**ANGUILLA**

# REVISED REGULATIONS OF ANGUILLA

under

# MERCHANT SHIPPING ACT
# R.S.A. c. M82

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.


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Published by the
Attorney General's Chambers
Printed under Authority by
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**Revised Regulations of Anguilla: M82-1**

MERCHANT SHIPPING ACT (R.S.A. c. M82)

# REGISTRATION OF SHIPS REGULATIONS

Note: These Regulations are enabled under sections 57 and 58 of the Merchant Shipping Act, R.S.A. c. M82.

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PART 1

GENERAL

**Interpretation**

**1.** In these Regulations, unless the context otherwise requires—

"Act" means the Merchant Shipping Act;

"Administration" means the Maritime Administration of Anguilla consisting of the following persons—

(a) Permanent Secretary, Ministry of Infrastructure, Construction, Utilities and Housing;

(b) Superintendent;

(c) Registrar of ships;

"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 the same; 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 Anguilla—

(a) any 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, any member of the High Commissioner's official staff nominated by him for the purposes of these Regulations; or

(c) where that *territory* is a colony, the Governor of the colony 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" means the Minister or any person authorised to carry out the measurement of ships for the purposes of these Regulations;

"bareboat charter ship" means a ship registered under section 27 of the Act;

"builder's certificate" means 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 date and place where it was built, and of 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 27 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 Regulation;

"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 which complies with the provisions of section 22(1);

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

"identifying number" means—

(a) where the Registrar has allocated a bareboat charter ship a number under section 37, 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" means an authorised measurer or any person authorised by the Minister to verify the carving and marking of a ship under these Regulations;

"Merchant Shipping Acts" means the Merchant Shipping Acts 1894 to 2002 having effect in Anguilla;

"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 owning the ship, or, as the case may be, a share in the ship, whether or not registered as owner;

"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 Anguilla ships for the purposes of the Act;

"Registrar" means the person for the time being responsible for the registration of ships in Anguilla;

"relevant overseas territory" means the Isle of Man, the Channel Islands or any colony of the United Kingdom, except Anguilla;

"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 complying with section 5 of the Act;

"small ship" means a ship of less than 24 metres in overall length, or a pleasure vessel of less than 400 gross tons, which is, or is applying to be, registered in Part 2 of the Register;

"submersible vessel" means any vessel used or designed to be used under the surface of any waters;

"surveyor of ships" means a marine surveyor nominated by the Minister to undertake the surveys required by these Regulations and includes any marine surveyor of the Administration;

"tonnage regulations" means the regulations in force in Anguilla for the measurement of tonnage of ships;

"transfer of a ship" includes, except where the context otherwise requires, transfer of a share in a ship.

**Form of prescribed instruments**

**2.** The instruments and documents listed in Schedule 1 to the Act shall be in the form set out in Schedule 1.

PART 2

THE REGISTER OF ANGUILLA SHIPS

**Register**

**3.** (1) The Register maintained by the Registrar for the purposes of section 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 27 of the Act ('bareboat charter ships').

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

(3) Any person shall be entitled on application to the Registrar to obtain a transcript, certified by an authorised officer, of the entries in the Register.

(4) The Registrar shall be entitled to amend the Register where—

(a) a clerical error has occurred; or

(b) sufficient evidence is produced to satisfy him that an entry is incorrect;

and on making the amendment he shall issue a new certificate of registry if necessary.

**Registration on only one Part of the Register**

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

**Ships not within Register's categorization not to be registered**

**5.** 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 Merchant Shipping Act 1995.

PART 3

REGISTRATION

**Division A**

*Application and First Registration*

**Form of application**

**6.** (1) Every application made under these Regulations shall be made to the Registrar.

(2) The application shall be made in a form approved by the Minister and shall contain the name and address of the applicant and sufficient information to enable the ship to be identified.

**Applications for registration**

**7.** (1) Every declaration of eligibility pursuant to section 15 of the Act shall be in a form approved by the Minister.

(2) Every application for registration of a ship which has, immediately prior to 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**

**8.** (1) Where 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 5 of the Act, one of those owners who is resident in Anguilla 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) Where the owners determine that a different managing owner should be appointed, the Registrar shall be notified in writing and the Register noted accordingly.

(3) Any document required or authorised to be served by or under the Merchant Shipping Acts 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 Merchant Shipping Acts, or under any instrument in force under those Acts, 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 notified (or, as the case may be, last notified) to the Registrar under subsection (1) or (2) in relation to that person; or

(c) left for the managing owner at that address.

**Applications by bodies corporate**

**9.** Where application is made on behalf of a body corporate, the application must be accompanied by—

(a) where it is a company registered in Anguilla, 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) where it is a company, other than a company incorporated in Anguilla, with a place of business in Anguilla, a certificate from the Registrar of Companies that the company is registered with him as an overseas company.

**Evidence of title on registration**

**10.** (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 5 years before the application is made, or

(B) if the ship has been registered with a full registration at any time within the last 5 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) where the evidence required by paragraph (a) or (b) is not available, other evidence of title satisfactory to the Registrar.

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

**Names**

**11.** (1) On making an application for 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**

**12.** (1) On receipt of an application for registration of a ship for the first time the Registrar, if he is satisfied that that ship is eligible to be registered, shall allocate to the ship a register number ("official number"), and shall issue a carving and marking note.

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

(3) Where a ship has had a number allocated under subsection (2) and that number has been 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**

**13.** 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 12 of the Act (Survey and measurement), cause it to be so surveyed or measured;

(b) cause the ship to be carved and marked in accordance with section 13 of the Act, or in the case of a pleasure vessel under 24m in length, in accordance with Schedule 3; and

(c) where required under section 14 (Inspection of marks), cause the ship's carving and marking to be inspected by an inspector of marks.

**Inspection of marks**

**14.** (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 13 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 13 of the Act or Schedule 3 and return the certified carving and marking note to the Registrar.

**Verification of measurement and carving and marking**

**15.** (1) If the Registrar is not satisfied—

(a) that the particulars of the measurement and tonnage or such 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 13 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 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 30 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 that period of 30 days the Registrar is not so satisfied, he may—

(a) extend the notice and ask for further information; or

(b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.

(4) Where a ship's registration is closed under subsection (3) the owner of the ship shall forthwith surrender its certificate of registry.

(5) Where the Registrar serves a notice under this section 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**

**16.** If a carving and marking note issued under section 12 is not duly completed and returned to the Registrar within 3 months of its issue, the Registrar may cancel it and the application shall be treated as having been withdrawn.

**Particulars of registration**

**17.** Where the Registrar is satisfied in respect of an application that—

(a) the ship is eligible to be registered as an Anguilla 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 6 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**

**18.** A certificate of registry issued pursuant to section 20 of the Act shall contain the particulars set out in Schedule 5.

**Documents to be retained by the Registrar**

**19.** (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) All documents which have been produced to the Registrar to establish title shall be returned to the applicant once the ship has been registered and the documents shall be stamped by the Registrar to indicate that they have been used for the registration of a ship.

**Division B**

*Renewals*

**Period of registration**

**20.** Subject to section 65, the registration of a ship shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed in accordance with section 22 (Application for renewal of registration).

**Renewal notices and time limit for renewal**

**21.** (1) At least 3 months (but not more than 6 months) before the expiry of the registration period the Registrar shall issue to the owner of the ship a renewal notice.

(2) Subject to subsection (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) Notwithstanding subsection (2), an application for renewal of registration may be made prior to the last 3 months of the current registration (or issue of a renewal notice) for issue of a certificate of registry commencing prior to the expiry of the current registration period. Where such a certificate is issued it shall not be valid for a period greater than 5 years commencing on the date of issue and the previous certificate shall then cease to be valid.

**Application for renewal of registration**

**22.** (1) Application for renewal shall be in a form approved by the Minister 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) Where no application for renewal is made the Registrar shall notify each and every mortgagee of the expiration of the ship's registration.

**Division C**

*Transfers, Transmissions and Changes*

**Evidence of title on transfer of ship**

**23.** On application for registration under section 3(1) of Schedule 2 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**

**24.** (1) If the application under section 3(1) of Schedule 2 to the Act (Transfer of ship or shares in a ship) 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 section 23 (Evidence of title on transfer of ship) 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 shall be valid for a period of 5 years.

**Evidence of title on transmission of a registered ship**

**25.** (1) An application for registration of a transmission of a registered ship or a share in a registered ship under section 4(1) of Schedule 2 to the Act shall be made in the form approved by the Minister.

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

(a) if the transmission was consequent on death, the grant of representation or an office copy thereof or of an extract there from;

(b) if the transmission was consequent on bankruptcy such evidence as is for the time being 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**

**26.** (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 subsection (2) on the owner of the ship; and

(b) the ship's registration shall terminate by virtue of this subsection at the end of the period of 14 days beginning with the date of the service of that notice.

(2) A notice under this subsection 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 subsection (1) at the end of the period referred to in that subsection.

**Notification of changes of ownership, etc**

**27.** (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 subsection (1) shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name and the official number of the ship.

(3) Any person who contravenes subsection (1) is guilty of an offence.

**Notification of transfer, etc**

**28.** (1) Where 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) Where there is a transfer of a registered ship—

(a) the new owners shall within 30 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 30 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 30 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 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

(3) Where there is a transmission of a registered ship—

(a) the new owners shall promptly make application in accordance with these Regulations 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 30 days of the date of the notice, the registration of the ship and the certificate of registry may be cancelled.

(4) Any person who fails to notify the Registrar, to surrender the certificate of registry, or to make application as required by subsection (1), (2) or (3) is guilty of an offence.

## PART 4

## MORTGAGES

**Form of transfer or discharge of mortgage**

**29.** (a) A transfer of a registered mortgage; and

(b) a discharge of a registered mortgage;

shall be in a form approved by the Minister, in each case with appropriate attestation.

**Registration of mortgage**

**30.** Where a mortgage executed in accordance with the form in Schedule 1, or section 29 (Form of transfer or discharge of mortgage), 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**

**31.** (1) Where any 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 subsection (1), the notice to the Registrar shall be in a form approved by the Minister 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) Where any person who is an intending mortgagee under a proposed mortgage of—

(a) a ship which is not for the time being registered; or

(b) a share in any such ship;

notifies the Registrar in writing of the interest which it is intended that he should have under the proposed mortgage, the Registrar—

(c) shall record that interest in the Register; and

(d) if the ship is subsequently registered, shall register the ship subject to that interest or, if the mortgage has by then been executed in accordance with Schedule 1 and produced to the Registrar, subject to that mortgage.

(4) For the purposes of subsection (3), the notice shall be in a form approved by the Minister and contain the following information—

(a) the present 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 Anguilla, a copy of its certificate of registry or other document evidencing its registration and giving its port of registration;

(e) where 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) where 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;

(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) In a case where—

(a) section 9 of Schedule 2 to the Act operates to determine the priority between 2 or more mortgagees; and

(b) any of those mortgagees gave notification under subsection (1) or (3) above with respect to his mortgage;

section 9 of Schedule 2 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 subsection (1) or (3).

(6) Any notification given by a person under subsection (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 30 days beginning with the date of the notification, unless the notification is renewed in accordance with subsection (7).

(7) The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar—

(a) before the end of the period mentioned in subsection (6)(b); or

(b) before the end of a period of renewal;

as the case may be.

(8) Any notice given under this section shall be in a form approved by the Minister.

**Evidence of transmission of mortgage**

**32**. On the application for registration of a transmission of a registered mortgage as mentioned in section 13 of Schedule 2 to the Act the evidence to be produced to the Registrar shall be—

(a) a declaration of transmission of mortgage in a form approved by the Minister; and

(b) if the transmission was—

(i) consequent on death, the grant of representation or an office copy thereof or of an extract therefrom,

(ii) consequent on bankruptcy, such evidence as is for the time being 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**

**33**. Where a transfer of a registered mortgage or evidence of a transmission is produced to the Registrar, he 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**

**34.** (1) Where a registered mortgage has been discharged, the Registrar shall, on production of the mortgage deed and with such 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**

**35.** Where 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 it.

## PART 5

## BAREBOAT CHARTER IN

**Names**

**36.** (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 while so registered.

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

**Allocation of identifying number**

**37.** 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**

**38.** (1) The registration of a bareboat charter ship shall expire—

(a) on the expiry of the charter period; or

(b) at the end of a period of 5 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 3 calendar months of the current registration period.

(4) Application for renewal shall be in a form approved by the Minister and shall be accompanied by a declaration of eligibility and by the certificate of bareboat charter registry.

**Notification to foreign registries by Registrar**

**39.** 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 Anguilla Register;

(b) the ship's registration has closed by reason of the expiry of the certificate of registry under section 38(1)(b) (Period of registration); or

(c) the ship's registration has been closed by the Registrar by reason of section 40 (Closure of bareboat charter ship's registration by the Registrar).

**Closure of bareboat charter ship's registration by the Registrar**

**40.** (1) The Registrar may, in addition to the powers conferred by section 7 as applied by section 27 of the Act, close the registration of a bareboat charter ship—

(a) on application by the charterer;

(b) where under section 37 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 subsection (1) the charterer shall forthwith surrender to the Registrar the certificate of bareboat charter for cancellation.

## PART 6

## BAREBOAT CHARTER OUT

**Entry in Register of bareboat charter out**

**41.** Where a dispensation has been granted under section 32 of the Act (Dispensation to a ship registered in Anguilla, if the ship is bareboat chartered outside Anguilla]) the owner shall deliver to the Registrar the documents referred to in section 32(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 an Anguilla ship.

## PART 7

## REGISTRATION OF SMALL SHIPS

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

**42.** 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**

**43.** Individuals qualified under section 3 of the Act are entitled to be registered as owners of a small ship to be registered on Part 2 of the Register.

**Anguilla connection**

**44.** Subject to section 47(2) (Details to be registered and refusal) a small ship shall be entitled to be registered if it is owned by one or more persons who are ordinarily resident in Anguilla and who are qualified to be the owners of a small ship by virtue of section 43 (Persons qualified to be the owners of a small ship to be registered on Part 2 of the Register).

**Disapplication of Schedule 2 to the Act in respect of small ships**

**45.** Schedule 2 to the Act relating to the private law provisions (Transfers by bill of sale and the registration of mortgages) shall not apply to small ships.

**Applications**

**46.** Applications shall be in a form approved by the Minister 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 every owner—

(i) that he is eligible to be the owner of a small ship under section 43 (Persons qualified to be the owners of a small ship to be registered on Part 2 of the Register), and

(ii) that the ship is entitled to be registered on Part 2 of the Register in accordance with section 44 (Anguilla connection).

**Details to be registered and refusal**

**47.** (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 section 50 (Period of registration);

(d) the details specified in section 46(a) to (d).

(2) Where the Registrar is not satisfied that the ship is eligible to be registered on this Part of the Register, he may, subject to section 57 (Requirement for supplementary information), refuse to register the ship.

**Certificate of registry**

**48.** On registration the Registrar shall issue a certificate which shall contain the details recorded in the Register in accordance with section 47 (Details to be registered and refusal) save for the address of any owner.

**Marking**

**49.** The person registered as owner of the ship shall ensure that—

(a) within 1 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) such marking is effectively maintained and renewed when necessary during the period of the registration of the ship.

**Period of registration**

**50.** The registration of a ship under this Part shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed under section 51 (Renewal).

**Renewal**

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

(2) Application for renewal shall be in writing and be accompanied by a declaration as required by section 46(e) (Applications).

**Notification of changes of ownership, etc**

**52.** (1) If at any time there occurs, in relation to a ship registered under this Part—

(a) any change affecting the eligibility of the ship to be registered as an Anguilla ship;

(b) any change in relation to the address of the registered owner of the ship; or

(c) any 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 subsection (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**

**53.** (1) Where it appears to the Registrar that there is any doubt as to the right of the ship to be registered on Part 2 of the Register, he may require satisfactory evidence to be produced by the person registered as the owner that the ship is entitled to be so registered.

(2) Such evidence may include the production of the ship for inspection at a place and under such conditions as the Registrar requires; and, if the necessary evidence is not provided within 3 months of being so required, he may terminate the registration of the ship.

**Termination of registration**

**54.** (1) In the event of—

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

(b) a change in the details recorded on the certificate of registry;

the registration of the ship shall terminate.

(2) Where the registration of a ship is terminated, the certificate of registry shall cease to have effect and shall, within 1 month, be surrendered to the Registrar by the person registered prior to 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**

**55.** Any document which is not in the English language and is produced in support of any application under these Regulations shall be accompanied by a notarised translation of the document in the English language.

**Witnessing of documents**

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

**Requirement for supplementary information**

**57.** Where 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 such supplementary information or evidence as he considers appropriate.

**Fees**

**58.** Where a fee is prescribed in respect of any service or other transaction to be carried out pursuant to these Regulations, the Registrar shall not be required to carry out the service or other transaction unless the appropriate fee has been paid.

**Surrender of certificate on termination or expiry of registration**

**59.** 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**

**60.** Where a certificate of registry is required by these Regulations to accompany any application and it is shown to the satisfaction of the Registrar that for any reasonable cause (which includes, but is not limited to, the ship being in a port outside Anguilla, 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 such conditions as he thinks fit, dispense with its production.

**Removal of marks on cessation of registration**

**61.** 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**

**62.** (1) Subject to subsection (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 any ship which—

(a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969; and

(b) for which no such measurement has been undertaken and registered;

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

(2) Subsection (1) does not apply where 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**

**63.** (1) Any 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) Any person who in connection with the registration of a ship knowingly or recklessly furnishes information which is false in a material particular is guilty of an offence.

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

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

(5) The offences in subsections (1), (3) and (4) of this section are punishable on summary conviction as follows—

(a) for an offence under section 49 or 84 or subsection (1), (5) or (6) of this section , with a fine of $5,000; and

(b) for an offence under subsection (4) with a fine of $3,000.

(6) An offence under subsection (2) is punishable as follows—

(a) on conviction on indictment to a fine of $25,000;

(b) on summary conviction to a fine of $3,000.

## PART 10

## TRANSITIONAL PROVISIONS

**Definitions for this Part**

**64.** For the purposes of this Part—

"5 year period" means the period of 5 years starting on the 1st July 2004;

"new certificate" means a certificate of registry issued in accordance with these Regulations;

"old certificate" means any certificate of registry, other than a provisional certificate, issued under any Merchant Shipping legislation prior to the Merchant Shipping Act.

**Validity of old certificates**

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

(a) a new certificate is issued under these Regulations, or

(b) the expiry of the 5 year period;

whichever shall be the earlier.

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

**Registered information**

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

**Issue of new certificates of registry**

**67.** (1) Any certificate which—

(a) is issued during the 5 year period; and

(b) replaces an old certificate of registry;

shall be valid for a period of 5 years from the date of issue.

(2) Any duplicate certificate issued to a ship under section 24 of the Act (Duplicate certificate) during the 5 year period shall be a certificate issued in accordance with these Regulations and shall be valid for a period of 5 years from the date of issue.

(3) The Registrar may during the 5 year period, at his discretion replace a ship's old certificate with a new certificate of registry which shall be valid for a period of 5 years from the date of issue.

**Advertisement rather than renewal notice**

**68.** (1) Notwithstanding section 21 (Renewal notices and time limit for renewal), no renewal notice shall be issued by the Registrar when old certificates of registry are due to expire at the end of the 5 year period under section 65(b) (Validity of old certificates).

(2) Four months before the expiry of the 5 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 sections 21(2) (Time limit for renewal) and 22 (Application for renewal of registration).

**Applications for registration made before commencement of these Regulations**

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

(2) Where—

(a) an application for registration of a ship is made, but not completed, prior to the commencement of these Regulations; and

(b) the provisions of 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 shall be deemed to have been made when a properly completed application, accompanied by the proper fee, is received by the Registrar of Anguilla ships in a port of registration.

(4) Where, for any reason, the fee 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 shall not be deemed to have been made.

(5) Any certificate of registry which is issued in accordance with this section shall be valid for a period of 5 years and shall contain the information contained in Schedule 5.

## PART 11

## GOVERNMENT SHIPS

**Registration of Government ships**

**70**. A Government ship 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 or by any other officer nominated in this behalf by the Government or the Minister, 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,

(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, upon receiving such application and upon being satisfied that all the necessary formalities have been complied with, shall enter the ship in the Register as belonging to the Government;

(d) the transfer of ownership of a registered Government ship shall be made by a bill of sale in the appropriate form omitting the Covenant contained therein and shall be signed on behalf of the Government by a person duly authorised by the Government for that purpose.

**Citation**

**71.** These Regulations may be cited as the Registration of Ships Regulations, Revised Regulations of Anguilla M82-1.

**SCHEDULE 1**

(Section 2)

**FORM OF PRESCRIBED INSTRUMENTS**

**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 Anguilla ship.
**18.** Ships carving and marking note.
**19.** Application to register a ship.
**20.** Appointment of Authorised officers for a body corporate.

## SCHEDULE 2

(Section 11)

## APPROVAL OF NAMES

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

**2.** 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 section 4, if the Registrar is satisfied that a name does not fall within section 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.** Notwithstanding that the Registrar is satisfied as to section 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 section 2 shall be valid only for the period of 3 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.** Notwithstanding section 5, the Registrar may allow the reservation of a ship's name or designation for a period of 10 years if he is satisfied that—

(a) the ship is intended to replace another of the same name which is to be registered within 10 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 section 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

(Section 13)

## MARKING

A pleasure vessel which is under 24 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 ground in white or yellow letters, or on a light ground in black letters, the letters being not less than 5 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,

or

(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,

(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

(Section 17)

## 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 Anguilla, 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 another State other than Anguilla, its place of business in Anguilla;

(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.

**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) such of the following tonnages as are specified in the certificate of survey: gross, net and registered;

(s) make and model of engine(s);

(t) total power of engines in kilowatts.

**5.** In addition to the information in section 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

(Sections 18 and 69)

## 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 of build,

(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) such of 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 section 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;

(c) country of primary registration;

(d) original name (or a translation thereof) if different from its registered name.