



Tuvalu

**MERCHANT SHIPPING (REGISTRATION)
REGULATIONS**

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Tuvalu

MERCHANT SHIPPING (REGISTRATION) REGULATIONS

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Tuvalu

MERCHANT SHIPPING (REGISTRATION) REGULATIONS

MADE UNDER SECTION 141 OF THE MERCHANT SHIPPING ACT

PART I - PRELIMINARY

1 Citation

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

2 Interpretation

In these Regulations, unless the context otherwise requires —

“**the Act**” means the Merchant Shipping Act;¹

“**Registrar**” means the Registrar of Ships;

“**section**” means the relevant section of the Act.

PART II - MARKING

3 Marking of ship

In terms of section 12 a ship shall be marked on —

- (a) each side of her bow by her name;
- (b) her stern, by her name followed by the port of registry name Funafuti;
and

- (c) each side of her stern and of her stern post by a scale of decimetres or of metres and decimetres denoting her draught of water.

4 Details of marking

- (1) The marking referred to in regulation 3 (a) and (b) shall be in —
 - (a) white or yellow letters on a dark ground; or
 - (b) black letters on a light ground, being letters of a height of not less than one decimetre and of proportionate breadth.
- (2) The marking referred to in regulation 3 (c) shall be —
 - (a) in white or yellow figures on a dark ground; or
 - (b) in black figures on a light ground,
being figures that are —
 - (c) welded on or cut into the ship;
 - (d) of a height of not less than one decimetre and of proportionate breadth;
 - (e) where the scale is in decimetres, at each interval of two decimetres; and
 - (f) where the scale is in metres and decimetres, at each metre interval and at each intervening two decimetre interval.
- (3) In the case of figures denoting the scale of draught of a ship —
 - (a) the capital letter ‘M’ shall be placed after each metre figure in the manner and style of each metre figure;
 - (b) the topmost figure of the scale shall show —
 - (i) the metre; and
 - (ii) except where that figure marks a full metre interval. the decimetre, denoted by the figure; and
 - (c) the lower line of each figure shall coincide with the draught line denoted by each figure.

PART III - REGISTRATION

5 Application for registration

- (1) In terms of sections 8 and 13, an application for registration of a ship shall be in Form 1 in the Schedule.
- (2) Subject to sub-regulation (3), an application under sub-regulation (1) shall be accompanied by —
 - (a) a certificate signed by the builder of the ship and containing —

- (i) a description of the ship;
 - (ii) the estimated tonnage of the ship;
 - (iii) the date and place of construction of the ship; and
 - (iv) the name of the person (if any) on whose account the ship was built;
- (b) where the ship has been registered under a law of a country other than Tuvalu, evidence that registration in that country has ceased;
- (c) evidence that the applicant is the owner of the ship;
- (d) a declaration of ownership; and
- (e) the fee payable in terms of regulation 21,
- and shall include a list of not less than three alternative names, numbered in order of preference, under which the ship is proposed to be registered.
- (3) Where a certificate referred to in sub-regulation (2)(a) cannot be obtained the applicant shall —
- (a) make a declaration to that effect; and
 - (b) annex the declaration to the application under sub-regulation (1) .

6 Declaration of ownership

A declaration of ownership under section 14 shall be in Form 2 in the Schedule.

7 Registration

- (1) Where the Registrar is satisfied under section 15(1) that a ship may be registered and on payment of the prescribed fee under regulation 21, he shall —
- (a) allot a registry number to the ship; and
 - (b) enter into the Register —
 - (i) the registry number so allotted;
 - (ii) the name of the ship;
 - (iii) such particulars of the construction or origin of the ship as appear to him to be relevant;
 - (iv) the name and description of each owner of the ship; and
 - (v) the proportions in which the owners, if more than one, own the ship; and
 - (c) grant a certificate of registry in respect of the ship.
- (2) On registration of a ship the Registrar shall retain —
- (a) the certificate of the builder;

- (b) any evidence as to title to the ship which was annexed to the application for registration;
- (c) the declaration of ownership; and
- (d) any other document or certificate which he considers should be so retained.

8 Certificate of registry

A certificate of registry of a ship under section 16 shall be in Form 3 in the Schedule.

9 Provisional certificate of registry

A provisional certificate of registry of a ship under section 18 shall be in Form 4 in the Schedule.

PART IV – CHANGES AND TRANSFERS

10 Change in ownership

Where a change occurs in the registered ownership of a ship and is notified to the Registrar under section 20, he shall —

- (a) enter into the Register the details of the change; and
- (b) endorse, or cause to be endorsed, upon the certificate of registry of the ship the details so entered.

11 Registry of alterations

Where under section 22 the Registrar causes the alteration of a ship to be registered, he shall enter into the Register —

- (a) reference to the new tonnage certificate of the altered ship; and
- (b) the number of the new certificate of registry granted under section 22 (5).

12 Bill of sale

A bill of sale under section 23 shall be in Form 5 in the Schedule.

13 Declaration of transfer

A declaration of transfer under section 24 shall be in Form 6 in the Schedule.

14 Transmissions

A declaration of a transmission under section 26 shall be in Form 7 in the Schedule.

PART V - MORTGAGES**15 Mortgage**

A mortgage under section 30 shall be in Form 8 in the Schedule.

16 Discharge of mortgage

A discharge of mortgage under section 31 shall be in Form 9 in the Schedule.

17 Transfer of mortgage

A transfer of mortgage under section 34 shall be in Form 10 in the Schedule.

18 Transmission of interest in mortgage

A declaration of transmission of interest in mortgage under section 35 shall be in Form 11 in the Schedule.

PART VI - MANAGING OWNER**19 Managing Owner**

The registration under section 45 of the name and address of a ship's managing owner, ship's husband or other person, or of a change in that name and address, shall be made in Form 12 in the Schedule.

PART VII – CHANGE OF NAME**20 Change of name**

- (1) Where the owner of a ship that is registered under the Act seeks to change the name of the ship under section 46(2), he may apply to the Registrar.
- (2) An application under sub-regulation (1) shall be in Form 13 in the Schedule.
- (3) Where the Registrar approves an application under this regulation, he shall —

- (a) notify the applicant;
- (b) enter the new name of the ship into the Register; and
- (c) cause the new name of the ship to be endorsed on the certificate of registry of the ship.

PART VIII - FEES

21 Fees

- (1) In this regulation, “the length of the ship” means the length of the ship recorded in the tonnage certificate.
- (2) Subject to sub-regulation (3), the fee payable on the registration of a ship is \$10 for every metre, or part of a metre, in the length of ship.
- (3) The minimum fee payable on registration of a ship is \$200.
- (4) The fee payable on lodgement of Form 5, 6, 7, 8, 9, 10, 11, 12 or 13 is \$50.
- (5) No fees are payable under this regulation in respect of a Government ship.

SCHEDULE

FORMS

FORM 1 - Regulation 5(1)

APPLICATION FOR REGISTRATION

(sections .8 & 13)

To: The Registrar of Ships,

Funafuti, Tuvalu

1. I/We*

am/are* owner(s)* of share(s)

in (name of ship)

2. I/We* hereby apply for registration of the above described ship.

3. In support of this application I/We* attach the following : —

- (a) builder’s certificate;*
- (b) evidence that previous registration has ceased;*
- (c) evidence of my/our* ownership
- (d) declaration of ownership (Form 2)

4. The proposed registry name of the ship is

- (1)
- (2)
- (3)

(alternatives in order of preference)

5. I/We* enclose the prescribed fee under regulation 21 of

\$*

.....

Signature(s) of Applicant(s)

* Strike out whichever is not applicable.

FORM 2 - Regulation 6

DECLARATION OF OWNERSHIP*(section 14)*

I make this declaration in
respect of the ownership of .

(name of ship)

I declare as follows: —

1. I am a person authorised under the Common Seal of

(in this declaration called the 'corporation') to make declarations on behalf of the corporation.*

2. +I am a citizen of Tuvalu (or)*

The corporation is —

- (a) established by an Act of Parliament of Tuvalu;* or
- (b) established/registered* in Tuvalu and has a place of business in Tuvalu.*

3. +The ship —

- (a) is/will be* engaged in near coastal trade or Pacific region trade within the meaning of the Act; and
- (b) is/will be* manned by a crew, not less than 50% of whom are citizens of Tuvalu.

4. The above-general description of the ship is correct and the corporation am/is* entitled to be registered —

- (a) as owner ofshare(s) in the ship and/or*
- (b) as joint owner(s) with several other persons whose names are hereunder written, of share(s) in the ship.

Name(s) and address(es) of Joint Owner(s) and Number of Share(s)

5. Other than the share(s) described in Paragraph 4 above the shares in the ship are owned as follows: —

Name of Owner .

Address of Owner .

Number of Shares .

6. ++To the best of my knowledge and belief no person or corporation other than a person or corporation that is a qualified person as defined in the Act is entitled as owner to any legal or beneficial interest in the ship.

7. The ship was constructed aton .

8. The ship is not registered in any other country.

9. I believe that all the owners of the ship are of good repute.

I, ,

do solemnly and sincerely declare that all information and particulars given in the above the true and correct, AND I MAKE this solemn declaration conscientiously believing the statements contained therein to be true and correct in every particular .

..... (SIGNATURE)

DECLARED AT the..... day of20.....

in terms of section 131 of the Act before me

(name)

(address)

being the Registrar of Ships/a magistrate/a notary public/a Commissioner for Oaths/a diplomatic representative of Tuvalu.*

.....

(Signature of person taking declaration)

* Strike out whichever is not applicable.

+ Strike out 2 or 3 if not applicable.

++ Strike out 6 if application for registration made under section 8(2).

FORM 3 - Regulation 8

CERTIFICATE OF REGISTRY

(section 26).

NO:

Name of Ship:

Registry No:

Registry Dimensions: Lengthmetres Breadthmetres

Number of Decks:

Number of Bulkheads:

Framework and Description of Ship:

Tonnage of Ship:	Cubic Metres	Tons
Gross:
Net:

Tonnage Certificate No:

I hereby certify that the above description of .

Registry No is in

accordance with the Register Book held at Funafuti and that the person{s) registered as owner(s) is/are* as follows

Name {s) and address(es) of owner(s)

No. of shares:

REGISTRAR OF SHIPS

DATE:.....

* Strike out whichever is not applicable.

FORM 4 - Regulation 9

PROVISIONAL CERTIFICATE OF REGISTRY*(section 18)*

Name of Ship:

Previous Port of Registry:

Previous Registry (or equivalent) No:

Tonnages:	Cubic Metres	Tons
Gross:
Net:

Name of Builder:

Place of Construction:

Registry Dimensions: Lengthmetres Breadthmetres

Number of Decks:

Number of Bulkheads:

Framework and Description of Ship:

Name(s) and address(es) of owner(s)

No. of Shares

Name of Master:

I hereby grant this provisional certificate of registry in respect of the above described ship.

.....
Registrar of Ships/Diplomatic Officer/Authorised Person

DATE:.....

FORM 5 - Regulation 12

BILL OF SALE

(section 23)

I/We* .

being registered as owner(s) of share(s)

in (name of ship)

Registry Number in consideration of

paid to me/us* by .

the receipt of which is hereby acknowledged, do hereby transfer to the said all my/our* estate or interest inshare(s) in the said ship.

IN WITNESS WHEREOF I/We have hereunto subscribed my/our* name(s)*

attheday of..... 20....

SIGNED in my presence by
the said
who is/are* personally known to me

.....
Transferor(s)

ACCEPTED

SIGNED in my presence by
the said
who is/are* personally known to me

.....
Transferee(s)

Fee \$50

* Strike out whichever is not applicable.

FORM 6 - Regulation 13

DECLARATION OF TRANSFER*(section 24)*

I make this declaration in
respect of the ownership of (name
of ship) Registry No:

1. I am a person authorised under the Seal of

(in this declaration called the 'corporation') to make declarations on behalf of the corporation.*

2. +I am a citizen of Tuvalu

(or)*

The corporation is —

(a) established by an Act of Parliament of Tuvalu;* or

(b) established/registered* in Tuvalu and has a place of business in Tuvalu*

3. I/the corporation* am/is* entitled to be registered —

(a) as owner ofshare(s) in the above described ship and/or*

(b) as joint owner, with the several other persons whose names are hereunder written, ofshare(s)* in the ship.

Name(s) and address(es) of Joint Owner(s) and Number of Shares

4. +To the best of my knowledge and belief no person or corporation other than a person or corporation that is a qualified person as defined in the Act is entitled as owner to any legal or beneficial interest in the ship.

I,
do solemnly and sincerely declare that all information and particulars given in the above are true and correct, AND I MAKE this solemn declaration conscientiously believing the statements contained therein to be true and correct in every particular .

..... (SIGNATURE)

DECLARED AT the..... day of20.....

in terms of section 131 of the Act before me

(name)

(address)

being the Registrar of Ships/a magistrate/a notary public/a Commissioner for Oaths/a diplomatic representative of Tuvalu.*

.....
(Signature of person taking declaration)

Fee \$50

* Strike out which ever is not applicable.

++ Strike out in the case of the transmission of a ship registered under section 8(2).

FORM 7 - Regulation 14

DECLARATION OF TRANSMISSION

(section 26)

I make this declaration
in respect of the ownership of (name
of ship) Registry Number

I declare that —

1. I am a person authorised under the Common Seal of
(in this declaration called the ‘corporation’), to make declarations on behalf of the
corporation.*

2. I am a citizen of Tuvalu

(or)*

The corporation is

- (a) established by an Act of Parliament of Tuvalu; or
- (b) established/registered* in Tuvalu and has a place of business in Tuvalu*

The ship is engaged in near coastal trade or Pacific region trade within the meaning of the Act and is manned by a crew not less than 50% of whom are Tuvaluan citizens.

3. By transmission from

I/the corporation* am/is* entitled to be registered —

- (a) as owner ofshare(s) in the above described ship; and/or*
- (b) as joint owner, with the several other persons whose names are hereunder written, ofshare(s) in the ship.

Name(s) and address(es) of Joint Owner(s) and Number of Share(s)

Iof

do solemnly and sincerely declare that all information and particulars given in the above are true and correct, AND I MAKE this solemn declaration conscientiously believing the statements contained therein to be true and correct in every particular .

..... (SIGNATURE)

DECLARED AT the..... day of20.....

in terms of section 131 of the Act before me

(name)

(address)

being the Registrar of Ships/a magistrate/a notary public/a Commissioner for Oaths/a diplomatic representative of Tuvalu.*

.....
(Signature of person taking declaration)

Fee \$50

* Strike out whichever is not applicable.

FORM 8 - Regulation 15

MORTGAGE*(section 30)*

I/We* being

the registered owner(s) of share(s)

in (name of ship)

Registry No in consideration of

()

lent to me/us* by

the receipt of which is hereby acknowledged, do for the purpose of securing the payment in the names hereinafter mentioned of the said principal sum and interest thereon, hereby mortgage to the said

all my/our*

estate or interest in share(s) in the

said ship and for the consideration aforesaid I/We*

do hereby covenant with the

said as follows: —

Firstly to pay to him/them* the said sum of

together with interest thereon at the rate of

percent per annum on theday of

.....next; and

Secondly that if the said principal sum is not paid on the said day I/We* will, during such time as the same or any part thereof remains unpaid, pay to him/them* interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of percent per annum, by equal half yearly payments on the day of in every year; and

Lastly that I/We* have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances [save as appears by the registry of the said ship *] [or insert covenants as appropriate]

IN WITNESS WHEREOF I/We have hereunto subscribed my/our* name(s)*

atthe day of

20.....

SIGNED in my presence by

the said

who is/are* personally known to me



.....

Mortgagor)

ACCEPTED

SIGNED in my presence by

the said

who is/are* personally known to me



.....

Mortgagee

Fee \$50

* Strike out whichever is not applicable.

FORM 9 - Regulation 16

DISCHARGE OF MORTGAGE

(section 31)

Registered No. of Mortgage

Date of Mortgage

Name, Registry No. of Ship

In consideration of the Mortgagor having performed all the conditions required by him to be performed I/We* hereby discharge Mortgage Registered No

IN WITNESS WHEREOF I/We have hereunto subscribed my/our* name(s)*

atthe day of

20.....

SIGNED in my presence by

the said

who is/are* personally known to me

.....
Mortgagee)

Fee \$50

* Strike out whichever is not applicable.

FORM 10 - Regulation 17

TRANSFER OF MORTGAGE

(section 34)

Registered No. of Mortgage

Date of Mortgage

Name, Registry No. of Ship

I/We* in consideration

of ()

paid to me/us* by the receipt of which

I/we hereby acknowledge, do hereby transfer to the said the whole of

my/our* interest in Mortgage Registered No

IN WITNESS WHEREOF I/We have hereunto subscribed my/our* name(s)*

atthe day of
20.....

SIGNED in my presence by
the said
who is/are* personally known to me

.....
Transferor(s)

ACCEPTED
SIGNED in my presence by
the said
who is/are* personally known to me

.....
Transferee(s)

Fee \$50

* Strike out whichever is not applicable.

FORM 11 - Regulation 18

DECLARATION OF TRANSMISSION OF MORTGAGE

(section 35)

I/We* make this declaration
in respect of the interest of in Mortgage Registered No over the security
of share(s)* in(name of ship) Registry No. of Ship

I declare that:

- 1. I am a person authorised under the Common Seal of
(hereinafter called the ‘corporation’) to make declarations on behalf of the corporation.*
- 2. The circumstances in which the interest of the said
is transmitted to me/us/the corporation* are as follows: —

I/We* attach the following:

I,of do

solemnly and sincerely declare that all information and particulars given in the above are true and correct, AND I MAKE this solemn declaration conscientiously believing the statements contained therein to be true and correct in every particular .

..... (SIGNATURE)

DECLARED AT the..... day of20.....

in terms of section 131 of the Act before me

(name)

(address)

being the Registrar of Ships/a magistrate/a notary public/a Commissioner for Oaths/a diplomatic representative of Tuvalu.*

.....
(Signature of person taking declaration)

Fee \$50

* Strike out whichever is not applicable.

FORM 12 - Regulation 19

REGISTRATION OF MANAGING OWNER

(section 45).

To: The Registrar of Ships

Funafuti, Tuvalu

Name of Ship

Registry No

I/We* (name)'

of (address)

(telephone)

(telex)

am/are* the managing owner/ship's husband/person entrusted by or on behalf of the owner with the management* of the above described ship .

..... (SIGNATURE)

..... (DATE)

Fee \$50

* Strike out whichever is not applicable.

FORM 13 - Regulation 20(2)

APPLICATION TO CHANGE NAME OF SHIP

(section 46 (2))

To: The Registrar of Ships

Funafuti, Tuvalu

Name of Ship

Registry No

1. I/We*

am/are* owner(s) of share(s)

in the above described ship.

2. I/We* hereby apply to change the name of the above described ship.

3. In order of preference the name by which I/We* wish the above described ship to be known in future is: —

(1) .

(2)

(3)

..... (APPLICANT(S))

..... (DATE)

Fee \$50

* Strike out whichever is not applicable.

ENDNOTES

¹ Cap. 48.28