the Register specified in the Schedule is payable on the anniversary of the date of registration of a ship.

(2) An owner of a ship registered under the Act shall ensure that the fee prescribed under subregulation (1) is paid.

(3) The Registrar shall terminate the registration of a ship if the Registrar is satisfied that an owner has failed to pay the fee prescribed under subregulation (1) within ninety days of the anniversary of the date of registration of a ship.

SCHEDULE
SHIP REGISTRATION FEES
(Regulation 2)

COLUMN 1	COLUMN 2	COLUMN 3
ITEM NO.	SHIP REGISTRATION SERVICE	FEE
1.	First registration and issue of certificate of registry	\$1,000
2.	Re-registration and issue of certificate of registry	\$1,000
3.	Annual fee for maintenance of register	\$ 300
4.	Registration of bills of sale	\$ 500
5.	Registration of change of ownership of vessel including issue of new certificate of registry	\$ 600
6.	Registration of mortgage	\$ 500
7.	Entry of discharge of mortgage	\$ 50
8.	Recording of mortgage intent	\$ 200
9.	Current transcripts	\$ 200
10.	Certified copies of closed transcripts	\$ 200
11.	Manual search of the Register; per ship	\$ 50
12.	Issue of new certificate of registry	\$ 300
13.	Re-issue of certificate of registry on loss of or damage to original	\$ 300
14.	Registration of change of name of ship including issue of new certificate of registry for ship	\$ 350
15.	Copies of certificates and transcripts and documents; per folio/page	\$ 100
16.	Name reservation for a period of 180 days	\$ 50
17.	Fax per folio/page	\$ 50
18.	Unspecified assignments of the registrar, including work outside of office; per hour for the first hour plus transportation and incidental costs	\$ 200
19.	Unspecified assignment of the registrar, including work outside of office; per hour plus transportation and incidental costs, for every hour after the first hour	\$ 100
20.	Issue of terminable certificate for conditional short-term registration of vessels after issue of carving and marking note and before issue of permanent certificate of registry	\$ 300