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L.N. 210 of 2016

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping Act (Amendment of Various Articles) Regulations, 2016

In exercise of the powers conferred by article 374(4) of the Merchant Shipping Act, the Minister for Transport and Infrastructure has made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the Merchant Shipping Act (Amendment of Various Articles) Regulations, 2016 and these regulations shall be read and construed as one with the articles, hereby being amended, of the Merchant Shipping Act, hereinafter referred to as "the principal Act".

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(2) These regulations shall come into force on the 1st July, 2016.

Amends article 3 of the principal Act.

2. Sub-article (6) of article 3 of the principal Act shall be amended as follows:

(a) in paragraph (a) thereof the word "and" shall be deleted; and

(b) immediately after the words "the owners," in paragraph (b) thereof there shall be added the word "and" and immediately after paragraph (b) there shall be added the following new paragraph:

"(c) relating to a bill of sale in respect of a sale of a ship under construction.".

Amends article 19 of the principal Act.

3. Article 19 of the principal Act shall be amended as follows:

(a) in the proviso to sub-article (3) thereof the words "the commencement of such period." shall be substituted by the words "the commencement of such period:" and immediately after there shall be added the following new proviso:

"Provided further, that for ships of 500 gross tonnage and over, if the certificate of registry is issued at the expiry of the first twelve months, it may be valid for a

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maximum period not exceeding five years.";

(b) in sub-article (4) thereof the words "registry in the prescribed form." shall be substituted by the words "registry in the prescribed form:" and immediately after there shall be added the following new proviso:

"Provided that for ships of 500 gross tonnage and over, all certificates of registry or the respective renewal certificates of registry may be valid for a maximum period of five years.".

Substitutes article 19A of the principal Act.

4. Article 19A of the principal Act shall be substituted by the following:

"19A. Where a ship registered under this Part of this Act is being operated under charter or is leased in any year in respect of which the charterer or the lessee shall have paid to a registrar an amount equal to the annual registration fee for that year in addition to that paid by the owner, and such ship is not bareboat charter registered in a foreign registry, the Registrar-General, on submission of an application made by such charterer or the lessee accompanied by a copy of the charter agreement or the lease agreement and the consent in writing of the owners of the ship and all registered mortgagees may, subject to such conditions as he may deem proper, authorise the issue of a certificate of registry, whether provisional or otherwise, in the name of such charterer or lessee instead of in the name of the registered owner. The copy of the charter or the lease agreement presented with the application shall not be available for public inspection.".

Adds new article to the principal Act.

5. Immediately after article 19A of the principal Act there shall be added the following new article 19B:

"Certificate issued in the name of the charterer or lessee.

19B. At any time during the period of when a certificate is issued in the name of the charterer or lessee, the registered owner and the registered mortgagee may withdraw their consent for the certificate to be issued in the name of the charterer or the lessee and upon doing so, the certificate will cease to have effect. The charterer or lessee shall forthwith surrender the said certificate. The Registrar shall inform/notify the owner and the mortgagee as the case may be.".

Amends article 26B of the principal Act.

6. In article 26B of the principal Act immediately after the words "shall not proceed to sea" there shall be added the words

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"unless authorized by the registrar for the purpose of sea trials.".

7. Sub-article (1) of article 27 of the principal Act shall be amended as follows: Amends article 27 of the principal Act.

(a) the word "or" in paragraph (c) thereof shall be deleted;

(b) the word "Act." in paragraph (d) thereof shall be substituted by the word "Act; or" and immediately after there shall be added the following new paragraph:

"(e) on failure of payment of the relevant fees.".

8. In 28A of the principal Act immediately after the words "unsatisfied mortgages entered therein" there shall be added the words "and where the ship is sold free from encumbrances, the interest of any registered mortgagees or any other creditors shall pass on to the proceeds of the sale of the ship.". Amends article 28A of the principal Act.

9. Immediately after sub-article (4) of article 32 of the principal Act, there shall be added the following new sub-article: Amends article 32 of the principal Act.

"(5) Where the ownership of a ship or share therein is transferred following a merger or by operation of law, the person to whom the ownership is transferred shall make and sign a declaration indicating the manner in which and the person to whom the property has been transferred to and such declaration shall be accompanied by documentary evidence that may be required by the registrar.".

10. (1) Sub-article (1) of article 84H of the principal Act, shall be substituted by the following: Amends article 84H of the principal Act.

"84H. (1) At the request of the charterer or his authorised agent the registrar may extend and further extend the registration for the remaining period of the charter or until the expiry date of the underlying registry, whichever is the shorter period, but in no case for periods exceeding two years at a time, provided that the charterer has produced a transcript of the underlying registry, the consent of the underlying registry, and the consent of owners and mortgagees.".

11. In sub-article (8) of article 84N of the principal Act immediately after the words "underlying registry, the owners" there shall be added the words ", the bareboat charterers". Amends article 84N of the principal Act.

12. In sub-article (1) of article 84Q of the principal Act immediately after the words "registered under this Act" there shall be Amends article 84Q of the principal Act.

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added the words ", provided that with the consent of the Registrar General, the registered owners and registered mortgagees, the name of the ship may be changed in the foreign bareboat charter registry.".

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