



MONTSERRAT

## CHAPTER 7.11

# MERCHANT SHIPPING (REGISTRATION) ACT and Subsidiary Legislation

**Revised Edition**  
showing the law as at 1 January 2025

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, 16 of 2014 and 5 of 2024)

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 His Majesty’s land forces on full pay;

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

“**Consular officer**”, in relation to a foreign country, means the officer recognised by His Majesty as a consular officer of that foreign country;

“**Convention**” means an international convention or agreement concerning shipping, maritime safety or the marine environment; *(Inserted by Act 5 of 2024)*

“**Court**” means the High Court;

“**dangerously unsafe**”, in relation to a ship, has the meaning given in section 83(7); *(Inserted by Act 5 of 2024)*

“**fishing vessel**” means a vessel used solely for fishing; *(Substituted by Act 5 of 2024)*

“**foreign ship**” means a ship which is not a Montserrat ship; (*Inserted by Act 5 of 2024*)

“**Government**” means the Government of Montserrat; (*Inserted by Act 5 of 2024*)

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

“**harmful substance**” means a substance which, if introduced into the sea or other waters, is liable to—

- (a) create hazards to human health;
  - (b) harm living resources and marine life;
  - (c) damage property or the environment; or
  - (d) interfere with other legitimate uses of the sea,
- and includes oil; (*Inserted by Act 5 of 2024*)

“**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 4(2); (*Substituted by Act 5 of 2024*)

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

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

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

“**Montserrat controlled waters**” means—

- (a) Montserrat waters; and
- (b) such other areas of water within which the jurisdiction and rights of Montserrat are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea (protection and preservation of the marine environment); (*Inserted by Act 5 of 2024*)

“**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;

“**oil**” means oil of any description and includes spirit produced from oil of any description, and a mixture of oil, and also includes coal tar;  
(*Inserted by Act 5 of 2024*)

“**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 His Majesty's Government in the United Kingdom;

**“Receiver”** means the Receiver of Wreck; *(Inserted by Act 5 of 2024)*

**“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 69 and 70;

**“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;

**“Safety Convention”** means the International Convention for the Safety of Life at Sea 1974 as given the force of law in Montserrat by section 100; *(Inserted by Act 5 of 2024)*

**“ship”** means a vessel used in navigation and, except where expressly provided otherwise, includes a fishing vessel and a pleasure vessel; *(Inserted by Act 5 of 2024)*

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

**“surveyor”** means a person appointed under section 102(2);

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

**“Tonnage Regulations”** means regulations made under section 55;

**“wages”** include emoluments;

**“wreck”**, which follows a maritime casualty, means—

- (a) a sunken or stranded ship;
- (b) part of a sunken or stranded ship, including an object that is or has been on board the ship;
- (c) an object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or
- (d) a ship that is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger are not already being taken,

and includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water. *(Inserted by Act 5 of 2024)*

(2) A reference in this Act to a Convention or to a provision of or Annex to a Convention, is to be construed—

- (a) as a reference to the Convention, provision or Annex as modified from time to time; and
- (b) if the Convention, provision, or Annex is replaced, as a reference to the replacement.

*(Inserted by Act 5 of 2024)*

(3) Except as otherwise required in accordance with a Convention, no modification or replacement affects a right or liability arising before the date on which the modification or replacement takes effect. *(Inserted by Act 5 of 2024)*

(4) The texts of the Conventions (as they have effect when this Act is passed) shall be published by the Maritime Administration as the Maritime Administration considers appropriate. *(Inserted by Act 5 of 2024)*

(5) The Maritime Administration shall publish a modification or replacement of a Convention (or provision, including an Annex or other attachment) as the Maritime Administration considers appropriate.

*(Inserted by Act 5 of 2024)*

### **Appointment of Registrar**

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

### **Maritime Administration**

4. (1) The Minister shall be responsible for—

- (a) the general superintendence and oversight of all matters relating to merchant shipping, seafarers and the safety of those at sea; and
- (b) implementing and carrying into execution this Act and all statutory provisions relating to merchant shipping, seafarers, the safety of those at sea and the protection of the marine environment for the time being in force, except where otherwise provided.

(2) There shall be a Maritime Administration comprising—

- (a) the Permanent Secretary;
- (b) the Director of Agriculture;
- (c) the Director of the Environment;
- (d) the Harbour Master;
- (e) the Registrar of Montserrat Ships;
- (f) the Port Manager, if different from the Harbour Master;

- (g) the Commissioner of the Royal Montserrat Police Service; and
- (h) the Director of the Disaster Management Coordination Agency.

(3) The Governor, acting on the advice of the Cabinet, may by order amend the list of persons comprising the Maritime Administration.

(4) The Maritime Administration shall—

- (a) exercise its functions as are conferred on it by this Act, any other enactment and under any regulations made under this Act; and
- (b) perform any other function as the Minister may direct.

(5) A function conferred on the Maritime Administration by this Act, any other enactment or any regulations made under this Act may be exercised on behalf of the Maritime Administration by—

- (a) the Harbour Master; and
- (b) any other person listed in subsection (2) expressly authorised for the purpose by—
  - (i) the Minister;
  - (ii) the Maritime Administration; or
  - (iii) regulations made under this Act.

(6) The Permanent Secretary—

- (a) shall serve as Chairman of the Maritime Administration and of its meetings; and
- (b) may nominate a member of the Maritime Administration to act as Chairman in his absence.

(7) In this section—

**“Commissioner of the Royal Montserrat Police Service”** means the Commissioner of Police appointed by the Governor under section 85(4) of the Montserrat Constitution Order and section 13 of the Police Act (Cap. 10.01);

**“Director of Agriculture”** means the Director of Agriculture appointed under section 3 of the Agriculture Act (Cap. 9.08);

**“Director of the Environment”** means the Director of Environment referred to in section 10 of the Conservation and Environmental Management Act (Cap. 12.03);

**“Director of the Disaster Management Coordination Agency”** means the Director of Disaster Preparedness and Response appointed under section 3 of the Disaster Preparedness and Response Act (Cap 10.03);

**“Permanent Secretary”** means the Permanent Secretary in the Ministry responsible for merchant shipping, seafarers and the safety of those at sea.

*(Inserted by Act 5 of 2024)*

### Harbour Master

5. (1) There shall be a Harbour Master.
- (2) The Harbour Master shall be—
- (a) the Port Manager; or
  - (b) any other person as the Governor, acting on the advice of the Cabinet, may appoint.
- (3) The Governor may, acting on the advice of the Cabinet, confer responsibilities or functions on the Harbour Master under—
- (a) this Act;
  - (b) any other enactment; or
  - (c) any regulations made under this Act.
- (4) The Harbour Master may be given general or specific directions by—
- (a) the Governor, acting on the advice of the Cabinet; or
  - (b) the Minister,
- in relation to the functions of the Harbour Master under this Act or under any other enactment.
- (5) The Governor, acting on the advice of the Cabinet, may appoint any number of public officers to be deputy Harbour Masters to assist the Harbour Master in carrying out the functions or responsibilities referred to in subsection (3).

*(Inserted by Act 5 of 2024)*

### Receiver of Wreck

6. (1) There shall be a Receiver.
- (2) The Receiver shall be—
- (a) the Port Manager; or
  - (b) other person as the Governor, acting on the advice of the Cabinet, may appoint.
- (3) The Receiver shall—
- (a) exercise general direction and supervision over all matters relating to wrecks and salvage in—
    - (i) Montserrat;

(ii) Montserrat waters; and

(iii) the Fisheries Zone.

(b) discharge all powers and duties assigned to the Receiver under this Act or in any regulations made under it.

(4) The Governor, acting on the advice of the Cabinet, may appoint or designate a suitably qualified public officer as the Deputy Receiver of Wreck (“the Deputy Receiver”) to—

(a) act as Receiver, if—

(i) the office of Port Manager is vacant; or

(ii) the Receiver is unable to perform the functions conferred on the Receiver under this Act for whatever reason;

(b) assist the Receiver and act on the Receiver’s behalf in carrying out the functions or responsibilities referred to in subsection (3).

(5) In this section “**Fisheries Zone**” means the fisheries zone contiguous to Montserrat waters established by the Proclamation defining the fishery limits of Montserrat under the S.R.O 4/1983.

*(Inserted by Act 5 of 2024)*

## Maritime strategy

7. The Maritime Administration shall prepare, publish, implement and from time to time review a maritime strategy for Montserrat. *(Inserted by Act 5 of 2024)*

## Maritime advisory committees

8. (1) The Minister may appoint committees for the purpose of advising the Minister and the Maritime Administration on—

(a) the development of a maritime strategy for Montserrat;

(b) the development of the Government’s policy with respect to merchant shipping, seafarers, the safety of those at sea and the protection of the marine environment;

(c) the making or alteration of any regulations, rules or other instruments made under this Act; and

(d) the implementation of, or giving effect to, any Convention which—

(i) is extended to Montserrat; or

(ii) may be extended to Montserrat.

(2) A committee appointed under this section shall consist of persons representing the interests principally affected or having special knowledge of the subject matter on which the committee is requested to advise.

*(Inserted by Act 5 of 2024)*

### **Impersonation of a maritime official**

9. (1) A person who, with intent to deceive, impersonates a maritime official or makes a statement or does an act calculated falsely to suggest that he is an official, commits an offence.

(2) A person who, with intent to deceive, makes a statement or does an act calculated falsely to suggest that he or it is, or is authorised to act as, or to act on behalf of, the Maritime Administration commits an offence.

(3) 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.

(4) In this section, “**maritime official**” means—

(a) the Port Manager;

(b) the Harbour Master;

(c) the Registrar;

(d) a surveyor appointed under section 102(2);

(e) an inspector appointed under section 102(1);

(f) an investigator appointed under section 116(1); or

(g) any person appointed or authorised to act on behalf any of the officials mentioned in subsections (a) to (f).

*(Inserted by Act 5 of 2024)*

### **Making or issuing false certificates, documents, etc.**

10. (1) A person who intentionally makes, issues or supplies a certificate or other instrument required by or under this Act or regulations made under it—

(a) knowing that the certificate or instrument is false; or

(b) knowing that he has no lawful authority to make, issue or supply the certificate or instrument,

commits an offence.

(2) A person who intentionally makes, issues or supplies a certificate or other instrument required in relation to a ship or seafarer by or under a

Convention (whether or not the Convention has the force of law in Montserrat)—

- (a) knowing that the certificate or instrument is false; or
- (b) knowing that he has no lawful authority to make, issue or supply the certificate or instrument,

commits an offence.

(3) 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.

*(Inserted by Act 5 of 2024)*

## PART 2

### REGISTRATION OF SHIPS

#### *Registration*

#### **Application of Part 2**

11. This Part does not apply to fishing vessels.

*(Substituted by Act 5 of 2024)*

#### **Montserrat ship**

12. 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**

13. (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 14(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 14.

(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

14. (1) Subject to sections 16 and 17, 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 13.

(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 thirty-three or more of

the sixty-four shares into which the property in a ship is divided, in accordance with section 21, (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**

**15. (1)** If the eligibility of a ship to be registered is, by virtue of section 14, 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 the 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**

16. (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 subsection (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**

17. (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 16(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 15(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**

**18. (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**

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

## Register

**20. (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 19.

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

## Entries in register

**21.** 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 sixty-four shares;
- (b)* subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four 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

**22. (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

23. (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 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, six 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 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 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**

**24. (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**

**25. (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**

**26.** 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**

**27.** 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**

**28.** 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

**29. (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 the 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

**30.** 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

**31.** 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

**32.** 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

**33.** 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

**34. (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

**35. (1)** If a change in the registered ownership of a ship is approved by the Registrar in accordance with section 50 and regulations made under section 69, the Registrar shall—

- (a) endorse the change on the certificate of registry; or
- (b) issue a new certificate of registry. *(Amended by Act 5 of 2024)*

(2) The former owner 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. *(Amended by Act 5 of 2024)*

(3) If the former owner 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. *(Amended by Act 5 of 2024)*

### Provisional certificate for ship becoming eligible to be registered while abroad

**36. (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**

37. (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 13; 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 14(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 23; (*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 75;
- (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 15, 16 and 17 shall apply in respect of a ship registered in Montserrat under subsection (1) as if the ship was registered under section 14. (*Amended by Act 16 of 2014*)

### **Consequences of registration under section 37(1)**

38. If a ship is registered under section 37(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 75.

### **Application of this Act where a ship is registered under section 37**

39. (1) If an application is made to register a ship under section 37, 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**” are construed accordingly.

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

- (a) section 21(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 22, 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 25 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 26 shall not apply;
- (e) in place of the particulars required to be entered in the register under section 27 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 37(1);
  - (ii) the name and address of the owner or owners determined in accordance with the provisions of section 21;
  - (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 sub-paragraph (ii);
  - (iv) such details of the terms of any mortgage referred to in sub-paragraph (iii) as the Registrar shall require to be noted; and
  - (v) the previous name, if any, of a ship;

- (f) the Registrar shall retain, in addition to the surveyor's certificate issued under section 22, the certified copy of the charter by demise and any certified copy of a transfer referred to in section 40(1)(c) produced to him;
- (g) a certificate of registry granted by the Registrar under section 30 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 17(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 40; and
- (i) section 58 shall not apply.

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

**40. (1)** If a ship is registered under section 37(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 37(1)**

41. If a ship is registered under section 37(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 37(1) or created after the date of registration of the ship, shall not be affected by the registration under section 37(1).

### **Dispensations for ships bareboat chartered and registered outside Montserrat**

42. (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 73(4) and 74 shall not apply to the ship and section 81(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 30;

- (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 42**

**43. (1)** A dispensation granted by the Minister under section 42 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 42(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 42 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 42(4)(b) is false or misleading;
- (c) at the request of the country named in a declaration made under section 42(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 42**

**44. (1)** If a dispensation granted under section 42 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 42(4)(b).

**(2)** Without prejudice to section 42(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**

45. (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**

46. A person who contravenes, or permits a person under his control to contravene, section 45 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**

47. 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**

48. If default is made in registering anew a ship, or in registering an alteration of a ship in accordance with section 45, 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

**49. (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.

### Change of ownership

**50.** If the ownership of a ship changes, without prejudice to section 35—

- (a) the former owner and new owner shall—
  - (i) notify the Registrar of the change; and
  - (ii) provide information as may be required by regulations made under section 69; and
- (b) the Registrar may register the ship anew or refuse to register the ship in accordance with those Regulations.

*(Substituted by Act 5 of 2024)*

### Procedure for registration anew

**51. (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**

**52. (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**

**53. (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 14 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 14 applies to this section, with such modifications as may be necessary.

### *Tonnage Measurement*

#### **Tonnage of ships of foreign countries adopting Tonnage Regulations**

**54. (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**

55. (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 the 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 the 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**

**56. (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**

**57. (1)** If a ship is registered in Montserrat under section 14 it shall not be registered under the law of a country outside Montserrat except under a dispensation granted under section 42.

(2) If a ship is registered in Montserrat under section 37(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 39(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**

**58. (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 14.

(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 ship,

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**

59. (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**

60. (1) The Governor, acting on the advice of the 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 34; 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**

61. 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

**62. (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

**63. (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

**64.** 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**

**65. (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.

**Issue of false certificates of registry**

**66. (1)** A person, other than the Registrar or a person authorised by the Registrar, who, with intent to deceive, issues a document purporting to be a certificate of registry issued under section 30, 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.

*(Inserted by Act 5 of 2024)*

**Misuse of certificate of registry**

**67. (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 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.

*(Inserted by Act 5 of 2024)*

**False declarations**

**68. (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**

69. The Governor, acting on the advice of the 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**

70. (1) Regulations made under section 69 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 the 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 the 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**

71. 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**

72. (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**

73. (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 74.

(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 74.

(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

**74. (1)** A person who commits an offence under section 73 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 73 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

**75. (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 His Majesty by Order in Council; or
- (c) national colours that are allowed to be worn under a warrant from His 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 His Majesty by Order in Council;
- (b) any colours usually worn by His Majesty's ships or resembling those of His Majesty; or
- (c) the pendant usually carried by His Majesty's ships or any pendant resembling that pendant,

are hoisted on board any Montserrat ship without warrant from His 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 His 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 His Majesty.

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

(a) on a signal being made to it by one of His Majesty's ships (including any vessel under the command of an officer of His 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**

**76. (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

## CREW

**Operating a ship without a sufficient and competent crew**

77. (1) This section applies to—

- (a) a Montserrat ship wherever it may be; and
- (b) a foreign ship in Montserrat or in Montserrat waters.

(2) The master of a ship shall not operate the ship unless it is staffed with a crew that is sufficient and competent for the safe operation of the ship on its intended voyage and is kept so staffed during the voyage. *(Inserted by Act 5 of 2024)*

**Positions on board ships**

78. (1) This section applies to—

- (a) a Montserrat ship wherever it may be; and
- (b) a foreign ship in Montserrat or in Montserrat waters.

(2) The master and owner of a ship to which this section applies shall ensure that every person who is employed on board the ship in a position in respect of which a certificate or other qualification or experience is required by a relevant instrument—

- (a) holds the certificate and complies with its terms and conditions; and
- (b) possesses the qualification or the experience.

(3) In this section, “**relevant instrument**” means—

- (a) regulations made under section 80;
- (b) any other relevant enactment; or
- (c) a Convention given effect in Montserrat. *(Inserted by Act 5 of 2024)*

**Offences relating to crew matters**

79. (1) A person who contravenes section 77 or 78, commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

(2) If an offence under subsection (1) is continued for more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is continued. *(Inserted by Act 5 of 2024)*

## Regulations relating to masters and seafarers

80. The Governor, acting on the advice of the Cabinet, may make regulations for carrying out the purposes and provisions of this Part, including regulations—

- (a) specifying the positions that shall be occupied on board ships, or classes of ships, their minimum number and the types and classes of maritime documents that persons in those positions shall hold;
- (b) specifying requirements in respect of a position on board ships or classes of ships;
- (c) specifying the types and classes of certificates that may be issued in respect of positions on board ships or classes of ships;
- (d) respecting the qualifications required of applicants for any type or class of certificate specified under paragraph (c), including medical fitness, minimum age, degree of knowledge, skill, training and experience;
- (e) respecting the manner of determining whether a person meets the requirements specified under paragraph (b) in relation to a position or the qualifications required under paragraph (d) for any type or class of certificate of competency or other maritime document;
- (f) specifying the terms and conditions of certificates of competency or other maritime documents issued under the regulations;
- (g) specifying the Montserrat ships or classes of Montserrat ships in respect of which the master or owner shall enter into agreements with crew members and the nature and content of the agreements;
- (h) respecting persons who enter into agreements to provide crew members, including requiring that those persons be licensed;
- (i) specifying the information to be included in agreements with crew members;
- (j) respecting the payment and allotment of crew members' wages;
- (k) respecting any occupational health, welfare or safety matter on board a vessel;
- (l) specifying the circumstances in which ensuring arrangements for a crew member's return and paying their expenses are required or not required;
- (m) respecting the fitness of crew members for duty on ships, including measures preventing drug and alcohol abuse; and

- (n) creating criminal offences for non-compliance with the regulations and making provision for the imposition of penalties. (*Inserted by Act 5 of 2024*)

## PART 5

### PROPRIETARY INTERESTS IN REGISTERED SHIPS

#### **Private law provisions for registered ships and liability as owner**

**81. (1)** Schedule 2 has effect in relation to the title to, and the registration of, mortgages over ships, except ships that are excluded from its application by 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 6

### SAFETY MEASURES – GENERAL

#### *Safety of ships and the health of those on board*

#### **Regulations relating to the safety of ships and the health of those on board**

**82. (1)** The Governor, acting on the advice of the Cabinet, may make regulations for—

- (a) securing the safety of Montserrat ships and persons on them, and for protecting the health of persons on Montserrat ships;
- (b) securing the safety of other ships and persons on them while they are within Montserrat waters and for protecting the health of persons on ships other than Montserrat ships while they are within Montserrat waters.

**(2)** Except as provided by subsection (3), regulations made under subsection (1) shall not apply in relation to—

- (a) a qualifying foreign ship while it is exercising—
  - (i) the right of innocent passage; or
  - (ii) the right of transit passage through straits used for international navigation; or
- (b) a person on a ship while it is exercising a right mentioned in subsection (2).

**(3)** Regulations made under subsection (1) shall apply in relation to a foreign ship, and persons on a foreign ship, even though the ship is exercising a right mentioned in subsection (2)(a), to the extent that the regulations give effect to a provision of a Convention extended to Montserrat that relates to the safety of ships or persons on them or to the protection of the health of persons on ships.

**(4)** Regulations made under subsection (1) may make provision with respect to any of the following matters—

- (a) the design, construction, maintenance, repair, alteration, inspection, surveying and marking of ships and their machinery and equipment;
- (b) the packaging, marking, loading, placing, moving, inspection, testing and measuring of cargo and anything on a ship which is not cargo, machinery or equipment;
- (c) the carrying out of an operation involving a ship;
- (d) the use of the machinery and equipment of a ship and of anything on a ship which is not cargo, machinery or equipment;
- (e) the manning of ships, including the employment on a ship of persons qualified to attend to the health and safety of persons on the ship;
- (f) the arrangements for ensuring communication between persons in different parts of a ship and between persons in the ship and other persons;
- (g) the access to, presence in, and egress from a ship, and different parts of it, of persons of any description;
- (h) the ventilation, temperature and lighting of different parts of a ship;
- (i) the steps to be taken to prevent or control noise, vibration and radiation in and from a ship, and the emission in or from a ship of smoke, gas and dust;
- (j) the steps to be taken to prevent, detect and deal with outbreaks of fire on a ship;
- (k) the steps to be taken to prevent a collision involving a ship and in consequence of a collision involving a ship;

- (l) the steps to be taken, in a case where a ship is in distress or stranded or wrecked, for the purpose of saving the ship and its machinery, equipment and cargo and the lives of persons on or from the ship, including the steps to be taken by other persons for giving assistance in such a case;
- (m) the removal, by jettisoning or otherwise, of its equipment and of other things from a ship for the purpose of avoiding, removing or reducing danger to persons or property;
- (n) the steps to be taken, in a case where danger of any kind occurs or is suspected on a ship, for removing or reducing the danger and for warning persons who are not on the ship of the danger or suspected danger;
- (o) the making of records and the keeping of documents relating to ships and the keeping and use on a ship of information to facilitate the navigation of the ship;
- (p) the keeping of registers and the issue, withdrawal, suspension or revocation of certificates in cases for which registration or a certificate is required by virtue of the regulations; and
- (q) the furnishing of information,

but the mention of specific matters in this subsection shall not be construed as restricting the generality of the power conferred by subsection (1)(a) or (b).

(5) The power to make regulations conferred by subsection (1) shall extend also to the making of regulations for the prevention of collisions between seaplanes on the surface of water and between ships and seaplanes and subsection (4)(k) has effect accordingly.

(6) The Governor, acting on the advice of the Cabinet, may make regulations prescribing safety requirements and providing for the issue of local certificates in respect of—

- (a) fishing vessels;
- (b) pleasure vessels; and
- (c) other classes of ships as may be specified in the regulations.

(7) Regulations made under subsection (6) may make provision with respect to any of the matters listed in subsection (4).

*(Inserted by Act 5 of 2024)*

### **Owner and master liable in respect of dangerously unsafe ship**

**83. (1)** If a ship which—

- (a) is in a port in Montserrat; or
- (b) is a Montserrat ship and is in any other port,

is dangerously unsafe, then, subject to subsections (3) and (4), the master and the owner of the ship each commits an offence.

(2) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine not exceeding \$2,700;
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or a fine not exceeding \$18,000, or both.

(3) It shall be a defence in proceedings for an offence under this section to prove that at the time of the alleged offence—

- (a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to human life by reason of the matters relevant to its safety which are specified in the charge; or
- (b) it was reasonable for arrangements not to have been made.

(4) It shall also be a defence in proceedings for an offence under this section to prove—

- (a) that, under the terms of one or more charter-parties or management agreements entered into by the accused (“A”) the owner’s responsibilities relating to the ship’s safety had at the time of the alleged offence been wholly assumed by some other person or persons; and

(b) that in all the circumstances of the case, A—

- (i) had taken steps as it was reasonable to take, and exercised diligence as it was reasonable to exercise, to secure the proper discharge of those responsibilities during the period for which those responsibilities had been assumed by some other person or persons as mentioned in paragraph (a); and
- (ii) in determining whether A had taken steps, regard shall be had to the matters mentioned in subsection (5).

(5) Those matters are—

- (a) whether prior to the time of the alleged offence A was, or in all the circumstances ought reasonably to have been, aware of any deficiency in the discharge of the responsibilities relating to the ship’s safety; and
- (b) the extent to which A was or was not able, in the event of a deficiency, under the terms of a charter-party or management agreement—
  - (i) to terminate it; or
  - (ii) to intervene in the management of the ship.

(6) No proceedings for an offence under this section shall be instituted except by or with the consent of the Director of Public Prosecutions.

(7) For the purposes of this section, a ship is “**dangerously unsafe**” if, having regard to the nature of the service for which it is being used or intended, the ship is, by reason of the circumstances referred in subsection (8)—

- (a) unfit to go to sea without serious danger to human life;
- (b) unfit to remain at sea without serious danger to human life; or
- (c) unfit to go on a voyage without serious danger to human life.

(8) The circumstances referred to in subsection (7) are—

- (a) the condition, or the unsuitability for its purposes of—
  - (i) the ship or its machinery or equipment; or
  - (ii) any part of the ship or its machinery or equipment;
- (b) the operation of the ship without a sufficient and competent crew;
- (c) overloading or unsafe or improper loading;
- (d) any other matter relevant to the safety of the ship.

(9) For the purposes of this section, going to sea shall, in a case where the service for which the ship is intended consists of going on voyages that do not involve going to sea, be construed as a reference to going on a voyage.

(10) In this section, “**management agreement**”, in relation to a ship, means an agreement (other than a charter-party or a contract of employment) under which the ship is managed, either wholly or in part, by a person other than the owner (whether on behalf of the owner or on behalf of some other person).

(11) References in this section to responsibilities being assumed by a person under the terms of a charter-party or management agreement are references to their being so assumed by that person whether or not the person has entered into a further charter-party or management agreement providing for them to be assumed by some other person. (*Inserted by Act 5 of 2024*)

### *Assistance at sea*

#### **Duty of ship to assist the other in case of collision**

84. (1) The duties imposed on the master of a ship by subsection (2) apply to—

- (a) the master of a Montserrat ship; and
- (b) the master of a foreign ship when in Montserrat waters.

(2) In the event of a collision between two ships, the master of each ship shall, if and so far as it can be done without danger to the master’s ship, crew and passengers (if any)—

- (a) render to the other ship, its master, crew and passengers (if any) assistance as may be practicable and necessary to save them from any danger caused by the collision;
  - (b) stay by the other ship until the master has ascertained that it has no need of further assistance; and
  - (c) give to the master of the other ship, the name of the master's own ship and also the names of the ports from which that ship comes and to which it is bound.
- (3) The failure of the master of a ship to comply with the provisions of this section shall not raise any presumption of law that the collision was caused by the master's wrongful act, neglect, or default.
- (4) If a master fails without reasonable excuse to comply with this section, the master commits an offence and—
- (a) in the case of a failure to comply with subsection (2)(a) or (b), is liable—
    - (i) on summary conviction to a fine not exceeding \$5,400 or imprisonment for a term not exceeding six months or both;
    - (ii) on conviction on indictment to a fine not exceeding \$18,000 or imprisonment for a term not exceeding two years or both; and
  - (b) in the case of a failure to comply with subsection (2)(c), is liable—
    - (i) on summary conviction to a fine not exceeding \$540;
    - (ii) on conviction on indictment to a fine not exceeding \$5,400,

and, in either case, if the master is a certified officer, an inquiry into the master's conduct may be held, and a certificate held by the master may be ordered to be cancelled or suspended. (*Inserted by Act 5 of 2024*)

### **Duty to assist ships, etc. in distress**

**85. (1)** This section applies to—

- (a) a master of a Montserrat ship wherever it may be; and
- (b) a master of a foreign ship when in Montserrat waters.

(2) The master of a ship, on receiving at sea a signal of distress or information from any source that a ship or aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress unless the master—

- (a) is unable to do so;
- (b) in the special circumstances of the case, considers it unreasonable or unnecessary to do so; or

- (c) is released from this duty by virtue of subsection (5) or (6).
- (3) The master of a ship in distress or a search and rescue service may, after consultation so far as possible with the master of a ship responding to a distress signal (“responding ship”), requisition the responding ship in order for it to render assistance, notwithstanding that the master of the responding ship considers it unnecessary or unreasonable for the ship to proceed to the assistance of the persons in distress.
- (4) The master of a ship requisitioned under subsection (3) shall comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.
- (5) A master shall be released from the duties imposed by subsections (2) and (4) as soon as the master is informed of—
- (a) the requisition of a ship other than the master’s own ship; and
  - (b) that the requisition is being complied with by the ship requisitioned.
- (6) A master shall be released from the duty imposed by subsection (2), and, if the master’s ship has been requisitioned, from the duty imposed by subsection (4), if the master is informed by the persons in distress, or by the master of a ship that has reached the persons in distress, that assistance is no longer required.
- (7) A master who fails to comply with subsection (2) or (4), commits an offence and is liable—
- (a) on summary conviction to imprisonment for a term not exceeding six months or to a fine of \$5,400, or both;
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding \$18,000, or both.
- (8) If action is taken by a master of a ship in accordance with this section, the action shall not affect the master’s right, or the right of any other person, to salvage.
- (9) In this section, “**search and rescue service**” means a service provided by the Government or the government of another State which performs distress monitoring, communication, coordination and search and rescue functions. (*Inserted by Act 5 of 2024*)

*Temporary exclusion zones and safety directions*

**Power to establish temporary exclusion zones**

- 86. (1)** Subsection (2) applies where a ship, structure or other thing—
- (a) is in Montserrat waters; and
  - (b) is wrecked, damaged or in distress,

and in this section “**the relevant casualty**” means that ship, structure or other thing.

(2) The Maritime Administration may, by direction in writing, identify an area to which access is restricted (“a temporary exclusion zone”) if it appears to it that—

- (a) significant harm will or may occur as a direct or indirect result of the relevant casualty being wrecked, damaged or in distress; and
- (b) if access to an area around the relevant casualty were restricted in accordance with this section, significant harm, or the risk of harm, would be prevented or reduced.

(3) In this section “**significant harm**” means—

- (a) significant pollution in Montserrat or in Montserrat waters; or
- (b) significant damage to persons or property.

(4) A temporary exclusion zone may not include an area which is not within Montserrat waters.

(5) If it appears to the Maritime Administration, at any time after a temporary exclusion zone is established, that the zone is larger than is needed for the purpose of preventing or reducing significant harm, or the risk of harm, the Maritime Administration shall by direction, vary the direction establishing the zone accordingly.

(6) A temporary exclusion zone may be identified by reference to the position of the relevant casualty from time to time.

(7) If it appears to the Maritime Administration, at any time after a temporary exclusion zone is established, that the zone is not needed for the purpose of preventing or reducing significant harm, or the risk of harm, the Maritime Administration shall by direction revoke the direction establishing the zone.

(8) If the Maritime Administration gives a direction under this section—

- (a) the direction shall, as soon as practicable, be published in a manner as the Maritime Administration considers appropriate for bringing it to the attention of persons likely to be affected by it; and
- (b) within the period of twenty-four hours from the giving of the direction, a copy of the direction shall be sent to the International Maritime Organisation. (*Inserted by Act 5 of 2024*)

### Temporary exclusion zones: offences

87. (1) Subject to the provisions of this section, no ship shall enter or remain in a temporary exclusion zone established under section 86.

(2) A ship may enter or remain in a temporary exclusion zone or a part of a temporary exclusion zone if it does so—

- (a) in accordance with the direction establishing the zone;
- (b) with the consent of the Maritime Administration; or
- (c) in accordance with regulations made by the Governor, acting on the advice of the Cabinet, for the purposes of this section.

(3) A foreign ship may enter a temporary exclusion zone or a part of a temporary exclusion zone if, in doing so, it is exercising the right of transit passage through straits used for international navigation.

(4) If a ship enters or remains in a temporary exclusion zone or a part of a temporary exclusion zone in contravention of subsection (1), its owner and master each commits an offence and each is liable—

- (a) on summary conviction to a fine not exceeding \$600;
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding \$18,000, or to both.

(5) It shall be a defence for a person charged with an offence under this section to prove that the existence or area of the temporary exclusion zone was not, and would not on reasonable enquiry have become, known to the master. (*Inserted by Act 5 of 2024*)

### Safety directions

88. (1) The powers conferred by this section shall be exercisable where—

- (a) an accident has occurred to, or in, a ship to which this section applies;
- (b) the accident has created or threatens to create—
  - (i) a risk to safety in Montserrat or Montserrat waters; or
  - (ii) a risk of pollution by a hazardous substance in Montserrat or in Montserrat controlled waters; and
- (c) exercise of the powers is necessary to remove or reduce the risk.

(2) The ships to which this section applies are—

- (a) a Montserrat ship—
  - (i) in Montserrat;
  - (ii) in Montserrat controlled waters; or
  - (iii) on the high seas, if the accident has created or threatens to create a risk of pollution by a hazardous substance in Montserrat or in Montserrat controlled waters;
- (b) subject to subsection (3), a foreign ship—

- (i) in Montserrat;
- (ii) in Montserrat waters; or
- (iii) in Montserrat controlled waters or on the high seas, if the accident has created or threatens to create a risk of pollution by a hazardous substance in Montserrat or in Montserrat controlled waters.

**(3)** If an accident has created or threatens to create a risk to safety only, the powers conferred by this section may not be exercised in relation to a foreign ship if the ship is exercising—

- (a) the right of innocent passage; or
- (b) the right of transit passage through straits used for international navigation.

**(4)** The Maritime Administration may, in respect of an accident to which this section applies, for any one or more of the purposes specified in subsection (5), give directions to any of the persons specified in subsection (6) requiring that—

- (a) the ship is to be moved to, or is to be removed from, a specified place, area or locality;
- (b) that the ship is not to be moved to a specified place, area or locality;
- (c) that the ship is to be moved over a specified route;
- (d) that a hazardous substance or cargo is to be, or is not to be, unloaded or discharged;
- (e) that specified salvage measures are to be, or are not to be, taken;
- (f) that a person is put ashore or on board a ship.

**(5)** The purposes referred to in subsection (4) are—

- (a) securing the safety of the ship or of other ships;
- (b) securing the safety of persons on the ship or other ships, or of any other persons or property;
- (c) preventing or reducing risk to safety;
- (d) preventing or reducing pollution in Montserrat or in Montserrat controlled waters; or
- (e) preventing or reducing the risk of pollution.

**(6)** A direction under this section may be given to—

- (a) the owner of the ship or a person in possession of the ship;
- (b) the master of the ship;
- (c) a pilot of the ship;

- (d) the owner of a hazardous substance in the ship;
- (e) a salvor in possession of the ship; or
- (f) a person who is the servant or agent of a salvor in possession of the ship and who is in charge of the salvage operation.

(7) The power of the Maritime Administration under subsection (4)(a) to require a ship to be removed from Montserrat waters is not exercisable in relation to a Montserrat ship.

(8) If, in the opinion of the Maritime Administration, the powers conferred by subsection (4) are, or have proved to be, inadequate for any of the purposes specified in subsection (5), the Maritime Administration may for that purpose—

- (a) take action as the Maritime Administration has power to require to be taken by a direction under this section;
- (b) undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of a person to whom directions can be given; and
- (c) undertake operations which involve the taking over of control of the ship.

(9) The powers of the Maritime Administration under this section may be exercisable by a person as may be authorised for the purpose by the Maritime Administration.

(10) Every person concerned with compliance with directions given, or with action taken, under this section shall use their best endeavours to avoid risk to human life.

(11) An action taken under this section in relation to a ship which is under arrest or as respects the cargo of such a ship, being action duly taken in pursuance of a direction given under this section, or being an action taken under subsection (8)—

- (a) does not constitute contempt of court; and
- (b) does not make an Admiralty Marshal (if any) liable in any civil proceedings.

(12) A direction given under this section may be varied or revoked by a further direction.

(13) Subsection (14) applies if the Maritime Administration proposes to take action under this section in relation to a ship which is outside Montserrat waters.

(14) Subject to subsection (15), before taking action under this section, the Maritime Administration—

- (a) shall consult with any State or territory that may be affected by the accident, including the State or territory in which the ship is registered;

- (b) shall notify the proposed action to a person who has an interest which can reasonably be expected to be affected by the action and take account of any comments made by that person;
- (c) may consult with independent experts whose names are on a list maintained for the purpose by the International Maritime Organization.

(15) The duties to consult or notify in subsection (14)(a) or (b) do not apply if, in the opinion of the Maritime Administration, the extreme urgency of the situation and the need to take immediate action under this section makes it impracticable to consult States or to notify affected persons.

(16) In this section—

“**accident**” means a collision of ships, a stranding, another incident of navigation or another event (whether on board a ship or not) which results in—

- (a) material damage to a ship or its cargo; or
- (b) an imminent threat of material damage to the ship or its cargo;

“**high seas**” means all parts of the sea that—

- (a) are outside the seaward limits of Montserrat controlled waters; and
- (b) are not subject to the jurisdiction and rights of another State exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea (protection and preservation of the marine environment);

“**risk to safety**” means a risk to the safety of persons, property or anything navigating in or using Montserrat waters. *(Inserted by Act 5 of 2024)*

### Service of directions under section 88

89. (1) If the Maritime Administration is satisfied that the owner of a ship on which a direction under section 88 may be served is a company or other body, that direction may be served on the master of the ship.

- (2) For the purpose of giving or serving a direction under section 88 to or on any person on a ship, a person acting on behalf of the Maritime Administration has the right to go on board the ship. *(Inserted by Act 5 of 2024)*

### Right to recover in respect of unreasonable loss or damage

90. (1) If an action duly taken by a person in pursuance of a direction given under section 88, or an action taken under section 88(8)—

- (a) was not reasonably necessary to—

- (i) secure the safety of the ship or of other ships, or of persons on the ship or other ships, or of any other persons or property; or
  - (ii) prevent or reduce pollution, or the risk of pollution; or
- (b) was such that the good it did, or was likely to do, was disproportionately less than the expense incurred, or damage suffered, as a result of the action,

a person incurring expense or suffering damage as a result of, or by taking, the action shall be entitled to recover compensation from the Maritime Administration.

(2) In considering whether subsection (1) applies, account shall be taken of—

- (a) the extent and risk to safety or of pollution if the action had not been taken;
- (b) the likelihood of the action being effective; and
- (c) the extent of the damage which has been caused by the action.

(3) A reference in this section to the taking of an action includes a reference to complying with a direction not to take some specified action.

(4) The Admiralty jurisdiction of the Court shall include jurisdiction to hear and determine a claim arising under this section. *(Inserted by Act 5 of 2024)*

### Offences in relation to section 88

91. (1) A person to whom a direction is given under section 88 who contravenes, or fails to comply with, any requirement of the direction, commits an offence.

(2) A person who intentionally obstructs another person who is—

- (a) acting on behalf of the Maritime Administration in connection with the giving or service of a direction under section 88;
- (b) acting in compliance with a direction under that section; or
- (c) acting under section 88(8),

commits an offence.

(3) In proceedings for an offence under subsection (1), it shall be a defence for the accused to prove that all due diligence has been used to ensure compliance with the direction, or that there was reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine not exceeding \$2,700; or

(b) on conviction on indictment to a fine not exceeding \$15,000.

*(Inserted by Act 5 of 2024)*

*Safety of navigation*

### **Charts and other information**

**92. (1)** The Governor, acting on the advice of the Cabinet, may make regulations specifying the charts, directions or information which are necessary or expedient for the safe operation of ships.

**(2)** Regulations under this section may require Montserrat ships, or such descriptions of Montserrat ships as may be specified in the regulations, to carry (either at all times or on voyages as may be specified in the regulations) copies of the charts, directions or information so specified.

**(3)** If a ship goes to sea or attempts to go to sea without carrying copies of the charts, directions or information which it is required to carry by regulations under this section, the master and owner each commits an offence and each is liable—

(a) on summary conviction to a fine not exceeding \$600; or

(b) on conviction on indictment to a fine not exceeding \$1,000.

*(Inserted by Act 5 of 2024)*

### **Report of dangers to navigation**

**93. (1)** The master of a Montserrat ship, on meeting with any of the dangers to navigation specified in subsection (2), shall send information, by all means of communication at the master's disposal and in accordance with regulations to be made for the purposes of this section, to ships in the vicinity and to the relevant authorities on shore as may be prescribed by those regulations.

**(2)** The dangers to navigation referred to in subsection (1) are any of the following—

(a) a dangerous derelict;

(b) a tropical storm;

(c) winds of force 10 or above on the Beaufort Scale for which no storm warning has been received;

(d) any other direct danger to navigation.

**(3)** Regulations for the purposes of this section may be made by the Governor, acting on the advice of the Cabinet.

**(4)** A master of a ship who fails to comply with the provisions of this section, commits an offence and is liable—

(a) on summary conviction to a fine not exceeding \$600; or

(b) on conviction on indictment to a fine not exceeding \$2,000.

*(Inserted by Act 5 of 2024)*

## PART 7

### PREVENTION OF POLLUTION

#### **General provisions for preventing pollution from ships**

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

- (a) to prevent, reduce or control pollution of the sea or other waters by the discharge of harmful substances from Montserrat ships and from other ships while they are in Montserrat controlled waters;
- (b) to prevent, reduce or control pollution of the environment by the discharge of harmful substances from Montserrat ships and from other ships while they are in Montserrat controlled waters;
- (c) to prevent, reduce or control pollution, danger to health or to navigation, or hazards to the environment or to natural resources in relation to the transfer of cargo, stores, bunker fuel, ballast or other harmful substances between ships while within Montserrat controlled waters;
- (d) to require records relating to the carriage or discharge of harmful substances to be maintained;
- (e) to require the discharge of harmful substances in Montserrat controlled waters to be reported;
- (f) in relation to the provision at ports in Montserrat of facilities for the reception of waste from ships and the use of waste reception facilities.

**(2)** Regulations made under subsection (1) may, in particular, include provision specifying areas of sea as waters within which the jurisdiction and rights of Montserrat are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea (protection and preservation of the marine environment).

**(3)** In this section, a reference to the discharge of a harmful substance from a ship, includes a reference to the escape of a harmful substance, or (as the case may be) to its escaping, from that ship. *(Inserted by Act 5 of 2024)*

## Discharge of harmful substances from ships into Montserrat controlled waters

**95. (1)** If a harmful substance is discharged into Montserrat controlled waters which are navigable by sea-going ships, then, subject to the provisions of this Part, the following persons commit an offence—

- (a) if the discharge is from a ship, the owner or master of the ship, unless the discharge took place and was caused as mentioned in paragraph (b);
- (b) if the discharge is from a ship but takes place in the course of a transfer of a harmful substance to or from another ship or a place on land and is caused by the act or omission of a person in charge of an apparatus in that other ship or that place, the owner or master of that other ship or, as the case may be, the occupier of that place.

**(2)** Subsection (1) does not apply to a discharge which—

- (a) is made into the sea; and
- (b) is of a kind or is made in circumstances for the time being prescribed by regulations made by the Governor, on the advice of the Cabinet.

**(3)** A person who commits an offence under this section is liable—

- (a) on summary conviction, to a fine not exceeding \$15,000 and
- (b) on conviction on indictment, to an unlimited fine.

**(4)** In this section—

“**occupier**”, in relation to a place on land, if it has no occupier, means the owner;

“**place on land**” includes anything resting on the bed or shore of the sea, or of any other waters included in Montserrat controlled waters, and also includes anything afloat (other than a ship) if it is anchored or attached to the bed or shore of the sea or any such waters;

“**sea**” includes an estuary or arm of the sea.

*(Inserted by Act 5 of 2024)*

## Defences of owner or master charged with offence under section 95

**96. (1)** If a person is charged with an offence under section 95 as the owner or master of a ship, it shall be a defence to prove that the harmful substance was discharged for the purpose of—

- (a) securing the safety of a ship;
- (b) preventing damage to a ship or cargo; or
- (c) saving life,

unless the Court is satisfied that the discharge of the harmful substance was not necessary for that purpose or was not a reasonable step to take in the circumstances.

(2) If a person is charged with an offence under section 95 as the owner or master of a ship, it shall also be a defence to prove—

- (a) that the harmful substance escaped in consequence of damage to the ship, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or, if it could not be prevented, for stopping or reducing, the escape of the substance; or
- (b) that the harmful substance escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it. *(Inserted by Act 5 of 2024)*

### **Defences of occupier charged with offence under section 95**

97. If a person is charged, in respect of the escape of a harmful substance, with an offence under section 95 as the occupier of a place on land, it shall be a defence to prove that neither the escape nor delay in discovering it was due to any want of reasonable care and that, as soon as practicable after it was discovered, all reasonable steps were taken for stopping or reducing it.

*(Inserted by Act 5 of 2024)*

### **Duty to report discharge of harmful substance into Montserrat controlled waters**

98. (1) If a harmful substance—

- (a) is discharged from a ship into Montserrat controlled waters; or
- (b) is found to be escaping or to have escaped from a ship into Montserrat controlled waters,

the owner or master of the ship shall forthwith report the occurrence to the Maritime Administration.

(2) A report made under subsection (1) shall state whether the occurrence falls within subsection (1)(a) or (b).

(3) A person who fails to make a report as required by this section, commits an offence and is liable on summary conviction to a fine not exceeding \$15,000.

*(Inserted by Act 5 of 2024)*

### **Oil records**

99. (1) The Governor, acting on the advice of the Cabinet, may make regulations requiring oil record books to be carried in Montserrat ships and

requiring the master of a Montserrat ship to record in the oil record book carried by it—

- (a) the carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed relating to—
  - (i) the loading of oil cargo;
  - (ii) the transfer of oil cargo during a voyage;
  - (iii) the discharge of oil cargo;
  - (iv) the ballasting of oil tanks, whether cargo or bunker fuel tanks, and the discharge of ballast from, and cleaning of, such tanks;
  - (v) the separation of oil from water, or from other substances, in a mixture containing oil;
  - (vi) the disposal of oil or water, or other substance, arising from operations relating to the matters specified in subparagraphs (i) to (v); or
  - (vii) the disposal of any other oil residues;
- (b) any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any ship, or of preventing damage to any ship or cargo, or of saving life; and
- (c) any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage.

(2) The Governor, acting on the advice of the Cabinet, may make regulations requiring the keeping of records relating to the transfer of oil to and from ships while they are within Montserrat controlled waters; and the requirements of regulations made under this subsection shall be in addition to the requirements of regulations made under subsection (1).

(3) Records required to be kept in pursuance of the regulations made under subsection (2) shall—

- (a) unless the ship is a barge, be kept by the master of the ship; and
- (b) if the ship is a barge, be kept, insofar as they relate to the transfer of oil to the barge, by the person supplying the oil and, insofar as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(4) Regulations made under this section requiring the carrying of oil record books or the keeping of records may—

- (a) prescribe the form of the oil record books or records and the nature of the entries to be made in them;

- (b) require the person providing or keeping the books or records to retain them for a prescribed period;
- (c) require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;
- (d) provide for the custody or disposal of the books or records after their transmission to such a place or person.

**(5) Regulations made under this section may—**

- (a) be made with respect to all, or with respect to any one or more of the classes of ships or other matters to which this section relates;
- (b) make different provision for different classes of ships or otherwise for different classes of cases or different circumstances.

**(6)** If a ship fails to carry such an oil record book as it is required to carry under this section the owner and master each commits an offence and each is liable on summary conviction to a fine not exceeding \$15,000.

**(7)** A person who fails to comply with requirements imposed by or under this section commits an offence and is liable on summary conviction to a fine not exceeding \$15,000.

**(8)** A person who makes an entry in an oil record book carried or record kept under this section which to that person's knowledge is false or misleading in any material particular, commits an offence and is liable—

- (a) on summary conviction to a fine not exceeding \$15,000 or imprisonment for a term not exceeding six months, or both; or
- (b) on conviction on indictment to a fine not exceeding \$27,000 or to imprisonment for a term not exceeding two years, or both.

**(9) In proceedings under this Part—**

- (a) an oil record book carried or record kept in pursuance of the regulations made under this section shall be admissible as evidence of the facts stated in it;
- (b) a copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry shall be admissible as evidence;
- (c) a document purporting to be an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in paragraph (b), shall, unless the contrary is

proved, be presumed to be such a book, record or copy, as the case may be.

**(10)** In this section “**barge**” includes a lighter and any similar vessel.

*(Inserted by Act 5 of 2024)*

## PART 8

### IMPLEMENTATION OF CONVENTIONS

#### Conventions

**100.** (1) Subject to the provisions of this Act, and regulations made under it, the Conventions listed in subsection (2) shall, insofar as they are extended to Montserrat, have the force of law.

(2) The Conventions are—

- (a) the International Convention on Load Lines, 1966, and the 1988 Protocol to the International Convention on Load Lines;
- (b) the International Convention on Civil Liability for Oil Pollution Damage, 1969 and the 1992 Protocol to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969;
- (c) the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 and the 1973 Protocol relating to Intervention on the High Seas in Cases of Marine Pollution other than Oil;
- (d) the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 and the Protocols of 1976, 1992, 2000 and 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971;
- (e) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;
- (f) the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 and the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974;
- (g) the International Convention for the Safety of Life at Sea 1974, and the Protocols of 1978 and 1988 to the International Convention for the Safety of Life at Sea (“the Safety Convention”);
- (h) the Convention on Limitation of Liability for Maritime Claims, 1976 and the Protocol of 1996 to amend the

Convention on Limitation of Liability for Maritime Claims, 1976;

- (i) the International Convention on Salvage, 1989;
- (j) the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990;
- (k) the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001; and
- (l) the Nairobi International Convention on the Removal of Wrecks, 2007.

(3) The Governor, acting on the advice of the Cabinet, may by order amend the list of Conventions in subsection (2) by adding any Convention which concerns—

- (a) shipping;
- (b) ship safety;
- (c) maritime pollution; or
- (d) other aspects of the marine environment.

(4) An order under subsection (3) shall be subject to affirmative resolution.

(5) In this section, a reference to a Convention includes a reference to—

- (a) a provision or part of a Convention;
- (b) a protocol, appendix, annex or other addition to a Convention; and
- (c) a code, scheme or other instrument which has effect under or by virtue of a Convention. *(Inserted by Act 5 of 2024)*

### Regulations implementing conventions

**101. (1)** The Governor, acting on the advice of the Cabinet, may by regulations provide for the implementation of a Convention which is given the force of law in Montserrat by section 100.

(2) If a Convention includes a mechanism for its amendment, regulations may provide for the Convention to have effect as amended from time to time.

(3) Regulations made under subsection (1) may—

- (a) make transitional provision in respect of rights or liabilities arising before the date on which an amendment takes effect;
- (b) require the Maritime Administration or another specified public authority to publicise an amendment by notice in the

*Gazette*, by oral or written statement to the Assembly or in another specified way;

- (c) include a Schedule setting out the text of the Convention in the form in which it has effect when the regulations are made;
- (d) provide for publication of the text of the Convention in another specified way, as it has effect when the regulations are made and with or without provision for re-publication of the text of the Convention as it has effect from time to time;
- (e) authorise a person publishing a text of the regulations (whether under authority or not) to substitute, for any version of the Convention set out in a schedule to the regulations, the version having effect from time to time in accordance with the regulations.

(4) Regulations made under subsection (1) may include a provision required for dealing with matters arising in consequence of the Convention or other provisions of the regulations.

(5) In giving effect to a Convention under this Act, regulations may provide for a specified code, scheme or other instrument referred to in the Convention to be treated or not to be treated as part of the Convention for the purposes of the regulations. (*Inserted by Act 5 of 2024*)

## PART 9

### ENFORCEMENT

#### *Inspectors and surveyors*

#### **Appointment of inspectors and surveyors**

**102. (1)** The Maritime Administration may appoint an inspector (“**an inspector**”) for the purposes of this Act, or regulations made under it, to report to it on the following—

- (a) the nature and causes of any accident or damage which any ship has or is alleged to have sustained or caused;
- (b) whether any requirements, restrictions or prohibitions imposed by or under this Act, or regulations made under it, have been complied with or (as the case may be) contravened;
- (c) whether the hull and machinery of a ship are sufficient and in good condition;
- (d) what measures have been taken to prevent the escape of harmful substances;

- (e) for the purposes of sections 108 to 113.
- (2) The Maritime Administration may appoint persons to be surveyors of ships (“**a surveyor**”) for the purposes of this Act, or any regulations made under it, and may remove a person so appointed.
- (3) A surveyor may be appointed either as a ship surveyor or as an engineer surveyor or as both.
- (4) A surveyor may be appointed either generally or for a particular case or purpose.
- (5) Every surveyor shall be treated as a person appointed generally under subsection (1) to report to the Maritime Administration in every kind of case falling within paragraphs (b) and (d) of that subsection. (*Inserted by Act 5 of 2024*)

### Authorisation of surveyor organisations

- 103.** (1) For the purposes of section 102(2), the Maritime Administration may, subject to the provisions of this section, authorise a surveyor organisation listed in subsection (2) to carry out a surveyor function.
- (2) The surveyor organisations that may be authorised under subsection (1), are—
- (a) a class society, subject to subsection (3);
  - (b) the MCA; or
  - (c) the maritime administration of a British possession.
- (3) A class society may only be authorised under subregulation (1) to carry out a Convention survey function if—
- (a) the class society has been approved as a recognised organisation under subsection (4); and
  - (b) the authorisation is in accordance with—
    - (i) a relevant agreement between the Government and the MCA relating to ship surveying and certification; and
    - (ii) the RO Code.
- (4) A class society may be approved by the Maritime Administration as a recognised organisation if it—
- (a) is on a list maintained by the MCA of class societies that are qualified to act as recognised organisations;
  - (b) complies with the requirements of the RO Code; and
  - (c) has entered into an authorisation agreement with the Maritime Administration.
- (5) An authorisation under subsection (1) may be made conditionally or unconditionally and is subject to subsections (6) and (7).

**(6)** Without prejudice to the generality of subsection (5), conditions may impose limitations on an authorisation under subsection (1) relating to—

- (a) individual ships;
- (b) classes of ships; and
- (c) the extent of a survey to be carried out by the surveyor organisation.

**(7)** Notwithstanding the terms of an authorisation agreement, the Maritime Administration may direct that the Maritime Administration, or one of its employees, servants or agents, shall carry out a surveyor function.

**(8)** When carrying out a surveyor function, an authorised surveyor organisation, and its servants or agents, shall—

- (a) in the case of a Convention survey function, act in accordance with—
  - (i) the RO Code; and
  - (ii) the provisions of the applicable Convention;
- (b) in any other case, act in accordance with such conditions as the Maritime Administration may specify.

**(9)** If the Maritime Administration authorises a surveyor organisation under subsection (1), the Maritime Administration shall make arrangements—

- (a) in the case of—
  - (i) an approved recognised organisation, for the organisation's performance to be monitored and audited in accordance with the RO Code; or
  - (ii) any other authorised surveyor organisation, for the organisation's performance to be monitored and audited in accordance with such requirements as the Maritime Administration may specify; and
- (b) for the International Maritime Organization to be notified of—
  - (i) the authorisation of an approved recognised organisation; and
  - (ii) the specific responsibilities and conditions contained in the authorisation.

**(10)** If an authorised surveyor organisation carries out a surveyor function, a reference to the Maritime Administration in relation to the function includes a reference to the authorised surveyor organisation.

**(11)** If an authorised surveyor organisation carries out a surveyor function on behalf of the Maritime Administration, the organisation and its

employees have the same powers as the Maritime Administration under this Act, or regulations made under it, in relation to that function.

(12) An authorised surveyor organisation is not to be regarded as the servant or agent of the Government or as enjoying any status, immunity or privilege of the Government and its property is not to be regarded as property of, or held on behalf of, the Government.

(13) In this section—

“**approved recognised organisation**” means a class society approved as a recognised organisation by the Maritime Administration under subsection (4);

“**authorisation agreement**” means an agreement in writing between the Maritime Administration and the approved recognised organisation which—

(a) is in writing;

(b) sets out the terms of the authorisation under subsection (1); and

(c) contains the same or equivalent terms to an agreement between the organisation and the MCA relating to the survey or certification of ships by that organisation in the United Kingdom.

“**authorised surveyor organisation**” means a surveyor organisation authorised under subsection (1);

“**class society**” means a corporation or society for the survey and classification of ships;

“**Convention survey function**” means a surveyor function which comprises or relates to the survey or certification of a ship under or in accordance with a Convention;

“**MCA**” means the United Kingdom’s Maritime and Coastguard Agency;

“**RO Code**” means the Code for Recognised Organisations (RO Code) as adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.237(65) on 17 May 2013, as may be amended from time to time;

“**surveyor function**” means a function of a surveyor under this Act, or any regulations made under it. (*Inserted by Act 5 of 2024*)

*Inspection, etc., powers of inspectors and surveyors*

### **Powers of inspectors, etc., to require production of ships’ documents**

**104. (1)** The powers conferred by this section are conferred in relation to Montserrat ships and any other ships in Montserrat or Montserrat waters and are available to any of the following officers, namely—

(a) an inspector; or

(b) a surveyor,

whenever the officer has reason to suspect that any provision of this Act, or of any regulations made under it, is not complied with.

(2) The powers are—

- (a) to require the owner, master, or any of the crew to produce any official log-books or other documents relating to the crew or any member of the crew in their possession or control;
- (b) to require the master to produce a list of all persons on board the ship, and take copies of or extracts from the official log-books or other such documents;
- (c) to muster the crew; and
- (d) to require the master to appear and give any explanation concerning the ship or its crew or the official log-books or documents produced or required to be produced.

(3) If any person, on being duly required by an officer under this section to produce a log-book or any document, fails without reasonable excuse to produce the log-book or document, that person commits an offence and is liable on summary conviction to a fine not exceeding \$15,000.

(4) If any person, on being duly required by any officer under this section—

- (a) to produce a log-book or document, refuses to allow the log-book or document to be inspected or copied;
- (b) to muster the crew, impedes the muster; or
- (c) to give any explanation, knowingly misleads or deceives the officer,

that person commits an offence and is liable on summary conviction to a fine not exceeding \$15,000. (*Inserted by Act 5 of 2024*)

### **Powers of inspectors, etc., to inspect ships and their equipment, etc.**

**105. (1)** For the purposes of being satisfied that the provisions of this Act, and of any regulations made under it, are complied with or that the terms of any approval, licence, consent, direction or exemption given by virtue of such regulations are duly complied with—

- (a) a surveyor; and
- (b) an inspector,

may at all reasonable times go on board a ship in Montserrat or in Montserrat waters and inspect the ship and its equipment, any articles on board and any document carried in the ship in pursuance of this Act, or of regulations or rules made under it.

(2) The powers conferred by subsection (1) are not exercisable in relation to a foreign ship while the ship is exercising—

- (a) the right of innocent passage; or
- (b) the right of transit passage through straits used for international navigation.

(3) The powers conferred by subsection (1) are, if the ship is a Montserrat ship, also exercisable outside Montserrat waters and may be so exercised by a proper officer as well as the persons mentioned in that subsection.

(4) A person exercising powers under this section shall not unnecessarily detain or delay a ship but may, if that person considers it necessary in consequence of an accident or for any other reason, require a ship to be taken into dock for a survey of its hull or machinery.

(5) If a person mentioned in subsection (1) has reasonable grounds for believing that there are, on any premises provisions or water intended for supply to a Montserrat ship which, if provided on the ship, would not be in accordance with regulations containing requirements as to provisions and water to be provided on ships, that person may enter the premises and inspect the provisions or water for the purpose of ascertaining whether they would be in accordance with the regulations.

(6) Any person who obstructs a person in the exercise of powers under this section commits an offence and is liable on summary conviction to a fine not exceeding \$15,000. (*Inserted by Act 5 of 2024*)

### **Powers of inspectors in relation to premises and ships**

**106.** (1) The powers conferred by this section are conferred in relation to—

- (a) any premises in Montserrat;
- (b) any Montserrat ship wherever it may be; and
- (c) any other ship which is present in Montserrat or in Montserrat waters,

and are available to an inspector for the purpose of performing the inspector's functions under this Act, or any regulations made under it.

(2) An inspector may—

- (a) at any reasonable time (or, in a situation which in the inspector's opinion is, or may be dangerous, at any time)—
  - (i) enter any premises; and
  - (ii) board any ship,

if the inspector has reason to believe that it is necessary to do so;

- (b) on entering any premises by virtue of paragraph (a) or on boarding a ship by virtue of that paragraph, be accompanied

- by any other person authorised for the purpose by the Maritime Administration and any equipment or materials the inspector requires;
- (c) make such examination and investigation as the inspector considers necessary;
  - (d) give a direction requiring that the premises or ship or any part of the premises or ship or anything in the premises or ship or such a part shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph (c);
  - (e) take such measurements and photographs and make such recordings as the inspector considers necessary for the purpose of any examination or investigation under paragraph (c);
  - (f) take samples of any articles or substances found in the premises or ship and of the atmosphere in, or in the vicinity of, the premises or ship;
  - (g) in the case of any article or substance which the inspector finds in the premises or ship and which appears to the inspector to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is in the circumstances necessary);
  - (h) in the case of any such article or substance as is mentioned in paragraph (g), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely—
    - (i) to examine it and do to it anything which the inspector has power to do under that paragraph;
    - (ii) to ensure that it is not tampered with before any examination of it is completed; or
    - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Act, or any regulations made under it;
  - (i) require any person who the inspector has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph (c)—
    - (i) to attend at a place and time specified by the inspector;
    - (ii) to answer (in the absence of persons other than any persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as the inspector thinks fit to ask; and
    - (iii) to sign a declaration of the truth of that person's answers;

- (j) require the production of, and inspect and take copies of, or of any entry in—
- (i) any books or documents which by virtue of any provision of this Act, or any regulations made under it, are required to be kept;
  - (ii) any other books or documents which the inspector considers it necessary to see for the purposes of any examination or investigation under paragraph (c);
- (k) require any person to afford the inspector such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary to enable the exercise of any of the powers conferred by this section.
- (3) The powers conferred by subsection (2)(a), (c) and (j) shall also be exercisable, in relation to a ship in a port in Montserrat, by the Maritime Administration, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the ship into a harbour.
- (4) The Governor, acting on the advice of the Cabinet, may by regulations make provision—
- (a) as to the procedure to be followed in connection with the taking of samples under subsection (2)(f) and subsection (7); and
  - (b) provision as to the way in which samples that have been so taken are to be dealt with.
- (5) If an inspector proposes to exercise the power conferred by subsection (2)(g) in the case of an article or substance found in any premises or ship, the inspector shall, if so requested by a person who at the time is present in and has responsibilities in relation to the premises or ship, cause anything which is to be done by virtue of that power to be done in the presence of that person unless the inspector considers that its being done in that person's presence would be prejudicial to the safety of that person.
- (6) Before exercising the power conferred by subsection (2)(g), an inspector shall consult such persons as the inspector considers appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which the inspector proposes to do under that power.
- (7) If under the power conferred by subsection (2)(h) an inspector takes possession of any article or substance found in any premises or ship, the inspector shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that possession of it has been taken under that power; and before taking possession of any such substance an inspector shall, if it is practicable to do so, take a sample of the

substance and give to a responsible person at the premises or on board the ship, a portion of the sample marked in a manner sufficient to identify it.

(8) No answer given by a person in pursuance of a requirement imposed under subsection (2)(i) shall be admissible in evidence against that person in any proceedings except proceedings in pursuance of section 107(1)(c) in respect of a statement in or a declaration relating to the answer; and a person nominated as mentioned in subsection (2)(i) shall be entitled, on the occasion on which the questions mentioned are asked, to make representations to the inspector on behalf of the person who nominated him or her. (*Inserted by Act 5 of 2024*)

### Provisions supplementary to section 106

107. (1) A person commits an offence if that person—

- (a) intentionally obstructs an inspector exercising any power under section 106;
- (b) without reasonable excuse, does not comply with a requirement imposed in pursuance of section 106 or prevents another person from complying with such a requirement; or
- (c) without prejudice to the generality of paragraph (b), makes a statement or signs a declaration which that person knows is false, or recklessly makes a statement or signs a declaration which is false, in purported compliance with a requirement made in pursuance of section 106(2)(i).

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

- (a) on summary conviction to a fine not exceeding \$15,000; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine not exceeding \$27,000 or both.

(3) Nothing in section 106 shall be taken to compel the production by any person of a document of which the person would, on grounds of legal professional privilege, be entitled to withhold production on an order for discovery in an action in the High Court. (*Inserted by Act 5 of 2024*)

### *Improvement notices and prohibition notices*

#### Improvement notices

108. (1) If an inspector is of the opinion that a person—

- (a) is contravening one or more provisions of this Act, or any regulations made under it; or
- (b) has contravened one or more of those provisions or regulations in circumstances that make it likely that the contravention will continue or be repeated,

the inspector may serve on that person a notice under this section, (referred to in this Part as an “**improvement notice**”).

(2) An improvement notice shall—

- (a) state that the inspector is of the opinion referred to in subsection (1), specify the provision or provisions that are contravened, and provide reasons; and
- (b) require the person on whom the notice is served to remedy the contravention in question or (as the case may be) the matters occasioning it within such period as may be specified in the notice.

(3) The period specified in pursuance of subsection (2)(b) shall not expire before the end of the period within which a notice can be given under section 114 requiring questions relating to the improvement notice to be referred to arbitration. (*Inserted by Act 5 of 2024*)

### Prohibition notices

**109.** (1) If, as regards any activities which are being, or are likely to be, undertaken on board any ship by, or under the control of any person, an inspector is of the opinion that, as so carried on or as likely to be so carried on, the activities involve or (as the case may be) will involve the risk of—

- (a) serious personal injury to any person (whether on board the ship or not); or
- (b) serious pollution of any navigable waters,

the inspector may serve on that person a notice (referred to in this Part as a “**prohibition notice**”).

(2) A prohibition notice shall—

- (a) state that the inspector is of the opinion referred to in subsection (1);
- (b) specify the matters which, in the inspector’s opinion, give or (as the case may be) will give rise to the risk;
- (c) if, in the inspector’s opinion, any of those matters involve or (as the case may be) will involve a contravention of any of the provisions of this Act, or of any regulations made under it, state that the inspector is of that opinion and provide reasons; and
- (d) direct—
  - (i) that the activities to which the notice relates shall not be carried on by, or under the control of, the person on whom the notice is served; or
  - (ii) that the ship shall not go to sea,

(or both of those things) unless the matters specified in the notice in pursuance of paragraph (b), and any associated contraventions of any provision so specified in pursuance of paragraph (c), have been remedied.

(3) A direction contained in a prohibition notice in pursuance of subsection (2)(d) shall take effect—

- (a) at the end of a period specified in the notice; or
- (b) if the direction is given in pursuance of subsection (2)(d)(ii) or the notice so declares, immediately. (*Inserted by Act 5 of 2024*)

### Provisions supplementary to sections 108 and 109

110. (1) An improvement notice or a prohibition notice may include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions may be framed so as to afford the person on whom the notice is served, a choice between different ways of remedying the contravention or matter.

(2) An improvement notice or a prohibition notice shall not direct any measures to be taken to remedy the contravention of any provisions that are more onerous than those necessary to secure compliance with that provision.

(3) If an improvement notice or a prohibition notice that is not to take immediate effect has been served—

- (a) the notice may be withdrawn by an inspector at any time before the end of the period specified in it; and
- (b) the period so specified may be extended or further extended by an inspector at any time when a reference to arbitration in respect of the notice is not pending under section 114. (*Inserted by Act 5 of 2024*)

### Offences

111. (1) This section applies to a person who contravenes—

- (a) a requirement imposed by an improvement notice; or
- (b) a prohibition contained in a prohibition notice.

(2) A person to whom subsection (1) applies commits an offence and is liable—

- (a) on summary conviction to a fine not exceeding \$15,000; or
- (b) on conviction on indictment to a fine not exceeding \$27,000.

(3) It shall be a defence for a person charged with an offence under this section to prove that he or she exercised all due diligence to avoid a contravention of the notice in question.

(4) In this section any reference to an improvement notice or a prohibition notice includes a reference to any such notice issued under this Act, or any regulations made under it, and as modified under section 114(3).

*(Inserted by Act 5 of 2024)*

### *Power of detention*

#### **Power to detain**

**112.** (1) This section applies to a ship which is—

- (a) in Montserrat; or
- (b) at sea in Montserrat waters.

(2) If it appears to a surveyor or inspector that a ship to which this section applies—

- (a) is a dangerously unsafe ship; or
- (b) does not comply with a requirement of this Act, or any regulations made under it, if it is provided that non-compliance with that requirement is a ground for detention,

the ship may be detained.

(3) Subject to subsection (4), the power of detention conferred by subsection (2) is exercisable in relation to a foreign ship as well as a Montserrat ship.

(4) The power of detention conferred by subsection (2) is not exercisable in relation to a foreign ship while the ship is exercising—

- (a) the right of innocent passage; or
- (b) the right of transit passage through straits used for international navigation,

except to the extent that the power is being exercised for the purpose of giving effect to any relevant provision of a Convention extended to Montserrat.

(5) If, under this section, or any regulations made under this Act, a ship is to be or may be detained, any of the following officers may detain the ship—

- (a) a commissioned naval or military officer;
- (b) an inspector or surveyor;
- (c) the Harbour Master.

(6) The person detaining the ship shall serve on the master of the ship a detention notice which shall—

- (a) state the reasons why that person is of the opinion that the ship is—
  - (i) dangerously unsafe; or
  - (ii) does not comply with a requirement of this Act or regulations;
- (b) specify what action is required to make the ship—
  - (i) safe; or
  - (ii) compliant with the requirement of the Act or regulations; and
- (c) require the ship to comply with the terms of the notice before it is released from detention.

(7) A notice of detention may—

- (a) include a direction that the ship—
  - (i) shall remain in a particular place; or
  - (ii) shall be moved to a particular anchorage or berth; and
- (b) if it includes such a direction, specify circumstances relating to safety or the prevention of pollution in which the master may move the ship from that place, anchorage or berth.

(8) In the case of a foreign ship, the person detaining the ship shall cause a copy of the detention notice to be sent as soon as practicable to the nearest consular officer of the State to which the ship belongs. (*Inserted by Act 5 of 2024*)

### **Enforcing detention of a ship**

**113. (1)** If a ship, in respect of which a notice of detention has been served, proceeds to sea otherwise than in accordance with such a notice before it is released by the Maritime Administration, the master of the ship commits an offence and is liable—

- (a) on summary conviction to a fine not exceeding \$15,000; or
- (b) on conviction on indictment to a fine not exceeding \$45,000.

(2) If a ship, in respect of which a notice of detention has been served, fails to comply with a direction given under section 112(7)(a), the master of the ship commits an offence and is liable—

- (a) on summary conviction to a fine not exceeding \$15,000; or
- (b) on conviction on indictment to a fine not exceeding \$45,000.

(3) The owner of a ship, and any person who sends to sea a ship, in respect of which an offence is committed under subsection (1) or (2), if party or privy to the offence, also commits an offence under that subsection and is liable accordingly.

(4) Subsection (5) applies if a ship carries away any person authorised by section 112(5) to detain the ship who is on board the ship in the execution of their duty, without the person's consent.

(5) The owner and master of the ship—

(a) is each liable to pay all expenses of, and incidental to, the person being so carried away; and

(b) each commit an offence and each is liable on—

(i) summary conviction to a fine not exceeding \$15,000; or

(ii) conviction on indictment to a fine not exceeding \$45,000.

(6) If under this Act, or any regulations made under it, a ship is to be detained, an officer of Customs and Excise may refuse to clear the ship outwards or grant a transire to the ship.

(7) When any provision of this Act, or any regulations made under it, provide that a ship may be detained until any document is produced to the proper officer of Customs and Excise, the officer able to grant a clearance or transire of the ship is (unless the context otherwise requires) that officer.

(8) Any reference in this section to proceeding to sea includes a reference to going on a voyage that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly. (*Inserted by Act 5 of 2024*)

### References of improvement, prohibition and detention notices to arbitration

114. (1) This section applies if—

(a) an improvement notice has been issued under section 108;

(b) a prohibition notice has been issued under section 109; or

(c) a detention notice has been issued under section 112.

(2) Any question as to whether any of the matters specified in such a notice constituted a valid basis for the issue of the notice, shall be referred to a single arbitrator appointed by agreement between the parties if the master or owner of the ship (“**the complainant**”) notifies the inspector or surveyor within the period of twenty-one days beginning with the date of service of the notice.

(3) If a notice is given by a complainant in accordance with subsection (2)—

(a) in the case of an improvement notice, the giving of the notice shall have the effect of suspending the operation of the improvement notice until the decision of the arbitrator is published to the parties or the reference is abandoned by the complainant;

(b) in the case of a prohibition notice or detention notice, the giving of the notice shall have the effect of suspending the operation of the prohibition notice or detention notice only if, on the application of the complainant, the arbitrator so directs and only from the giving of the direction.

(4) In the case of a prohibition notice or a detention notice, the arbitrator shall—

(a) have regard, in coming to a decision, to any other matters not specified in the notice which appear to the arbitrator to be relevant to whether the ship was, or was not—

(i) a dangerously unsafe ship; or

(ii) compliant with a requirement of this Act or any regulations made under this Act; and

(b) include in the decision, a finding whether there was, or was not a valid basis for the notice.

(5) If, on a reference under this section, the arbitrator decides as respects any matter to which the reference relates that in all the circumstances the matter did not constitute a valid basis for the inspector's opinion, the arbitrator shall either cancel the notice or affirm it with such modifications as the arbitrator may, in the circumstances, think fit; and in any other case, the arbitrator shall affirm the notice in its original form.

(6) A person shall not be qualified for appointment as an arbitrator under this section unless the person is—

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to any such certificate;

(b) a naval architect;

(c) an inspector or surveyor employed and authorised by—

(i) the Secretary of State; or

(ii) the Governor or Minister responsible for maritime affairs of a British possession which maintains a shipping registry assigned as a category one registry under the Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003 (S.I. 2003 No. 1248);

(d) a lawyer with at least five years' experience in the field of maritime law; or

(e) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(7) An arbitrator shall have the powers conferred on an inspector by sections 104 to 106. (*Inserted by Act 5 of 2024*)

## Compensation in connection with invalid prohibition or detention notices

**115. (1)** If, on a reference under section 114 relating to a prohibition notice or a detention notice—

- (a) the arbitrator decides that any reason or matter did not constitute a valid basis for the inspector's opinion; and
- (b) it appears to the arbitrator that there were no reasonable grounds for the inspector to form that opinion,

the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by that person in consequence of the service of the notice as the arbitrator thinks fit.

**(2)** If, on any such reference, the arbitrator decides that any direction included in the notice was unreasonable, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by that person in consequence of the direction as the arbitrator thinks fit.

**(3)** An arbitrator shall not award any compensation in the case of any prohibition notice or detention notice unless the arbitrator determines that—

- (a) a direction—
  - (i) if given under section 109(2)(d), contained a requirement mentioned in sub-paragraph (ii) of that provision; or
  - (ii) if given under section 112(7)(a), contained a requirement mentioned in that paragraph; and
- (b) either—
  - (i) the inspector was of the opinion that there would be such a risk of injury or pollution as is referred to in the notice if the ship went to sea; and
  - (ii) the effect of the direction was to prohibit the departure of the ship unless the matters, or (as the case may be) the matters and contraventions, referred to in the direction were remedied.

**(4)** Any compensation awarded under this section shall be payable by the Maritime Administration and is enforceable as a debt. *(Inserted by Act 5 of 2024)*

## PART 10

## ACCIDENT INVESTIGATIONS AND INQUIRIES

*Marine accident investigations***Investigation of marine accidents**

**116. (1)** The Governor, acting on the advice of the Cabinet, shall, for the purpose of the investigation of an accident mentioned in subsection (2), appoint—

- (a) a person to be Chief Marine Accident Investigator; and
- (b) authorise the Chief Marine Accident Investigator to appoint persons as are required as investigators of marine accidents generally or in relation to a specific accident.

**(2)** The accidents referred to in subsection (1) are—

- (a) an accident involving a ship or ship's boat if, at the time of the accident—
  - (i) the ship is a Montserrat ship; or
  - (ii) the ship, or in the case of an accident involving a ship's boat, that boat, is within Montserrat waters;
- (b) an incident involving the death of, or injury to, a person in a ship, if, at the time of the accident—
  - (i) the ship is a Montserrat ship; or
  - (ii) the ship, or in the case of an accident involving a ship's boat, that boat, is within Montserrat waters; and
- (c) an accident involving ships or ships' boats as the Governor may determine.

**(3)** The Governor, acting on the advice of the Cabinet, may by regulations make provision with respect to the investigation of an accident.

**(4)** Regulations made under subsection (3) may, in particular, make provision—

- (a) with respect to the definition of “accident” for the purposes of this section and the regulations;
- (b) imposing requirements as to the reporting of accidents;
- (c) prohibiting, pending investigation, access to or interference with any ship or ship's boat involved in an accident;
- (d) authorising a person, so far as may be necessary for the purpose of determining whether an investigation should be carried out, to have access to, examine, remove, test, take measures for the preservation of, or otherwise deal with, a ship or boat or any other ship or ship's boat;

- (e) specifying, with respect to the investigation of accidents, the functions of the Chief Marine Accident Investigator (which may include the function of determining whether, and if so by whom, particular accidents should be investigated), the functions of other inspectors of marine accidents, and the manner in which any such functions are to be discharged;
- (f) for the appointment by the Chief Marine Accident Investigator, in such circumstances as may be specified in the regulations, of persons to carry out investigations under this section who are not investigators of marine accidents;
- (g) for the appointment by the Governor of persons to review any findings or conclusions of a person carrying out an investigation under this section;
- (h) for the procedure to be followed in connection with investigations or reviews under this section;
- (i) for conferring on persons discharging functions under the regulations all or any of the powers conferred on an inspector by section 106;
- (j) for the submission to the Governor, and the publication by the Governor, of reports of investigations or reviews; and
- (k) for the publication of reports and other information relating to accidents.

(5) The regulations may apply to any specified class or description of incidents or situations which involve, or occur on board, ships or ships' boats but are not accidents for the purposes of the regulations, being a class or description framed by reference to any of the following, namely—

- (a) the loss or destruction of, or serious damage to, any ship or structure;
- (b) the death of, or serious injury to any person; or
- (c) environmental damage,

whether actually occurring or not, and (subject to such modifications as may be specified in the regulations) for those provisions to apply in relation to any such incidents or situations as they apply in relation to accidents.

(6) Regulations under this section may provide that a contravention of the regulations is an offence punishable on conviction by a fine.

(7) The Chief Marine Accident Investigator and investigators of marine accidents shall discharge such functions in addition to those conferred by or under the preceding provisions of this section as the Governor may determine.

(8) Any investigator of marine accidents shall, for the purpose of discharging any functions conferred by or under this section, have the powers conferred on an inspector by section 106.

(9) In this section—

- (a) references to an accident involving a ship or ship's boat include references to an accident occurring on board a ship or ship's boat (and any reference to a ship or ship's boat involved in an accident shall be construed accordingly); and
- (b) “ship's boat” includes a life-raft. (*Inserted by Act 5 of 2024*)

### **Reports of, and inquiries into, injuries on Montserrat fishing vessels**

117. (1) Without prejudice to section 116, if the skipper or a member of the crew of a Montserrat fishing vessel is injured during a voyage, an inquiry into the cause and nature of the injury may be held by the Maritime Administration.

(2) When holding an inquiry under this section, the Maritime Administration shall have the powers conferred on an inspector by section 106 and shall make a report of the findings to the Governor. (*Inserted by Act 5 of 2024*)

## PART 11

### WRECK AND SALVAGE

#### **Regulations relating to wrecks and salvage**

118. The Governor, acting on the advice of the Cabinet, may by regulations provide for—

- (a) the powers of the Receiver of Wreck;
- (b) the duties imposed on a person who finds or takes possession of wreck;
- (c) liability and claims in respect of wreck and for the marking and removal of wrecks, and the maintenance of insurance in respect of such liability and claims;
- (d) the handling and disposal of wreck and the proceeds of sale of wreck;
- (e) the holding of inquiries into wreck and the causes of wreck;
- (f) the fees to be charged and the expenses and remuneration of persons appointed in respect of wreck;
- (g) the powers and duties of persons relating to salvage;
- (h) liability and claims in respect of salvage;
- (i) the fees to be charged and the expenses and remuneration of persons appointed in respect of salvage. (*Inserted by Act 5 of 2024*)

## PART 12

## SUBORDINATE LEGISLATION- GENERAL PROVISIONS

**Regulations - offences and penalties**

**119. (1)** Regulations made under this Act may—

- (a) create criminal offences;
  - (b) extend the scope of criminal offences;
  - (c) make provision for the imposition of penalties by the Governor or a specified authority (which may include an authority created by an Act, a Convention or the regulations, and which may involve arbitration).
- (2)** Regulations by virtue of subsection (1) may include provision—
- (a) for interest or surcharges in specified circumstances;
  - (b) for enforcement of penalties;
  - (c) conferring rights of appeal or review;
  - (d) that, in such cases as are prescribed by the regulations, such persons as are so prescribed, shall each commit an offence.  
*(Inserted by Act 5 of 2024)*

**Regulations - civil liability**

**120. (1)** Regulations made under this Act may create civil liability.

**(2)** The regulations may, in particular—

- (a) impose liability in respect of costs incurred by a public authority or other specified class of persons in respect of non-compliance with this Act, a Convention or the regulations;
- (b) confer jurisdiction on a specified court or tribunal;
- (c) make provision for arbitration;
- (d) confer jurisdiction on any other specified public authority;
- (e) create a court or tribunal;
- (f) confer rights of appeal or review;
- (g) make provision for the recognition and enforcement of foreign judgments and orders;
- (h) make provision for the recognition and enforcement of judgments and orders of the courts or authorities of Montserrat in other States. *(Inserted by Act 5 of 2024)*

### Regulations - guidance

**121. (1)** Regulations made under this Act may require or permit the Minister, Maritime Administration or another specified authority to issue guidance about the application of the Act, a Convention or the regulations.

**(2)** The regulations may, in particular—

- (a)* require a specified class of persons to have regard to guidance issued;
- (b)* specify the consequences of a failure to have regard to guidance issued, which may include permitting a court to draw inferences as to compliance with the Act, a Convention or the regulations.

**(3)** Guidance—

- (a)* may take the form of notices, circulars, or any other form specified in the regulations;
- (b)* shall be reviewed in accordance with the regulations;
- (c)* shall be published in accordance with the regulations. (*Inserted by Act 5 of 2024*)

### Regulations - application of legislation

**122.** Without prejudice to the generality of the previous provisions of this Act, regulations made under this Act may apply or replicate (with or without modifications) a provision of any enactment relating to—

- (a)* shipping;
- (b)* maritime pollution;
- (c)* the marine environment;
- (d)* other kinds of pollution; and
- (e)* regulation or enforcement in relation to any of those matters. (*Inserted by Act 5 of 2024*)

### Regulations - other consequential and supplementary provision

**123. (1)** Regulations may, in particular, include provision—

- (a)* establishing a body for the purposes of monitoring compliance with the Act, a Convention or the regulations, or for other purposes in connection with the Act, Convention or the regulations; and
- (b)* conferring legal capacity, privileges, rights and immunities on a body established under a Convention or by virtue of paragraph *(a)*.

**(2)** Regulations may, in particular, include provision—

- (a) imposing compulsory requirements as to insurance; and
  - (b) enacting penalties or other sanctions in relation to non-compliance.
- (3) Regulations may, in particular—
  - (a) make provision which applies generally or only in relation to specified classes or descriptions of ships or other specified cases or circumstances;
  - (b) make different provision in relation to different classes or descriptions of ships or different cases or circumstances; and
  - (c) provide for specified provisions to apply with modifications, or not to apply, in relation to specified classes or description of ships or in other specified cases or circumstances.
- (4) The regulations may include consequential, incidental, supplemental or transitional provision.
- (5) Regulations—
  - (a) may make provision in terms of approvals given by the Governor or the Minister, Maritime Administration or another person and in terms of any document which the Governor, Minister, Maritime Administration or other person considers relevant from time to time;
  - (b) may provide for the cancellation of an approval given in pursuance of the regulations and for the alteration of the terms of such an approval;
  - (c) may provide for the granting by the Governor, Minister, Maritime Administration or another person, on such terms (if any) as they may specify—
    - (i) of exemptions from specified provisions of the regulations for classes of cases or individual cases;
    - (ii) for the alteration or cancellation of exemptions granted in pursuance of the regulations; and
  - (d) shall provide for any approval or exemption in pursuance of the regulations to be given in writing and to specify the date on which it takes effect and the conditions (if any) on which it is given.
- (6) Regulations may provide that in such cases as are prescribed by the regulations, a ship may be issued with an improvement or prohibition notice or may be liable to be detained and that sections 108 to 113 shall have effect, with such modifications (if any) as are prescribed by the regulations, in relation to the ship. (*Inserted by Act 5 of 2024*)

## Consultation

**124. (1)** Before making regulations, the Minister shall consult organisations appearing to the Minister to represent the interests of—

- (a) ship owners and operators;
- (b) other users of the marine environment; and
- (c) any other classes of persons who, in the Minister’s opinion, are likely to be affected by the regulations.

**(2)** Before making the regulations, the Minister may publish and lay before the Assembly a summary of the responses received to the consultation. *(Inserted by Act 5 of 2024)*

## PART 13

### SUPPLEMENTARY PROVISIONS

## Transitional provisions

**125. (1)** Any registration, licence, certificate, endorsement, permit, order or notice issued, and any regulations, rules or orders made, under this Act or a repealed Act prior to 19 August 2024 shall, to the extent that they are not inconsistent with the provisions of this Act, continue to have effect until their expiration or revocation, as the case may be, as if they were issued or made under this Act after 19 August 2024.

**(2)** Any designation or appointment made under this Act or a repealed Act prior 19 August 2024 shall, if in force on 19 August 2024, continue to be valid until substituted under this Act.

**(3)** If, prior to the coming into force of the amendments or repeals effected by the Merchant Shipping (Registration)(Amendment) Act, 2024 (Act 5 of 2024) any legal proceedings, investigation or inquiry had been commenced under this Act or a repealed Act such proceedings, investigation or inquiry shall continue in accordance with this Act or repealed Act as if amendments or repeals effected by the Merchant Shipping (Registration)(Amendment) Act, 2024 (Act 5 of 2024) had not come into operation.

**(4)** In this section, “**repealed Act**” means—

- (a) the Merchant Shipping (Agreements) Act, 1888 (Act 3/1888);
- (b) the Harbour Master Act, 1907 (Act 1/1907);
- (c) the Passengers Ordinance, 1899 (Act 3/1899); and
- (d) the Passengers (Unseaworthy Ships) Ordinance, 1910 (Act 3/1910).

*(Inserted by Act 5 of 2024)*

**SCHEDULE 1***(Section 63)***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. Ships carving and marking note.
15. Application to register a ship.
16. Appointment of authorised officers for a body corporate.
17. Appointment of representative person.
18. Request for duplicate certificate.
19. Appointment of managing owner.
20. Application for renewal of registration.
21. Discharge of mortgage form.
22. Notice of mortgage of intended mortgage.

## SCHEDULE 2

(Section 81)

### 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) Sub-paragraph (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 sub-paragraph (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 sub-paragraph (2) is granted by the Registrar, the Registrar shall register the bill of sale in the prescribed manner.

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

4. (1) If a registered ship, or 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 sub-paragraph (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 sub-paragraph (2) is produced to the Registrar, he shall register the mortgage in the prescribed manner.

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

## PRIORITY OF REGISTERED MORTGAGES

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

(2) The Registration 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 sub-paragraph (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.

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

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**MERCHANT SHIPPING (REGISTRATION OF SHIPS)  
REGULATIONS – SECTIONS 63, 69 & 70**

*(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 His 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 37 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 37 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 25 of the Act;

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

**“Government”** means His 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 15 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 37 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 14 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 22 of the Act, cause it to be so surveyed or measured;
- (b) cause the ship to be carved and marked in accordance with section 23 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 23 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 23 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 23 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 16 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 30 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 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**

**25. (1)** If the application under paragraph 3(2) of Schedule 2 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 Schedule 2 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 9 of Schedule 2 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) with respect to his mortgage,

paragraph 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 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 Schedule 2 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 17 as applied by section 37 of the Act, close the registration of a bareboat charter ship—

- (a) on application by the charterer;
  - (b) where under section 47 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 42 of the Act, the owner shall deliver to the Registrar the documents referred to in section 42(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 in 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 in Part 2 of the Register**

44. An individual qualified under section 13 of the Act may be registered as owner of a small ship to be registered in 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 Schedule 2 to the Act in respect of small ships**

46. Schedule 2 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 in 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 in 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 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 34 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 a 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 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**

MONTSERAT 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"/> <b>A.</b> in service <input type="checkbox"/> <b>B.</b> laid-up <input type="checkbox"/> <b>C.</b> 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		
<b>SHIP'S CERTIFICATES &amp; DOCUMENTS</b>			
	<b>CERTIFICATE/DOCUMENT</b>	<b>YES/NO</b>	<b>CERTIFICATE NO./CERTIFICATE EXPIRY DATE</b>
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		
<b>PLANS AND RECORDS AVAILABLE ON BOARD</b>			
		<b>Yes/No</b>	<b>Comment</b>
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			
<b>MANNING</b>				
	Total	Manning Certificate	Total No. of Persons per Safety Certificate	Remarks
72	Officers			
73	Ratings			
74	Total No. of persons on board			
<b>MANNING RECORD TO MINIMUM SAFE MANNING REQUIREMENTS</b>				
No.	Rank	STCW 95	Remarks	
<b>OTHER DATA</b>				
			<b>Comment</b>	
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			<b>Comment</b>
	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	

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 <sub>2</sub> / 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 <b>Good, Fair, Poor.</b>		
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

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	
<b>COMMENTS</b>			
<b>CARGO AND STORES HANDLING MACHINERY</b>			
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

*(Regulation 8)*

**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

*(Regulation 8)*

<b>MONTSERAT MERCHANT SHIPPING (REGISTRATION) ACT</b>  <b>DECLARATION OF OWNERSHIP ON BEHALF OF A CORPORATION AS OWNER</b>		
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.		
<b>GENERAL PARTICULARS</b>		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)

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

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

MONTSERAT MERCHANT SHIPPING (REGISTRATION) ACT  CERTIFICATE OF REGISTRY			
<b>Certificate Number:</b>			<b>of 20</b>
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)
<b>GENERAL PARTICULARS</b>			
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
<b>PARTICULARS OF ENGINE</b>			
Engine Make	Engine Model	Engine Power (kilowatts)	
<b>PARTICULARS OF PROPULSION</b>			
Method of Propulsion			
<input type="checkbox"/> Sail	<input type="checkbox"/> Steam	<input type="checkbox"/> Motor	<input type="checkbox"/> Dumb
<b>PARTICULARS OF TONNAGE</b>			
Gross Tonnage	Net Tonnage	Registered Tonnage	
and as described in more detail in the Certificate of Survey and Registry Book.			
* delete as necessary			

**CERTIFICATION**

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.

**Date of Issue of Certificate:** .....

**Date of Expiry of Certificate:** .....

.....

**Registrar**

\_\_\_\_\_

## FORM 5

MONTERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
<b>DECLARATION OF OWNERSHIP BY INDIVIDUAL TRANSFEREE</b>		
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.		
<b>GENERAL PARTICULARS</b>		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
<b>PARTICULARS OF TONNAGE</b>		
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 .....
<i>(print name of signatory)</i>
.....
<i>(signature of person making Declaration)</i>
in the presence of .....
<i>(print name of witness)</i>
.....
<i>(capacity in which you witness Declaration)</i>
.....
<i>(signature in which you witness Declaration)</i>

\_\_\_\_\_

## FORM 6

MONTSERRAT 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			

**CERTIFICATION**

I \_\_\_\_\_ grant this Provisional Registration Certificate for the ship described above under the Merchant Shipping (Registration) Act to \_\_\_\_\_

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.

.....

Registrar/authorised person

\_\_\_\_\_

## FORM 7

*(Regulations 26, 31 and 33)*MONTSERAT  
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>
--	---

<b>REGISTRATION OF OWNER TAKING BY TRANSMISSION</b>	
<b>FOR OFFICIAL USE ONLY</b>	<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>_____</p> <p style="text-align: center;">Registrar</p>

FORM 8

(Regulations 26, 31 and 33)

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
DECLARATION OF MORTGAGEE TAKING BY TRANSMISSION		
<p><b>NB:</b></p> <ol style="list-style-type: none"> <li>1. If there is more than one owner, whether individual or joint, a separate declaration must be completed by each owner.</li> <li>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.</li> <li>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.</li> </ol>		
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
<p>I _____ (<i>Full Name</i>) _____ of _____ (<i>Address</i>) _____</p> <p>_____</p> <p>, declare as follows:</p> <ol style="list-style-type: none"> <li>1. The above general description of the ship is correct.</li> <li>2. In the case of transmission of registered mortgagee's interest:</li> </ol>

**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  
(Regulation 71)

MONTSERRAT  
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 )	
<i>(name of Transferor(s)), Transferor(s)</i> )	
_____	
Transferor	
<i>(name of Transferee(s)), Transferee(s)</i> )	
_____	
Transferee	
Before me:-	
_____	
<i>(signature)</i>	
_____	
<i>(name and title)</i>	
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.
	_____
	<b>Registrar</b>

## FORM 10

**MONTSERAT  
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.  <i>*delete as necessary</i>
IN WITNESS whereof we have executed this Mortgage this _____ day of _____, 20__	
SIGNED, SEALED AND DELIVERED ) by the within named ) ( <i>name of Mortgagor(s)</i> ), Mortgagor ) _____ Mortgagor ( <i>name of Mortgagee(s)</i> ), Mortgagee(s) ) _____ Mortgagee	
Before me:-  _____	
REGISTRATION OF MORTGAGE	
<b>FOR OFFICIAL USE ONLY</b>	I certify that the within-written mortgage was recorded in the register of Montserrat ships on the ____ day of _____, 20__ at _____ am/pm.  _____ <b>Registrar</b>

## 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

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

\_\_\_\_\_ )  
**Registrar**

FOR OFFICIAL  
USE ONLY

FORM 12  
(Regulation 30)

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
<b>TRANSFER OF MORTGAGE BY INDIVIDUAL OR JOINT OWNERS</b>		
The mortgage reference no. issued by the mortgagee is:		
<b>PARTICULARS OF SHIP</b>		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
<b>TRANSFER OF MORTGAGE</b>		
Full name and Address of Transferor		Full name and Address of Transferee
<b>Name:</b>		<b>Name:</b>
<b>Tel:</b>		<b>Tel:</b>
<b>Fax:</b>		<b>Fax:</b>
<b>Email:</b>		<b>Email:</b>
<b>DETAILS OF TRANSFER CONSIDERATION</b>		
<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.		



FORM 13  
(Regulation 30)

MONTERRAT MERCHANT SHIPPING (REGISTRATION)		
<b>TRANSFER OF MORTGAGE BY BODY CORPORATE</b>		
The mortgage reference no. issued by the mortgagee is:		
<b>PARTICULARS OF SHIP</b>		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
<b>TRANSFER OF MORTGAGE</b>		
Full name and Address of Transferor		Full name and Address of Transferee
<b>Name:</b>		<b>Name:</b>
<b>Tel:</b>		<b>Tel:</b>
<b>Fax:</b>		<b>Fax:</b>
<b>Email:</b>		<b>Email:</b>
<b>DETAILS OF TRANSFER CONSIDERATION</b>		
<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.		
<b>IN WITNESS</b> 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

- 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.
- 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 .

Date: \_\_\_\_\_  
Registrar

- 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

(Regulations 3, 7, 39 & 47)

MONTSEERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
<b>APPLICATION TO REGISTER A SHIP</b>		
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:
<b>BAREBOAT CHARTER SHIP REGISTRATION</b> (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	
<b>DETAILS OF MANAGING OWNER (if applicable)</b>	
Name	
Address	
Nationality	
No. of shares held	
<b>DETAILS OF BODY CORPORATE (if owner of ship)</b>	
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:
<b>DETAILS OF REPRESENTATIVE (if applicable)</b>	
Name of a representative person	
Address of representative person/ place of business	

<b>GENERAL PARTICULARS OF SHIP</b>				
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
<b>PARTICULARS OF MAIN ENGINE(S)</b>				
Make of engines				
Model of engines				
Number of engines				
Total power of engines (kilowatts)				
<b>PARTICULARS OF TONNAGE</b>				
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)			
<b>**Applicable to Body Corporate</b>			

## FORM 16

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT		
APPOINTMENT OF AUTHORISED OFFICERS FOR A BODY CORPORATE		
<b>Name of Ship</b>		
<b>Official Number/IMO Number</b>		
<b>Number, Year and Port of Registry (if applicable)</b>		
<b>Full Company Name</b>		
<b>Full address of place of business</b>		
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 .		
Full name(s) of Authorised Officer(s)	Specimen Signature	Title
The common seal of the Corporation was affixed to this authority in the presence of:		
Officer	Full Name	Signature
<b>Director</b>		
<b>*Director/Secretary</b>		
<b>Authorised signatory</b>		
Date:		
*delete as necessary		
NB: When there is no company seal, the authority must be notarized		

FORM 17

(Section 15)

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT	
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  
(Section 34)

MONTSERAT  
MERCHANT SHIPPING (REGISTRATION) ACT

**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  
(Regulation 16)

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT  APPOINTMENT OF MANAGING OWNER	
<b>DETAILS OF SHIP</b>	
Name of Ship	
Official Number/IMO Number	
Number, Year and Port of Registry (if applicable)	
<b>DETAILS OF MANAGING OWNER</b>	
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 managing owner for the above described ship. Signed: _____  Witness: _____  *delete as necessary Date: _____	

## FORM 20

(Regulations 23 and 39)

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT			
APPLICATION FOR RENEWAL OF REGISTRATION			
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
<b>FOR OFFICIAL USE ONLY</b>	Renewal date	Expiry Date	
<hr/> <b>Registrar</b>			

FORM 21  
(Regulation 30)

<p><b>MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT</b></p>		
<p><b>DISCHARGE OF MORTGAGE FORM</b></p>		
<p>The mortgage reference no. (issued by the mortgagee) is:</p>		
<p><b>PARTICULARS OF SHIP</b></p>		
Name of Ship	Official Number	Call Sign
Port of Registry	Year of Registration	Type of Ship
Length (meters)	Depth (meters)	Breadth (meters)
<p><b>DISCHARGE OF MORTGAGE</b></p>		
Full name and Address of Transferor		Full name and Address of Transferee
<p><b>Tel:</b> <b>Fax:</b> <b>Email:</b></p>		<p><b>Tel:</b> <b>Fax:</b> <b>Email:</b></p>
<p><b>DETAILS OF DISCHARGE CONSIDERATION</b></p>		
<p><i>(Insert details on separate sheet and attach hereto, if space makes this necessary):</i></p>     		
<p>*I/We the above-mentioned Mortgagee have received the above-stated amount in discharge of _____</p> <p>_____</p>		
<p>*delete as necessary</p>		

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**

<b>FOR OFFICIAL USE ONLY</b>	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	_____
	_____	<b>Registrar</b>

FORM 22

(Regulation 32)

MONTSERRAT MERCHANT SHIPPING (REGISTRATION) ACT  NOTICE OF INTENDED MORTGAGE			
<b>SECTION 1: DETAILS OF SHIP (complete if ship is currently registered in Montserrat)</b>			
Name of Ship		Official Number	
<b>SECTION 2: DETAILS OF SHIP (complete if ship is currently <u>not</u> registered in Montserrat)</b>			
Present name of ship			
Intended name of ship			
Intended port of choice			
Details of any permanent marks			
Approximate length (meters)			
<b>If Ship is new, please attach the Builder's Certificate. If not available, complete the following:</b>			
Full name and Address of Builder			
<b>If the ship is registered outside Montserrat, please attach the certificate of registry and give:</b>			
Port of Registration			
<b>SECTION 3: MORTGAGOR(S) (to be completed in all cases)</b>			
Full Name	Address(es)	Signatures	No. of shares affected
<b>SECTION 4: MORTGAGEE (to be completed in all cases)</b>			
Mortgagee's Reference No. or Bank Sorting Code			
Name			
Address			
Signature			

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

**SCHEDULE 2**

*(Regulations 12 and 37)*

**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 of 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.

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**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 in 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 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, 67 and 70)***CERTIFICATE OF REGISTRY**

**1.** A certificate of registry for a ship registered or to be registered in 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 in 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**

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

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**MERCHANT SHIPPING (REGISTRATION FEES)  
REGULATIONS – SECTIONS 60, 69 AND 70**

*(S.R.O. 61/2014)*

**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