

SCHEDULE 1

PART I OF MERCHANT SHIPPING ACT 1894 AND PART II OF THE FIRST SCHEDULE THERETO

PART I REGISTRY

Procedure for Registration

Registrar of Shipping.

4.—(1) The Registrar of Shipping of Bermuda shall be such person as may from time to time be appointed for the purpose by the Governor in Council.

(3) The Registrar of Shipping shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of Registrar, unless the same has happened through his neglect or wilful act.

Register.

5. The Registrar of Shipping shall keep a register of ships (referred to in this Part of this Act as “the register”), and entries in the register shall be made in accordance with the following provisions:—

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

Survey and measurement of ship.

6. Every ship shall before registry be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations of this Act, and the surveyor shall grant his certificate specifying the ship’s tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Governor in Council and such certificate shall be delivered to the Registrar of Shipping before registry.

Marking of ship.

7.—(1) Every ship shall before registry be marked permanently and conspicuously to the satisfaction of the Governor in Council as follows:—

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- (a) Her name shall be marked on each of her bows, and her name and the name of her port of registry must be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than one decimeter, and of proportionate breadth:
- (b) Her official number and the number denoting her registered tonnage shall be cut in on her main beam:
- (c) In the case of every such ship registered before the 1st day of January 1974 a scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters and figures must be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Governor in Council approves.
- (d) In the case of every such ship registered on or after that date, a scale of decimetres, or of metres and decimetres, denoting a draught of water shall be marked on each side of her stem and of her stern post—
 - (i) in figures at two-decimetre intervals, if the scale is in decimetres; and
 - (ii) in figures at each metre interval 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 (as the case may be), coinciding with the draught line denoted thereby; the figures and letters being not less than one decimeter in length and being marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Governor in Council approves.
- (e) In the case of every ship registered after that date but before 31st day of December 1974 a scale shall be marked either in accordance with paragraph (c) of this sub-section, or in accordance with paragraph (d) of this sub-section.

(2) The Governor in Council may exempt any class of ships from all or any of the requirements of this section.

(3) If the scale showing the ship’s draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be liable to a fine not exceeding seven hundred and fifty dollars.

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

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

Application for registry.

8. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointers, and, if appointed by a corporation, under the common seal of that corporation.

Declaration of ownership on registry.

9. A person shall not be entitled to be registered as owner of a ship or of a share therein until he, or in the case of a corporation the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration of ownership, referring to the ship as described in the certificate of the surveyor, and containing the following particulars:—

- (i) A statement of his qualification to own a Bermudan ship, or in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a Bermudan ship:
- (ii) A statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building; and, in addition, thereto, in the case of a foreign ship, a statement of her foreign name, or, in the case of a ship condemned, a statement of the time place and court at and by which she was condemned:
- (iv) A statement of the number of shares in the ship the legal title to which is vested in him or (as the case may be) the corporation, whether alone or jointly with any other person or persons:
- (v) A declaration that, to the best of his knowledge and belief, a majority interest in the ship is owned by persons qualified to be owners of Bermudan ships, and the ship is otherwise entitled to be registered:

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

Evidence on first registry.

10.—(1) On the first registry of a ship the following evidence shall be produced in addition to the declaration of ownership:—

- (a) In the case of a British-built ship a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry:
- (b) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry:
- (c) In the case of a ship condemned by any competent court, an official copy of the condemnation.

(2) The builder shall grant the certificate required by this section, and such person as the Governor in Council recognises as carrying on the business of the builder of a ship, shall be included, for the purposes of this section, in the expression "builder of the ship".

(3) If the person granting a builder's certificate under this section wilfully makes a false statement in that certificate he shall for each offence be liable to a fine not exceeding one thousand, seven hundred and fifty dollars.

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Entry of particulars in register.

11. As soon as the requirements of this Act preliminary to registry have been complied with the Registrar of Shipping shall enter in the register the following particulars respecting the ship:—

- (a) The name of the ship and the name of the port to which she belongs:
- (b) The details comprised in the surveyor's certificate:
- (c) The particulars respecting her origin stated in the declaration of ownership: and
- (d) The name and description of her registered owner or owners, and if there are more owners than one, the proportions in which they are interested in her.

Documents to be retained by Registrar of Shipping.

12. On the registry of a ship the Registrar of Shipping shall retain in his possession the following documents; namely, the surveyor's certificate, the builder's certificate, any bill of sale of the ship previously made, the copy of the condemnation (if any), and all declarations of ownership.

Port of registry.

13. The port of Hamilton shall be deemed the port of registry of a ship registered and the port to which she belongs.