

SCHEDULE 1

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

PART I REGISTRY

Registry of Alterations, Registry Anew, and Transfer of Registry

Registry of alterations.

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

(2) If default is made in registering anew a ship, or in registering an alteration of a ship so altered as aforesaid, the owner of the ship shall be liable on summary conviction to a fine not exceeding seven hundred and fifty dollars and, in addition, to a fine not exceeding seventy five dollars for every day during which the offence continues after conviction.

Regulations for registry of alteration.

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

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

Registry anew on change of ownership.

51. Where the ownership of any ship is changed, the Registrar of Shipping may, on the application of the owners of the ship register the ship anew, although registration anew is not required under this Act.

Procedure for registry anew.

52.—(1) Where a ship is to be registered anew, the Registrar of Shipping shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew, and grant a certificate thereof.

(2) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage of existing certificates of sale or mortgage entered thereon, but the names of all persons appearing on the former register to be interested in the ship, as owners or mortgagees shall be entered on the new register, and the registry anew shall not in any way affect the rights of any of those persons.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transfer of registry.

53A.—(1) Subject to subsection (2) of this section, the registration of a ship under this Part of this Act may be transferred from Hamilton to a port in the United Kingdom or in a relevant overseas territory on the application to the Registrar of Shipping made by declaration in writing of all persons appearing on the register to be interested in the ship as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

(1A) On any such application the Registrar of Shipping shall transmit notice thereof to the registrar of the intended port of registry with a copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested in the ship as owners or mortgagees.

(1B) The ship's certificate of registry shall be delivered up to either the Registrar of Shipping or the registrar of the ship's intended port of registry, and, if delivered up to the former, shall be transmitted to the registrar of the intended port of registry.

(2) Where an application is made under this section for the transfer of a ship's registration to a port in the United Kingdom or in a relevant overseas territory, the Registrar of Shipping shall not proceed to deal with the application unless he is satisfied that registration of the ship under this Part of this Act at the intended port of registry is not precluded by—

- (a) any Order in Council in force under section 11 of the Merchant Shipping Act 1988, or
- (b) any provision of the law in force in the United Kingdom or in the territory in question as the case may be;

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

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

(4) The Registrar of Shipping 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.

(5) In this section "relevant overseas territory" means—

- (a) the Isle of Man;
- (b) any of the Channel Islands; or
- (c) any colony of the United Kingdom other than Bermuda.

53B.—(1) Where a ship is registered under this Part of this Act in the United Kingdom or in a relevant overseas territory (as defined by section 53A(5) of this Act), the registration of that ship may (subject to subsection (5) of this section) be transferred to Hamilton if—

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

(2) Those documents are—

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

(c) the ship's certificate of registry.

(3) On receipt of those documents the Registrar of Shipping shall (subject to subsection (5) of this section)–

(a) enter in the register all the particulars and names so transmitted, and

(b) grant a fresh certificate of registry;

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

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

(5) Where the entitlement of a ship to be registered is by virtue of any provision of section 4 of the Merchant Shipping Act 1988 subject to any condition specified in that provision being satisfied, the registry of the ship shall not be transferred to Hamilton under this section unless it appears to the Registrar of Shipping that that condition is satisfied.

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