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Statutory Rules 1981 No. 1

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Shipping Registration Regulations

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Shipping Registration Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in pursuance of section 4 of the *Acts Interpretation Act* 1901, hereby make the following Regulations under the *Shipping Registration Act* 1981.

Dated 11 December 1981.

ZELMAN COWEN

Governor-General

By His Excellency's Command,

(sgd) Ralph J. Hunt

Minister of State for Transport

Citation

1. These Regulations may be cited as the Shipping Registration Regulations.

Interpretation

2. (1) In these Regulations, unless the contrary intention appears—
“address” means—

- (a) in relation to a natural person—the place at which, for the time being, the person resides;
- (b) in relation to a company incorporated in Australia—the place that is, for the time being, the registered office of the company; and
- (c) in relation to a person other than a person referred to in paragraph (a) or (b)—the place that is, for the time being, the principal place of business of the person in Australia or, if that person has no place of business in Australia, the principal place of business of that person;

“call sign”, in relation to a ship, means the call sign for the time being of the radio station (if any), or the principal radio station, of the ship;

“certificate of competency” means—

- (a) a certificate as master issued under orders made in pursuance of regulations made under the Navigation Act; or
- (b) a certificate recognized for the purposes of that Act as equivalent to a certificate of the kind referred to in paragraph (a);

“corporation” means a person other than a natural person;

“home port”, in relation to a ship, means the port that is, for the time being, entered in the Register as the home port of the ship;

“moulded depth amidships”, in relation to a ship, means the moulded depth of the ship, as ascertained in accordance with the Navigation (Load Lines) Regulations—

- (a) in the case of a ship other than a ship referred to in paragraph (b)—in the vertical plane that intersects the centre-line plane of the ship at right angles midway between the vertical lines referred to in paragraphs 10 (1) (a) and (b) of the Act; or
- (b) in the case of a ship in relation to which the Registrar has made a determination under sub-section 10 (2) of the Act—in such vertical plane as the Registrar determines for the purposes of this paragraph in relation to that ship;

“name”, in relation to a ship, means—

- (a) if the ship is a registered ship—the name by which the ship is for the time being registered; or
- (b) if the ship is not a registered ship—the name (if any) by which the ship is for the time being known;

“Navigation Act” means the *Navigation Act 1912*;

“official number”, in relation to a registered ship, means the number by which the ship is identified in the Register;

“place of construction”, in relation to a ship, means the place at which construction of the hull commenced;

“prescribed office” means—

- (a) the office of a proper officer;
- (b) a Mercantile Marine Office established under section 13 of the Navigation Act; or
- (c) the office (if any) known as a Marine Survey Office maintained by the Department of Transport in a port in Australia at which there is no such Mercantile Marine Office;

“prescribed characteristics”, in relation to a ship, means the characteristics specified in Schedule 1;

“the Act” means the *Shipping Registration Act 1981*;

“tonnage certificate”, in relation to a ship, means a certificate relating to the tonnage measurement of the ship issued under, or otherwise having effect by virtue of, the Navigation Act.

(2) For the purposes of these Regulations, the construction of a ship shall be taken to have been completed when the ship becomes capable of navigating the high seas, whether under its own power or otherwise.

(3) Expressions used in these Regulations in relation to the tonnage measurement of ships that are used in regulations in force for the purposes of Part xA of the Navigation Act have in these Regulations, unless the contrary intention appears, the same respective meanings as in those Regulations.

(4) A reference in these Regulations to a form by number shall be read as a reference to the form so numbered in Schedule 2.

Signature of documents

3. (1) Subject to this regulation, a document that is required by the Act or by these Regulations to be lodged with, or produced to, the Registrar or a proper officer (including an instrument of appointment for the purposes of sub-regulation (3) or (4)) shall be taken, for the purposes of these Regulations, to have been duly signed by a person if—

- (a) the document is dated and is signed, in the presence of a witness—
 - (i) where that person is a natural person—by that person; or
 - (ii) where that person is a corporation—by an officer of the corporation; and
- (b) there is subscribed to the signature of the signatory referred to in paragraph (a)—
 - (i) the signature of the witness;
 - (ii) a legible statement of the name and address of the witness; and
 - (iii) where that signatory is a person referred to in sub-paragraph (a) (ii)—a legible statement of the name and designation of the signatory.

(2) Nothing in sub-regulation (1) shall be taken to prevent—

- (a) the formal execution of a document under the corporate seal of a corporation; or
- (b) the signature on behalf of a person of a document by an attorney under power,

but, where a document is signed as mentioned in paragraph (b), the power of attorney shall be produced for noting upon the lodgment of the document in accordance with the Act or these Regulations.

(3) Subject to sub-regulation (6), sub-regulations (1) and (2) apply in relation to a document that is required by a provision of these Regulations to be duly signed by the owner of a ship as if the reference in that provision to the owner of the ship were a reference—

- (a) in the case of a ship that belongs to one person only—to that person or to a person appointed by that person in accordance with sub-regulation (5) for the purposes of this sub-regulation;

- (b) in the case of a ship, being a ship required to be registered, that belongs to more than one person—to one of the persons to whom the ship belongs or to a person appointed by such a person in accordance with sub-regulation (5) for the purposes of this sub-regulation; or
- (c) in the case of a ship, being a ship permitted to be registered, that belongs to more than one person—to a person appointed in accordance with sub-regulation (5) for the purposes of this regulation by persons who—
 - (i) are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship; and
 - (ii) unless the ship is a ship on demise charter to an Australian-based operator, are Australian nationals.

(4) Subject to sub-regulation (6), where the registered agent of a ship comprises more than one person, sub-regulations (1) and (2) apply in relation to a document that is required by a provision of these Regulations to be duly signed by that registered agent as if the reference in that provision to that registered agent were a reference to a person appointed in accordance with sub-regulation (5) for the purposes of this sub-regulation by all of the persons constituting that registered agent.

(5) The appointment of a person for the purposes of sub-regulation (3) or (4) shall be in writing and—

- (a) shall specify the ship to which it relates;
- (b) shall be duly signed by each person making the appointment; and
- (c) may consist of several documents in like form, each duly signed by one or more of those persons.

(6) Where a document is signed by a person appointed for the purposes of sub-regulation (3) or (4), the instrument of appointment of that person shall be produced for noting upon the lodgment or production of the first-mentioned document in accordance with the Act or these Regulations.

Specification of nationality of corporations

4. A requirement in these Regulations for the specification in a document of the nationality of a person and the grounds on which the person claims the nationality so specified shall be satisfied—

- (a) in relation to a corporation other than a corporation referred to in paragraph (b) or (c)—by the insertion in the document of a statement setting out the nature and place of incorporation of the corporation;
- (b) in relation to a Government authority—by the insertion in the document of the words “Government authority”; and
- (c) in relation to a body politic other than Australia, a State or a Territory—by the insertion in the document of the words “Foreign Government”.

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Lodgment of documents

5. A document required by these Regulations to be lodged with the Registrar shall be taken so to have been lodged if the document, addressed to the Registrar, is received, together with any fee payable on its lodgment—

- (a) at the Registration Office; or
- (b) except in the case of a bill of sale or a mortgage instrument, at a branch office.

Service, &c., of documents

6. (1) Subject to the Act and these Regulations, a notice or other document that is required or permitted by the Act or these Regulations to be given to, or served upon, a person by the Registrar may be so given or served by delivering it, or sending it by properly pre-paid post or telegram, to the person at the address that is last-known to the Registrar as the address of that person.

(2) Service of a notice or other document that is sent to a person by telegram in pursuance of sub-regulation (1) shall be deemed, unless the contrary is proved, to have been effected at the time at which the telegram would be received in the ordinary course of transmission.

Application for registration

7. (1) Application under section 15 of the Act for the registration of a ship shall be made by—

- (a) lodging with the Registrar an application in writing for the registration of the ship in accordance with sub-regulation (3);
- (b) lodging with the Registrar—
 - (i) a document that satisfies, or documents that satisfy, the requirements of sub-regulation (5) as to the description of the ship;
 - (ii) a document that satisfies, or documents that satisfy, the requirements of sub-regulation (6) as to the ownership of the ship;
 - (iii) where the registration of the ship depends upon its being a ship on demise charter to an Australian-based operator, a copy of the charterparty;
 - (iv) a declaration of ownership and nationality in accordance with regulation 9;
 - (v) a notice in writing duly signed by the owner of the ship specifying the name and address of the person who will be, or of each of the persons who will constitute, the registered agent of the ship upon its being registered; and
- (c) producing to the Registrar, for noting, the licence or other document (if any) authorizing the use of a call sign in relation to the ship.

(2) The documents referred to in paragraphs (1) (b) and (c) shall be lodged with, or produced to, the Registrar within 12 months, or such longer period as the Registrar, in pursuance of regulation 39, allows, after the lodgment of the application referred to in paragraph (1) (a).

(3) Subject to sub-regulation (4), an application referred to in paragraph (1) (a) shall be duly signed by the owner of the ship and shall specify—

- (a) the type of the ship (in terms of its purpose);
- (b) the method of propulsion of the ship;
- (c) the length of the ship;
- (d) the principal material of construction of the hull of the ship;
- (e) in order of preference, 3 proposed names for the ship;
- (f) the proposed home port of the ship;
- (g) where the ship has previously been registered (whether in Australia or elsewhere), the year in which the ship was last so registered and the following information in relation to the ship when so registered:
 - (i) the register on which the ship was registered;
 - (ii) the official number of the ship;
 - (iii) the registered name of the ship;
 - (iv) the home port, or port of registry, of the ship; and
- (h) where the ship has not previously been registered in Australia—
 - (i) the name of the builder of the ship;
 - (ii) the place of construction; and
 - (iii) the builder's identification of the ship or the name (if any) by which the ship is known.

(4) A statement in an application under sub-regulation (1) to the effect that the owner of the ship is unable to supply the information, or any part of the information, referred to in paragraph (g) or (h) of sub-regulation (3), together with a statement of the reason for that inability, shall be taken, for the purposes of that sub-regulation, to satisfy the requirements of that paragraph.

(5) For the purposes of sub-paragraph (1) (b) (i), the requirements of this sub-regulation as to the description of a ship are satisfied—

- (a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c)—
 - (i) by a builder's certificate in accordance with regulation 8; or
 - (ii) where the builder of the ship is not known to the owner, by a statutory declaration by a person acquainted with the facts of the matter specifying—
 - (A) the prescribed particulars of the ship;

- (B) such of the other matters required by sub-regulation 8 (1) to be specified in a builder's certificate as are known to the person making the statutory declaration; and
 - (C) the grounds on which that person asserts the veracity of matters specified in pursuance of clauses (A) and (B);
- (b) where the ship has previously been registered in Australia, whether under the Act or under the previous law, by a statutory declaration by a person acquainted with the facts of the matter specifying the respects (if any) in which the description of the ship differs from the description of the ship appearing in the Register or a register book, as the case requires, immediately before the ship ceased or last ceased, to be so registered; or
- (c) where the ship has been previously registered under the provisions of the law of a foreign country relating to the registration of ships in that country and the document (if any) issued under that law that corresponds with a registration certificate contains the information in respect of the ship that is required to be set out in a builder's certificate prepared in accordance with regulation 8 or any of that information, by—
- (i) that document; and
 - (ii) to the extent (if any) to which that document does not contain that information or the information contained in that document is in any respect incorrect, a statutory declaration by a person acquainted with the facts of the matter setting out so much of that information as is not contained, or is incorrectly stated, in that document.
- (6) For the purposes of sub-paragraph (1) (b) (ii), the requirements of this sub-regulation as to the ownership of a ship are satisfied—
- (a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c), by—
 - (i) a builder's certificate in accordance with regulation 8; and
 - (ii) the relevant documents relating to any changes in the ownership of the ship since the date of that certificate;
 - (b) where the ship has previously been registered in Australia, whether under the Act or under the previous law, by the relevant documents relating to any changes in the ownership of the ship that have occurred since the ownership of the ship was as specified in the Register or a register book, as the case requires, immediately before the ship ceased, or last ceased, to be so registered; or
 - (c) where the ship has previously been registered under the provisions of the law of a foreign country relating to the registration of ships in that country and the document (if any) issued under that law

that corresponds with a registration certificate is, under that law, evidence of title to the ship, by—

- (i) that document; and
- (ii) the relevant documents relating to any changes in the ownership of the ship since the date of that document.

(7) A reference in sub-regulation (6) to the relevant documents in relation to any changes in the ownership of a ship shall be read, in relation to each such change, as a reference to such of the documents evidencing change of ownership referred to in sub-regulations 23 (1) and 24 (1) as would be applicable if, at the time of the change, the ship had been registered under the Act.

(8) The requirements of sub-regulation (5) or (6) as to the description or ownership of a ship shall, for the purposes of sub-paragraph (1) (b) (i) or (ii), as the case requires, be taken to be satisfied in relation to any particulars of the description of the ship or of the history of the ownership of the ship in relation to which the applicant for registration is unable to produce a document (other than a statutory declaration) specified in that sub-regulation by a statutory declaration by a person acquainted with the facts of the case setting out those particulars of the description of the ship or of the history of the ownership of the ship.

(9) Where, by reason of the unavailability of a document (including a statutory declaration) referred to in sub-regulation (6) or (8), the requirements of sub-regulation (6) as to the ownership of a ship to which an application under this regulation relates cannot be satisfied, then, subject to sub-regulation (10), those requirements shall, for the purposes of sub-paragraph (1) (b) (ii), be taken to be satisfied in relation to that ship by—

- (a) such (if any) of the documents referred to in sub-regulation (6) and (8) as are available in relation to the ship; and
- (b) a statutory declaration by the person who signed the application stating that, to the best of his knowledge, the person in whose name, or the persons in whose names, the ship will, if the application is successful, be registered are lawfully entitled to the ownership of the ship as specified in paragraph 9 (b) and setting out the grounds for that belief.

(10) The documents referred to in paragraphs (9) (a) and (b) shall not be taken to satisfy the requirements of sub-regulation (6) as to the ownership of a ship unless, not less than 30 days before the lodgment of the application, notice, in accordance with Form 1, of intention to make application for the registration of the ship was published in the *Gazette*.

Builder's certificate

8. (1) Subject to sub-regulation (2), a builder's certificate in relation to a ship shall be duly signed by the builder of the ship and shall specify—

- (a) the name (if any) of the ship;

- (b) the builder's identification of the ship;
- (c) the date of completion of the ship;
- (d) the place of construction of the ship;
- (e) the name and address of the builder;
- (f) the name and address of the person for whom the ship was built; and
- (g) particulars of the prescribed characteristics of the ship.

(2) Where a ship has been built in stages by more than one builder—

- (a) a builder's certificate in relation to the ship may consist of several documents in accordance with sub-regulation (1), each of which relates to one or more of those stages; and
- (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, shall be duly signed by all of the builders responsible for the building work carried out in those stages.

(3) Without limiting the generality of sub-regulation (2), where a ship that is the subject of an application for registration has been altered (whether by the builder or by another person) after its completion, the ship shall be taken, for the purposes of that sub-regulation, to have been built in stages by more than one builder.

Declaration of ownership and nationality

9. For the purposes of sub-paragraph (7) (1) (b) (iv), a declaration of ownership and nationality shall—

- (a) specify the ship to which it relates;
- (b) specify, in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person;
 - (ii) the grounds on which the person claims the nationality so specified; and
 - (iii) the extent of the interest of the person in the ship;
- (c) where the registration of the ship under the Act depends on its being a ship on demise charter to an Australian-based operator, specify, in relation to each charterer under the charterparty—
 - (i) the name, address and nationality of the charterer;
 - (ii) the grounds on which the charterer claims the nationality so specified; and
 - (iii) the extent of the interest of the charterer in the demise charter of the ship; and
- (d) shall be duly signed by each person referred to in paragraph (b) or (c),

and may consist of several documents in like form that, together, contain the information required by paragraphs (a), (b) and (c) and are signed in accordance with paragraph (d).

Tonnage measurement of ship before registration

10. For the purposes of sub-section 16 (2) of the Act, a prescribed ship is a ship, being a Government ship, a fishing vessel or a pleasure craft, the length of which is less than 24 metres.

Entry of particulars in Register

11. (1) For the purposes of section 18 of the Act, the prescribed particulars relating to a ship are the following particulars:

- (a) a unique identifying number, to be known as the official number;
- (b) the name;
- (c) the home port;
- (d) the call sign (if any);
- (e) the year of registration;
- (f) the place of construction;
- (g) the year of completion;
- (h) the prescribed characteristics;
- (j) in the case of a ship to which sub-section 16 (1) of the Act applies—
 - (i) the gross tonnage;
 - (ii) the net or register tonnage; and
 - (iii) any alternative tonnages,
 as shown on the tonnage certificate;
- (k) in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person; and
 - (ii) the extent of the interest of the person in the ship;
- (m) the name and address of the person who is, or of each of the persons who constitute, the registered agent.

(2) Where an entry is made in the Register under section 18 of the Act in respect of a ship that has previously been registered under that section, the number referred to in paragraph (1) (a) shall be the number that was the official number of the ship when it was so previously registered.

(3) The Registrar, or a Deputy Registrar, shall add to an entry made in the Register under section 18 of the Act the date of making the entry together with his signature and designation.

Grant of registration certificate

12. A registration certificate granted under section 19 of the Act shall be in accordance with Form 2.

Particulars of master to be endorsed on registration certificate of ship leaving Australia

13. (1) A registered ship shall not depart from an Australian port to a place outside Australia unless there is endorsed on the registration certificate

in relation to each person who is, for the time being, authorized to be the master of the ship—

- (a) the name and address of the person; and
- (b) where, under the Navigation Act, the person is required to be the holder of a certificate of competency, the number of that certificate.

(2) An endorsement for the purposes of sub-regulation (1) shall be made or cancelled, as the case requires, upon the lodgment with the Registrar of—

- (a) the registration certificate; and
- (b) a request in writing to that intent duly signed by the registered agent.

(3) The lodgment of documents referred to in sub-regulation (2) shall be effected—

- (a) in the manner specified in regulation 5; or
- (b) by delivering the documents, addressed to the Registrar and accompanied by the relevant fee, to a prescribed office.

New certificates and provisional certificates

14. (1) An application under sub-section 21 (1) of the Act for the grant of a new registration certificate in respect of a ship shall—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number of the ship;
 - (ii) the reason why a new registration certificate is required; and
 - (iii) where that reason is that the registration certificate of the ship has been mislaid, lost or destroyed, the circumstances of the mislaying, loss or destruction; and
- (c) be duly signed by the registered agent or the master of the ship.

(2) A provisional registration certificate granted under sub-section 21 (2) or (7) of the Act shall be in accordance with Form 3.

(3) A provisional registration certificate shall not be granted under sub-section 21 (2) of the Act in relation to a ship unless—

- (a) there is lodged with the proper officer an application in writing duly signed by the registered agent or master of the ship specifying—
 - (i) the particulars of the ship, of its owners and of its registered agent as specified in the registration certificate; and
 - (ii) the circumstances of the mislaying, loss or destruction of the registration certificate; and
- (b) where the application is signed by the master of the ship, there is produced to the proper officer, for noting, documentary evidence of the appointment of the master and of his authority to sign the application.

(4) Where, after the grant in respect of a ship of a new registration certificate under sub-section 21 (1) or (7) of the Act by reason of the registration certificate in respect of that ship having been lost or mislaid, that registration certificate is found and is in the custody or control of a relevant person, that person shall, before the expiration of the relevant period, lodge that registration certificate with the Registrar for cancellation.

(5) Where, after the grant in respect of a ship of a provisional registration certificate under sub-section 21 (2) or (7) of the Act by reason of the registration certificate in respect of that ship having been lost or mislaid, that registration certificate is found and is in the custody or control of a relevant person, that person shall, before the expiration of the relevant period, lodge with the Registrar notice in writing to that effect together with the provisional registration certificate.

(6) For the purposes of sub-regulations (4) and (5)—

- (a) a person is a relevant person in relation to a ship if that person is the master or registered agent of the ship or the owner, or one of the joint owners, or owners in common, of one or more shares in the ship; and
- (b) the relevant period is the period of 30 days commencing on—
 - (i) the date on which the registration certificate was found; or
 - (ii) the date on which the registration certificate came into the custody or control of the relevant person,whichever is the later date.

Provisional certificates for ships becoming entitled to be registered when abroad

15. (1) A provisional registration certificate granted under sub-section 22 (1) or (6) of the Act shall be in accordance with Form 3.

(2) Subject to sub-regulation (3), a provisional registration certificate shall not be granted under sub-section 22 (1) of the Act in relation to a ship unless—

- (a) there is lodged with the proper officer an application in writing duly signed by the owner or the master of the ship specifying—
 - (i) the existing name (if any) of the ship;
 - (ii) where the ship is unnamed, the builder's identification of the ship;
 - (iii) the proposed name of the ship;
 - (iv) the proposed home port of the ship;
 - (v) the call sign (if any) of the ship;
 - (vi) the name and address of the builder of the ship;
 - (vii) the year of completion of the ship;
 - (viii) particulars of the prescribed characteristics of the ship;

- (ix) if the ship is a ship to which sub-section 16 (1) of the Act applies and a tonnage certificate is not in force in relation to the ship—
 - (A) an estimate of the gross tonnage of the ship;
 - (B) an estimate of the register tonnage of the ship; and
 - (C) the identity of the person by whom those estimates were made;
 - (x) particulars of any previous registration of the ship;
 - (xi) in relation to each person to whom the ship belongs—
 - (A) the name, address and nationality of the person; and
 - (B) the extent of the interest of the person in the ship;
 - (xii) if the application is in respect of a ship the registration of which under the Act depends upon its being a ship on demise charter to an Australian-based operator—
 - (A) the name, address and nationality of each charterer under the charterparty; and
 - (B) the extent of the interest of each charterer in the demise charter of the ship;
 - (xiii) the date and manner of acquisition of the ship by the present owner;
 - (xiv) the name, address and description of each of the persons from whom the ship was acquired;
 - (xv) the action (if any) taken, or proposed to be taken, at a place or places other than the place at which the application is made, for the purpose of effecting the registration of the ship under the Act; and
 - (xvi) in relation to each person authorized by the owner to be, at any time during the currency of the provisional registration certificate, the master of the ship—
 - (A) the name and address of the person; and
 - (B) where, under the Navigation Act, the person is required to be the holder of a certificate of competency, the number of that certificate; and
- (b) there is produced to the proper officer, for noting—
- (i) the instrument (if any) by which ownership of the ship passed to the owner named in the application;
 - (ii) where the application is signed by the master of the ship, documentary evidence of his appointment as master and of his authority to sign the application;
 - (iii) the tonnage certificate (if any) that is in force in relation to the ship; and

- (iv) where the ship has, at any time, been registered under the law of a foreign country, documentary evidence that—
- (A) the ship is no longer registered under the law of that country; or
 - (B) steps have been taken, or are proposed to be taken, to close the registration of the ship under the law of that country on or before the grant of the provisional registration certificate.

(3) A statement in an application under sub-regulation (2) to the effect that the person signing the application is unable to supply the information referred to in sub-paragraph (2) (a) (ii), (vi), (vii), or (x), together with a statement of the reason for that inability, shall be taken, for the purposes of that sub-regulation, to satisfy the requirements of that sub-paragraph and, where that inability is in respect of the information referred to in sub-paragraph (2) (a) (x), sub-paragraph (2) (b) (iv) does not apply in relation to that application.

Extension of period of currency of provisional certificate

16. An application under sub-section 21 (5) or 22 (4) of the Act for the extension of the period during which a provisional registration certificate is in force in respect of a ship shall—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number (if any) of the ship;
 - (ii) the date and place of issue of the provisional registration certificate;
 - (iii) a date on or near which it is expected that the ship will next arrive at an Australian port; and
 - (iv) the reason for making the application;
- (c) be duly signed by the owner or the master of the ship; and
- (d) be lodged with the Registrar or a proper officer.

Temporary passes

17. (1) Application for the grant of a temporary pass under section 23 of the Act shall be made by lodging with the Registrar an application in writing signed in accordance with sub-regulation (2), being an application specifying—

- (a) the name (if any) of the ship or, if the ship has no name, the builder's identification of the ship (if known to the applicant);
- (b) the year of completion of the ship (if known to the applicant);
- (c) the type of the ship (in terms of its purpose);
- (d) the method of propulsion of the ship;
- (e) the principal material of construction of the hull of the ship;

- (f) the length of the ship;
- (g) the name and address of the builder of the ship (if known to the applicant);
- (h) if the ship is a ship to which sub-section 16 (1) of the Act applies and a tonnage certificate is not in force in relation to the ship—
 - (i) the estimated gross tonnage of the ship;
 - (ii) the estimated register tonnage of the ship; and
 - (iii) the identity of the person by whom those estimates were made;
- (j) the name and address of each of the persons to whom the ship belongs;
- (k) where the application is signed as mentioned in sub-regulation (3), the name and address of each person who is a charterer under the charterparty;
- (m) the port at which it is proposed that the voyage be commenced;
- (n) the port at which it is proposed that the voyage be concluded;
- (o) the anticipated duration of the voyage;
- (p) the reasons for seeking the grant of the pass; and
- (q) where those reasons are reasons connected with the participation of the ship in a formally organized race, particulars of that race, including the name (if any) of the race and the name and address of the organizer of the race.

(2) Subject to sub-section (3), an application under sub-regulation (1) shall be duly signed by the owner of the ship or, where the proposed voyage is to be undertaken by the builder of the ship for the purposes of delivering the ship to the owner, by the builder.

(3) An application under sub-regulation (1) in relation to a ship that is on demise charter (whether to an Australian-based operator or not) shall be taken to be signed in accordance with sub-regulation (2) if it is duly signed—

- (a) by each of the charterers under the charterparty; or
- (b) by a person appointed for the purposes of this paragraph by instrument in writing duly signed by each of those charterers.

(4) There shall be produced to the Registrar for noting, at the time of lodgment of an application under sub-regulation (1)—

- (a) where the application is signed as mentioned in sub-regulation (3)—documentary evidence of the grant by the owner of permission for the undertaking by the ship of the voyage to which the application relates or of voyages of a class in which that voyage is included;
- (b) where the application is signed as mentioned in paragraph (3)(b)—the instrument referred to in that paragraph; and
- (c) the tonnage certificate (if any) in force in relation to the ship.

(5) Upon receipt of an application under sub-regulation (1), the Registrar shall forward the application, together with such other documents as he thinks fit, to the Minister for his consideration.

(6) A temporary pass granted under section 23 of the Act shall be in accordance with Form 4.

(7) Subject to sub-regulation (8), where—

(a) a voyage specified in a temporary pass granted under section 23 of the Act is completed or abandoned; or

(b) the period of validity of such a pass expires, the person who has possession of the pass shall, within 10 days after the occurrence of the event referred to in paragraph (a) or (b), surrender the pass by—

(c) lodging it with the Registrar; or

(d) delivering it to a proper officer.

(8) Where, by reason of circumstances beyond the control of the person referred to in sub-regulation (7), it is not practicable for that person to surrender the pass within the time specified in that sub-regulation, that person shall surrender the pass as soon as it is practicable to do so.

Change in ownership of ship or share

18. (1) For the purposes of sub-section 24 (1) of the Act—

(a) the lodgment with the Registrar of a ship's registration certificate and the statement referred to in that sub-section shall be effected—

(i) in the manner specified in regulation 5; or

(ii) by delivering them, addressed to the Registrar, to a prescribed office;

(b) the time within which those documents shall be so lodged is the period ending at the expiration of the first day after the change occurs during which there is a period of not less than 2 hours during the whole of which—

(i) the ship is in a port at which there is a branch office or a prescribed office; and

(ii) that office is open for business,

being a day after the day on which the person having possession of the registration certificates receives the statement referred to in paragraph (c); and

(c) the statement referred to in that sub-section shall be in writing signed by the person who made the entry in the Register relating to the change in ownership and shall specify—

(i) the name and official number of the ship;

(ii) particulars of the change as set out in the Register; and

(iii) the date on which the entry in the Register relating to the change was made.

(2) For the purpose of ensuring compliance with section 24 of the Act by the person having possession of the registration certificate of a ship to which that section applies—

- (a) the person referred to in paragraph (1) (c) shall, as soon as practicable after making the entry in the Register relating to the change in ownership, give to the registered agent of the ship the statement referred to in that paragraph; and
- (b) the registered agent shall, as soon as practicable after receiving that statement, cause it to be delivered to the person having possession of the registration certificate.

Change of name, address or nationality

19. (1) Where a change occurs in—

- (a) the name, address or nationality of a person whose name appears in the Register as that of an owner or charterer of a ship; or
- (b) the name of the person whose name appears in the Register as that of the registered agent of a ship,

the registered agent of that ship shall, within 14 days after the change occurs, comply with the requirements of sub-regulation (3).

(2) Where a change occurs in the name or address of a person whose name appears in the Register as that of a mortgagee of a ship, that person shall, within 14 days after the change occurs, comply with the requirements of sub-regulation (3).

(3) The requirements referred to in sub-regulations (1) and (2) are as follows:

(a) to lodge with the Registrar—

- (i) a notice of the change; and
- (ii) in the case of a change in the name of a natural person—a statutory declaration by a person well acquainted with the facts of the case, and not having any direct or indirect interest in the ship or its operation, to the effect that the person whose name has changed is the same person as the person referred to in paragraph (1) (a) or (b), or sub-regulation (2), as the case requires, and that the qualifications of the declarant are as specified in this sub-paragraph;

(b) to produce to the Registrar for noting—

- (i) in the case of a change in the name of a natural person upon marriage—the relevant marriage certificate;
- (ii) in the case of a change in the name of a natural person by deed poll—the relevant deed;
- (iii) in the case of a change in the name of a body corporate incorporated under a law relating generally to the incorporation of companies, co-operative societies or other bodies

corporate—a certificate of the change of name issued under that law; or

- (iv) in the case of a change in the name of a person other than a person referred to in sub-paragraph (i), (ii) or (iii)—an authentic copy of the law or instrument by which the change was effected.

(4) A notice lodged with the Registrar in pursuance of sub-regulation (3) with respect to a change in the nationality of a person shall set out particulars of the manner in which the change occurred.

Marking of ships

20. (1) Subject to this regulation, a ship shall, for the purposes of section 26 of the Act, be marked as follows:

- (a) the name of the ship shall be inscribed, in accordance with sub-regulation (2), on each bow;
- (b) the names of the ship and its home port shall be inscribed, in accordance with sub-regulation (2)—
 - (i) on the stern; or
 - (ii) if the configuration of the stern is such that those names cannot be legibly displayed on the stern, on each side of the hull as near as practicable to the stern;
- (c) an inscription in accordance with sub-regulation (3) shall be made, in a position in which it may readily be inspected, on the main beam of the ship or, if the ship has no main beam or it is impracticable so to make the inscription on the main beam, on another main structural member or integral part of the ship.

(2) The inscriptions referred to in paragraphs (1) (a) and (b) shall be made in the following manner:

- (a) all alphabetical characters shall be in the form of—
 - (i) upright sans serif block capital letters, not being expanded or condensed forms of those letters, the height of which is not less than 100 millimetres and the thickness of the strokes of which is not less than 20%, and not more than 25%, of their height; or
 - (ii) lettering approved, either generally or in a particular case, by the Registrar, being lettering that is not less legible than lettering of the kind referred to in sub-paragraph (i);
- (b) all numerals, whether Arabic or Roman, shall be in a style matching that of the alphabetical characters;
- (c) the inscription shall be applied in waterproof paint of a colour that makes a distinct contrast with the colour of the background on which it appears.

(3) The inscription referred to in paragraph (1) (c) shall comprise—

- (a) the letters "O.N." followed by the official number of the ship; and
- (b) either—

- (i) the letters "N.T." followed by the net tonnage of the ship as shown on its tonnage certificate;
- (ii) the letters "R.T." followed by the register tonnage of the ship as shown on its tonnage certificate; or
- (iii) where the ship is not a ship to which section 16 (1) of the Act applies, the letters "L.O.A." followed by the length of the ship in metres taken to 2 decimal places,

being letters and figures—

- (c) that—

- (i) are incised into the surface of the portion of the ship to which they are applied; or
- (ii) form part of the fabric of that portion of the ship and project from the surrounding surface of that portion of the ship; and

- (d) the height of which is—

- (i) not less than 100 millimetres; or
- (ii) where the portion of the ship to which they are applied is such that compliance with sub-paragraph (i) is not practicable, the maximum practicable height.

(4) Where, by reason of the nature of the constructional features of a ship, there is no part of the ship that is readily identifiable as a bow, or as the stern, of the ship, an inscription required by paragraph (1) (a) or (b) to be made on a bow or on the stern of the ship, as the case requires, shall be made on such part of the ship as the Registrar determines.

(5) Where, in the opinion of the Minister, it is unreasonable to require compliance, or compliance in full, with the requirements of paragraph (1) (b) in relation to a ship, or in relation to ships included in a class of ships, being a ship, or ships, to which section 13 of the Act applies, the Minister may, by instrument in writing signed by him, exempt that ship, or ships included in that class of ships, from compliance with such of those requirements as are specified in that instrument.

Name of registered ship and change of name

21. (1) An application under sub-section 27 (2) of the Act for a change in the name of a registered ship shall be made by lodging with the Registrar a request in writing for approval of the change duly signed by the registered agent of the ship and specifying—

- (a) the present name of the ship;
- (b) the official number of the ship; and
- (c) in order of preference, 3 proposed names for the ship.

(2) For the purposes of sub-section 27 (3) of the Act, the following classes of names are prescribed classes of names:

- (a) names of existing registered ships;
- (b) names approved by the Registrar in respect of ships in the course of registration;
- (c) names that are likely to be confused with, or mistaken for, names referred to in paragraphs (a) and (b);
- (d) names that are blasphemous or likely to be offensive to members of the public;
- (e) names of, or suggesting connection with, members of the Royal family or suggesting Royal patronage; and
- (f) names falsely suggesting connection with—
 - (i) the Crown;
 - (ii) the Commonwealth of Nations;
 - (iii) the Government of the Commonwealth, of a State, of a Territory, of any other country or of any legal subdivision of another country;
 - (iv) the United Nations;
 - (v) the Defence Force or an arm of the Defence Force;
 - (vi) a government department, authority or instrumentality of the Commonwealth, a State or a Territory; or
 - (vii) a municipal or other local government authority.

National colours and other flags

22. (1) For the purposes of sub-sections 30 (2) and (3) of the Act, a ship to which paragraph 30 (1) (a) of the Act applies shall fly the red ensign—

- (a) while entering or leaving, or otherwise under way within, a port in daylight; and
- (b) while berthed or at anchor in a port during the period commencing at 8 o'clock in the morning on a day and ending at sunset on that day.

(2) For the purposes of sub-sections 30 (2) and (3) of the Act, a registered ship, other than a ship to which paragraph 30 (1) (a) of the Act applies, shall fly the national flag or the red ensign while entering or leaving, or otherwise under way within, a foreign port in daylight.

(3) When the national flag or the red ensign is flown by a ship, it shall be flown at the stern or—

- (a) where, by reason of the design of the ship or the use to which it is put, it is not practicable to fly a flag at the stern, as near as practicable to the stern; or
- (b) where the design of the ship is such that it has no stern, in such position as is approved by the Registrar in relation to the ship by notice in writing given to the registered agent.

(4) Application under sub-section 30 (10) of the Act shall be made by lodging with the Registrar an application in writing signed in the manner specified in sub-regulation (5), being an application specifying—

- (a) the name of the ship;
- (b) the port at which the ship is usually berthed or moored;
- (c) a description of the ship, including any identifying markings;
- (d) in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person; and
 - (ii) the extent of the interest of the person in the ship;
- (e) if the application relates to a ship of the kind referred to in sub-paragraph 29 (1) (b) (iii) of the Act—
 - (i) the name, address and nationality of each operator of the ship; and
 - (ii) the extent of the interest of each such operator in the ship; and
- (f) where a person, being—
 - (i) in the case of an application in relation to a ship of the kind referred to in sub-paragraph 29 (1) (b) (i) or (ii) of the Act—the person, or one of the persons, to whom the ship belongs; or
 - (ii) in the case of an application in relation to a ship of the kind referred to in sub-paragraph 29 (1) (b) (iii) of the Act—the operator, or one of the operators, of the ship,

is not an Australian national, information as to the status of that person as a resident of Australia.

(5) An application referred to in sub-regulation (4) shall be taken, for the purposes of that sub-regulation, to have been signed in the manner specified in this sub-regulation if—

- (a) in the case of an application in relation to a ship of the kind referred to in sub-paragraph 29 (1) (b) (i) of the Act—it is duly signed by the owner of the ship;
- (b) in the case of an application in relation to a ship of the kind referred to in sub-paragraph 29 (1) (b) (ii) of the Act—it is duly signed—
 - (i) where the ship belongs to one person only—by that person; or
 - (ii) where the ship belongs to more than one person—by a person appointed in accordance with sub-regulation (6) for the purposes of this sub-regulation by persons who are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship; or

- (c) in the case of an application in relation to a ship of the kind referred to in sub-paragraph 29 (1) (b) (iii) of the Act—it is duly signed—
- (i) where the ship is operated by one person only—by that person; or
 - (ii) where the ship is operated by more than one person—by a person appointed in accordance with sub-regulation (6) for the purposes of this sub-regulation by the persons by whom the ship is operated.

(6) The appointment of a person for the purposes of sub-regulation (5) shall be in writing and—

- (a) shall specify the ship to which it relates;
- (b) shall be duly signed by each person making the appointment; and
- (c) may consist of several documents in like form each duly signed by one or more of the persons referred to in paragraph (b).

(7) Where an application referred to in sub-regulation (4) is signed by a person appointed for the purposes of sub-regulation (5), the instrument of appointment of that person shall be produced for noting upon the lodgment of the application.

(8) A certificate under sub-section 30 (10) of the Act shall be signed by the Registrar and sealed with the seal of the Registration Office and shall—

- (a) specify the name of the ship and of the port at which it is usually berthed or moored;
- (b) set out a description of the ship, including any identifying markings;
- (c) set out the name, address and nationality of the person or persons to whom it is granted and indicate whether the certificate is granted to that person or those persons as owner or owners, or as operator or operators, of the ship; and
- (d) where the person, or any of the persons, to whom the certificate is granted is not an Australian national but is a resident of Australia, contain a statement to that effect.

Transfer of ship, &c.

23. (1) A bill of sale for the purposes of sub-section 36 (1) of the Act in relation to a ship shall—

- (a) specify—
 - (i) the name and official number of the ship;
 - (ii) the number of shares in the ship to which the bill of sale relates;
 - (iii) the name and address of each transferor; and
 - (iv) the name and address of each transferee; and
- (b) be duly signed by each transferor.

(2) A declaration of transfer made under sub-section 36 (3) of the Act shall—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number of the ship; and
 - (ii) the date of the bill of sale to which it relates;
- (c) specify, in relation to each person who is a transferee under the bill of sale, in addition to the matters referred to in sub-section 36 (3) of the Act—
 - (i) the grounds on which the person, if a natural person, claims the nationality specified in the declaration in relation to the person; and
 - (ii) the extent of the interest of the person in the ship; and
- (d) be duly signed by each transferee.

Transmission of ship, &c., by operation of law

24. (1) For the purposes of sub-section 37 (1) of the Act the following evidence of lawful transmission is prescribed evidence:

- (a) in the case of transmission upon the death of a joint owner—
 - (i) a certificate of death or of burial of the deceased person, probate or letters of administration of the estate of that person or an office copy of any such document; and
 - (ii) a statutory declaration by a person well acquainted with the facts of the case to the effect that the person referred to in sub-paragraph (i) is the same person as the joint owner named in the Register;
- (b) in the case of transmission upon the death of a sole owner or an owner in common—an instrument constituting a person the legal personal representative, or constituting persons the legal personal representatives, of the deceased person or an office copy of such an instrument; and
- (c) in the case of transmission upon the making of an order by a court—an office copy of the order.

(2) A declaration of transmission under sub-section 37 (2) of the Act shall—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number of the ship;
 - (ii) the name and address of the person who has ceased, by reason of the transmission, to be the owner, or one of the owners, of the ship or share; and

- (iii) the name, address and nationality of the person to whom the ship or share is transmitted; and
- (c) be duly signed by the owner of the ship.

Mortgage of ship, &c.

25. For the purposes of sub-section 38 (2) of the Act, an instrument of mortgage of a ship or a share in a ship shall—

- (a) specify—
 - (i) the name and official number of the ship;
 - (ii) the number of shares affected;
 - (iii) the name and address of each mortgagor; and
 - (iv) the name, address and nationality of each mortgagee; and
- (b) be duly signed by each mortgagor.

Transfer of mortgage

26. An instrument of transfer under sub-section 42 (1) of the Act shall—

- (a) specify—
 - (i) the name and official number of the ship;
 - (ii) the name and address of each transferor; and
 - (iii) the name, address and nationality of each transferee; and
- (b) be duly signed by each transferor.

Transmission of mortgage by operation of law

27. (1) A declaration of transmission under section 43 of the Act shall—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number of the ship;
 - (ii) the name and address of each person from whom the interest is transmitted; and
 - (iii) the name, address and nationality of each person to whom the interest is transmitted; and
- (c) be duly signed by each person to whom the interest is transmitted.

(2) For the purposes of section 43 of the Act, the following evidence of lawful transmission is prescribed evidence:

- (a) in the case of transmission upon the death of a joint mortgagee—
 - (i) a certificate of death or of burial of the deceased person, probate or letters of administration of the estate of that person or an office copy of any such document; and

- (ii) a statutory declaration by a person well acquainted with the facts of the case to the effect that the person referred to in sub-paragraph (i) is the same person as the joint mortgagee named in the Register;
- (b) in the case of transmission upon the death of a sole mortgagee—an instrument constituting a person the legal personal representative, or constituting persons the legal personal representatives, of the deceased person or an office copy of such an instrument; and
- (c) in the case of transmission upon the making of an order by a court—an office copy of the order.

Discharge of mortgage

28. The prescribed evidence, for the purposes of section 44 of the Act, of the discharge of a mortgage is a memorandum to that effect endorsed on the mortgage and duly signed by each mortgagee under the mortgage.

Obsolete or incorrect entries in Register

29. The prescribed period for the purposes of section 58 of the Act is 5 years.

Registered agent

30. A notice under sub-section 64 (2) of the Act shall be in accordance with Form 5 and shall be duly signed by the person by whom it is required to be given.

Alterations to ships

31. (1) The prescribed manner, for the purposes of sub-section 65 (1) of the Act, for the giving of notice of an alteration to a ship is the lodging with the person referred to in whichever of paragraphs (a), (b) and (c) of that sub-section is applicable of a notice in writing that—

- (a) specifies—
 - (i) the name and official number of the ship; and
 - (ii) the nature of the alteration;
- (b) is duly signed by the registered agent of the ship; and
- (c) is accompanied by—
 - (i) a builder's certificate in accordance with sub-regulation (2) in relation to the alteration of the ship;
 - (ii) where, by reason of the alteration of the ship, the tonnage certificate (if any) applicable to the ship immediately before the making of the alteration is no longer correct in every particular or the ship has become a ship to which sub-section 16 (1) of the Act applies, the tonnage certificate (if any) in force in relation to the ship as altered; and
 - (iii) the registration certificate, or provisional registration certificate, applicable in respect of the ship.

(2) Subject to sub-regulation (3), a builder's certificate in relation to the alteration of a ship shall be duly signed by the builder who undertook the alteration of the ship and shall specify—

- (a) the name and registered number of the ship;
- (b) the date of completion of the alteration of the ship;
- (c) the place at which the alteration of the ship was undertaken;
- (d) the name and address of the builder who undertook the alteration of the ship;
- (e) the name and address of the person for whom the alteration of the ship was undertaken;
- (f) particulars of the prescribed characteristics of the ship as altered; and
- (g) if—
 - (i) by reason of the alteration of the ship, the tonnage certificate (if any) applicable to the ship immediately before the making of the alteration is no longer correct in every particular or the ship has become a ship to which sub-section 16 (1) of the Act applies; and
 - (ii) a tonnage certificate is not in force in relation to the ship as altered,

the gross tonnage, and the register tonnage, of the ship as altered, as estimated by the builder who undertook the alterations.

(3) Where the alteration of a ship has been carried out in stages by more than one builder—

- (a) a builder's certificate in relation to the alteration of the ship may consist of several documents in accordance with sub-regulation (2), each of which relates to one or more of those stages; and
- (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, shall be duly signed by all of the builders responsible for the building work carried out in those stages.

(4) The time within which notice shall be given for the purposes of sub-section 65 (1) of the Act is—

- (a) if the alteration is an alteration referred to in paragraph 65 (1) (a) of the Act—
 - (i) the period ending 14 days after the completion of the alteration; or
 - (ii) the period ending immediately before the first departure of the ship from the port referred to in that paragraph after the completion of the alteration,

whichever is the shorter period;

(b) if the alteration is an alteration referred to in paragraph 65 (1) (b) of the Act—

- (i) the period ending 14 days after the first arrival of the ship at the port last referred to in that paragraph after the completion of the alteration; or
- (ii) the period ending immediately before the first departure of the ship from that port after the completion of the alteration,

whichever is the shorter period; or

(c) in any other case—the period ending 14 days after the completion of the alteration.

(5) A provisional registration certificate granted under sub-section 65 (1) of the Act shall be in accordance with Form 3.

(6) The statement required by sub-section (3) of section 65 of the Act to be forwarded by a proper officer to the Registrar in relation to the grant of a provisional registration certificate under that section shall be in writing signed by the proper officer and shall specify—

- (a) the name and registered number of the ship to which the certificate relates; and
- (b) the documents lodged with the proper officer in pursuance of sub-regulation (1) in connection with the grant of the certificate and their respective dates of lodgment.

(7) Where a proper officer grants a provisional registration certificate under section 65 of the Act, he shall forward to the Registrar, together with the documents referred to in sub-section (3) of that section, the documents referred to in sub-regulation (1).

(8) Where a ship is so altered as not to correspond with the particulars relating to its net, or register, tonnage contained in the Register, the Registrar shall not enter the alteration in the Register under paragraph 65 (1) (c), or sub-section 65 (6), of the Act unless the portion of the inscription referred to in paragraph 20 (1) (c) that relates to the net, or register, tonnage of the ship has been altered to correspond with the net, or register, tonnage of the ship as so altered.

Ship lost, &c., or ceasing to be entitled to be registered

32. (1) Delivery of the registration certificate or provisional registration certificate relating to a ship to the Registrar or a proper officer under sub-section (10) of section 66 of the Act shall be effected within 30 days after the giving by the Registrar of a notice in writing in accordance with sub-regulation (2) to a person whose name appeared on the Register, immediately before the registration of the ship was closed or deemed to be closed under that section, as the owner, or one of the owners, of the ship.

- (2) A notice of the kind referred to in sub-regulation (1) shall—
- (a) identify the ship to which it relates;
 - (b) set out particulars of the closure, or deemed closure, of the registration of the ship; and
 - (c) contain a statement of the obligations, in the circumstances, of the person having possession of the registration certificate or provisional registration certificate.

Closure of registration

33. (1) Application for the closure of the registration of a registered ship, not being a ship that is required to be registered under the Act, may be made by lodging with the Registrar—

- (a) an application in writing for the closure of the registration of the ship duly signed—
 - (i) in the case of a ship that belongs to one person only—by that person; or
 - (ii) in the case of a ship that belongs to more than one person—by a person appointed for the purpose by persons who are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship;
- (b) where the application is signed by a person appointed for the purpose in pursuance of sub-paragraph (a) (ii), the document or documents constituting the appointment of that person; and
- (c) the registration certificate or provisional registration certificate, as the case requires.

(2) The appointment of a person in pursuance of sub-paragraph (1) (a) (ii) for the purpose of signing an application referred to in sub-regulation (1) shall be in writing and—

- (a) shall specify the ship to which it relates;
- (b) shall be duly signed by each person making the appointment; and
- (c) where the appointment is made by more than one person, may consist of several documents in like form, each duly signed by one or more of those persons.

(3) An application under sub-regulation (1) shall specify—

- (a) the registered name of the ship;
- (b) the official number of the ship; and
- (c) the home port of the ship.

(4) Where the Registrar receives an application under sub-regulation (1) relating to a ship, he shall make an entry in the Register to that effect, and the registration of the ship shall, subject to sub-regulation (5), be deemed to be closed.

(5) Where a ship in relation to which the Registrar has made an entry in the Register under sub-regulation (4) is subject to an unsatisfied mortgage or mortgages, sub-sections 66 (4) to (9), inclusive, and 66 (11), of the Act apply in relation to the ship as if it were a ship to which those sub-sections apply otherwise than by virtue of this sub-regulation.

Admissibility of documents in evidence

34. For the purposes of sub-section 77 (1) of the Act, a certificate or pass issued under the Act or these Regulations is hereby declared to be admissible in evidence.

Home ports

35. (1) The port that may be selected as the home port of a registered ship shall be one of the ports for the time being approved by the Minister, by notice published in the *Gazette*, for the purposes of this sub-regulation.

(2) The ports in Australia that were, immediately before the commencement of the Act, ports of registry under the previous law shall, until the publication of a notice under sub-regulation (1), be taken to be ports for the time being approved by the Minister in accordance with that sub-regulation.

(3) Application may be made for a change in the home port of a registered ship by lodging with the Registrar a request in writing that—

(a) specifies—

- (i) the name and official number of the ship;
- (ii) the present home port of the ship; and
- (iii) the proposed home port of the ship; and

(b) is duly signed by the registered agent of the ship.

(4) Upon the receipt of an application under sub-regulation (3), the Registrar shall, if the proposed home port is a port that is, for the time being, a port that is, or is to be taken to be, a port approved by the Minister for the purposes of sub-regulation (1), give notice in writing to the registered agent to the effect that registration of the change of home port in relation to the ship may proceed upon that part of the inscription referred to in paragraph 20 (1) (b) that relates to the home port of the ship being altered accordingly.

(5) Upon the receipt of—

(a) the notice referred to in sub-regulation (4) endorsed with a certificate duly signed by the registered agent to the effect that the alteration specified in the notice has been made in a manner that complies with regulation 20; and

(b) the ship's registration certificate,

the Registrar shall—

(c) cause the new home port to be entered in the Register in relation to the ship; and

- (d) endorse the change of home port on the ship's registration certificate and return it to the registered agent.

Transfer of registration from foreign ports of ships entitled to be registered

36. (1) Application under section 87 of the Act for the registration of a ship shall be made by—

- (a) lodging with the Registrar—
 - (i) an application in writing for the registration of the ship duly signed by the owner of the ship;
 - (ii) where the registration of the ship depends upon its being a ship on demise charter to an Australian-based operator, a copy of the charterparty;
 - (iii) a declaration of ownership and nationality in accordance with regulation 9; and
 - (iv) a notice in writing duly signed by the owner of the ship specifying the name and address of the person who will be, or of each of the persons who will constitute, the registered agent of the ship upon its being registered; and
- (b) producing to the Registrar, for noting, the licence or other document (if any) authorizing the use of a call sign in relation to the ship.

(2) An application under sub-regulation (1) shall specify—

- (a) in order of preference, 3 proposed names for the ship;
- (b) the proposed home port of the ship;
- (c) the foreign register concerned;
- (d) the official number of the ship on that register;
- (e) the name of the ship appearing on that register; and
- (f) the home port, or port of registry, of the ship appearing on that register.

Certificates, &c., in respect of ships deemed registered under Act

37. (1) In this regulation—

“relevant document” means a certificate granted, or other document granted or issued, under these Regulations;

“relevant record” means an entry or record that, immediately before the date fixed under section 2 of the Act, appeared in the register book kept at a port in Australia under the previous law in relation to a ship that is deemed, on and from that date, to be registered under the Act.

(2) Where a relevant document includes information in relation to a ship that is expressed in terms of measurements other than measurements in terms of which that information is required by these Regulations to be expressed, that information may be expressed in a relevant document in relation to that ship in terms of either or both of those measurements.

(3) Where a relevant record includes information in relation to a ship that is not required by the Act or these Regulations to be entered in the Register, that information shall be omitted from a relevant document in relation to that ship.

(4) Where a relevant record does not include information in relation to a ship that is required by the Act or these Regulations to be entered in the Register—

- (a) the Registrar may take such action as is reasonable for the purpose of obtaining that information; and
- (b) the failure to include that information in a relevant document granted or issued in relation to that ship at a time when the Registrar is not in possession of that information shall not affect the validity of that document.

Fees

38. (1) The fee prescribed in Schedule 3 in respect of a matter specified in that Schedule shall be payable in respect of that matter.

(2) For the purposes of this regulation—

- (a) a reference in Schedule 3 to a ship not exceeding 1,500 tons gross shall be read as including a ship to which sub-section 16 (1) of the Act does not apply; and
- (b) the gross tonnage of a ship to which that sub-section applies in relation to which alternative tonnages are applicable shall be taken to be the greater, or greatest, of the gross tonnages applicable to that ship.

(3) Where, as a result of a request made by the owner, master or registered agent of a ship, an officer proceeds to a place outside the limits of the port, or away from the place (not being a port), at which that officer is usually stationed for the purpose of carrying out an inspection of a ship under these Regulations, a fee equal to the travelling and subsistence expenses that would have been necessarily incurred by the officer if the officer had travelled to the ship from the nearest port, or place (not being a port), at which an officer competent to carry out that inspection is stationed and returned to that port, or place, is payable, by virtue of this sub-regulation, in addition to any other fee payable under this regulation in respect of that inspection, whether or not that inspection is carried out.

Extension of time

39. (1) The Registrar may extend the time for the lodgement of a document required by these Regulations to be lodged with him, and may so extend that time although that time has expired.

(2) A request for an extension of time under this regulation—

- (a) shall be in writing duly signed by the person making the request;

- (b) shall set out the grounds of the request; and
- (c) shall be lodged with the Registrar.

Verification of information, &c.

40. (1) Subject to the Act and these Regulations, the Registrar may, in relation to any document lodged with him or produced to him for noting—

- (a) require the verification, by statutory declaration or otherwise, of—
 - (i) the authenticity of the document; or
 - (ii) any information contained in the document;
- (b) require the submission to him of such further documents or information as appear to him to be necessary in support of, or in substitution for, a document, or information, referred to in paragraph (a); and
- (c) refuse to make an entry in the Register, or to perform any function or exercise any power under the Act or these Regulations, to which a requirement under paragraph (a) relates until that requirement is satisfied.

(2) A requirement under paragraph (1) (a) or (b) shall be set out in a notice in writing signed by or on behalf of the Registrar and given to—

- (a) the person by whom the document to which the requirement relates was lodged with, or produced to, the Registrar; or
- (b) the person, or any one of the persons, in whose interest that document was so lodged or produced.

(3) A notice setting out a requirement under sub-regulation (1) for the verification of information relating to the identity, nationality or residential status of a person may require—

- (a) that the verification be by a statutory declaration by a person other than the person to whom it relates who has known the last-mentioned person for a period of no less duration than that specified in the notice; and
- (b) that such a statutory declaration specify the period during which the declarant has known the person to whom it relates.

Entries in Register

41. (1) Upon making an entry in the Register, the Registrar, or a Deputy Registrar, shall authenticate the entry by adding his signature and designation together with the date and time of making the entry.

(2) For the purposes of sub-regulation (1) and of the making of any endorsement required by the Act or by these Regulations to be made on any document, the date and time of making an entry in the Register shall be recorded in terms of Eastern Australian Standard Time.

SCHEDULE 1

Sub-regulation 2 (1)

PRESCRIBED CHARACTERISTICS OF SHIPS

Column 1 Item No.	Column 2 Characteristic
1.	Type of ship (in terms of purpose)
2.	Method of propulsion, including— (a) number and type of boilers; (b) number and type of engines; and (c) means of power transmission (including number of screws, paddles, or jets)
3.	Number of decks
4.	Number of bulkheads
5.	Number of masts
6.	Stem
7.	Stern
8.	Build
9.	Rigging
10.	Principal material of construction of hull
11.	Length
12.	Maximum breadth
13.	Moulded depth amidships
14.	Power, being whichever of the following is or are applicable: (a) brake power; (b) indicated power; (c) shaft power
15.	Estimated speed

SCHEDULE 2

Sub-regulation 2 (4)

PRESCRIBED FORMS

FORM 1

Sub-regulation 7 (10)

Shipping Registration Act 1981

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of [*Name(s) and address(es) of owner(s)*] to apply, after the expiration of the period of 30 days commencing on the date of publication of this notice, for the registration under the abovementioned Act of the ship particulars of which are set out below. Objections to the registration of the ship in the name(s) of the abovementioned person(s), by persons claiming legal proprietary rights in respect of the ship, should be delivered to the Registrar of Ships at the Australian Shipping Registration Office, [*Street address*], or sent by properly pre-paid post to him at [*Postal address*] before the expiry of the period referred to above.

Particulars of ship

Present name (if any):
 Former names (if any):
 Former number (if previously registered):
 Present whereabouts:
 Length: metres
 Principal material of construction of hull:
 Type of ship:

SCHEDULE 2—continued

FORM 2

Regulation 12

Shipping Registration Act 1981

REGISTRATION CERTIFICATE

GENERAL PARTICULARS OF SHIP

Official No.	Name	Home port
Call sign	Year of registration	Place of construction
Year of completion	Type	Build
Stern	Stern	Rigging
Number of— Decks: Bulkheads: Masts:	Principal material of construction	
Length m	Maximum breadth m	Moulded depth amidships m
Power— Brake: kW Indicated: kW Shaft: kW	Estimated speed kn	

PARTICULARS OF PROPULSION

Method	Power transmission
Number and type of engine(s)	Number and type of boiler(s)

PARTICULARS OF TONNAGE

Where the ship is a ship to which sub-section 16 (1) of the Act applies:

The tonnages of the ship in accordance with its [Type] Tonnage Certificate are—

Gross tonnage: Net [*or Register*] tonnage:

Alternative tonnages (if any):

Where the ship is a ship to which sub-section 16 (1) of the Act does not apply:

The ship is not subject to tonnage-measurement requirements.

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SCHEDULE 2—continued

FORM 2—continued

CERTIFICATION

I, <i>[Name]</i> , Registrar <i>[or Deputy Registrar]</i> of Ships, certify that the ship particulars of which are set out above is duly registered under the <i>Shipping Registration Act 1981</i> and that those particulars, and the particulars of ownership and particulars of registered agent that are set out below alongside today's date and authenticated by my signature, are in accordance with the relevant entry in the Australian Register of Ships.	
Dated	19 .
[Seal of Registration Office]	Registrar <i>[or Deputy Registrar]</i> of Ships

PARTICULARS OF OWNERSHIP

Date	Owner(s) (Name, address, and nationality of each owner)	Number of shares	Signature of Registrar, Deputy Registrar or delegate

PARTICULARS OF REGISTERED AGENT

Date	Registered agent (Name and address of each person constituting registered agent)	Signature of Registrar, Deputy Registrar or delegate

ENDORSEMENTS

SCHEDULE 2—continued

FORM 3 Sub-regulations 14 (2), 15 (1) and 31 (5)

*Shipping Registration Act 1981***PROVISIONAL REGISTRATION CERTIFICATE
GENERAL PARTICULARS OF SHIP**

Official No. (if any)	Name [or, if unnamed, Builder's identification]	Home port or proposed home port
Call sign (if any)	Year of registration	Name and address of builder(s)
Year of completion		
Type	Build	
Stem	Stern	Rigging
Number of— Decks:	Bulkheads:	Masts:
Principal material of construction		
Length m	Maximum breadth m	Moulded depth amidships m
Power— Brake: kW Indicated: kW Shaft: kW	Estimated speed kn	

PARTICULARS OF PROPULSION

Method	Power Transmission
Number and type of engine(s)	Number and type of boiler(s)

SCHEDULE 2—continued

FORM 3—continued

PARTICULARS OF TONNAGE

Where the ship is a ship in relation to which a tonnage certificate is in force:

The tonnages of the ship, in accordance with its [Type] Tonnage Certificate are—

Gross tonnage: Net [or Register] tonnage:

Alternative tonnages (if any):

Where the ship is a ship to which sub-section 16 (1) of the Act applies and a tonnage certificate is not in force in relation to the ship:

Estimated gross tonnage:

Estimated register tonnage:

Where the ship is a ship to which sub-section 16 (1) of the Act does not apply:

The ship is not subject to tonnage-measurement requirements.

CERTIFICATION

Where the certificate is granted by a proper officer:

I, [Name], [Appointment], being a proper officer under the *Shipping Registration Act 1981*, grant this Provisional Registration Certificate under the provisions of that Act to [Name, address and nationality of owner].

Granted at the Australian [Description of post] at _____ on
19 ____ .

[Seal of post]

Proper Officer

Where the certificate is granted under sub-section 21 (7) or 22 (6) of the Act:

I, [Name], Registrar [or Deputy Registrar] of Ships, grant this Provisional Registration Certificate under the provisions of the *Shipping Registration Act 1981* to [Name, address and nationality of owner].

Dated _____ 19 ____ .

[Seal of Registration Office]

Registrar [or Deputy Registrar]

SCHEDULE 2—continued

FORM 4

Sub-regulation 17 (6)

Shipping Registration Act 1981

TEMPORARY PASS

PARTICULARS OF SHIP

Name [or, if unnamed, Builder's identification]		
Name and address of builder(s)		
Year of completion	Type	Length m
Method of propulsion		Principal material of construction
Tonnages <i>Where the ship is a ship in relation to which a tonnage certificate is in force:</i> The tonnages of the ship, in accordance with its [Type] Tonnage Certificate are— Gross tonnage: Net [or Register] tonnage: Alternative tonnages (if any): <i>Where the ship is a ship to which sub-section 16 (1) of the Act applies and a tonnage certificate is not in force in relation to the ship:</i> Estimated gross tonnage: Estimated register tonnage: <i>Where the ship is a ship to which sub-section 16 (1) of the Act does not apply:</i> The ship is not subject to tonnage-measurement requirements.		

PARTICULARS OF VOYAGE

Port of commencement of voyage:	Port of destination:
Purpose of voyage:	

PERIOD OF VALIDITY

Commencing date:	Terminating date:
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SCHEDULE 2—continued

FORM 4—continued

CERTIFICATE

I, <i>[Name]</i> , Registrar <i>[or Deputy Registrar]</i> of Ships, in pursuance of a direction given to me by the Minister of Transport under sub-section 23 (1) of the <i>Shipping Registration Act 1981</i> , hereby grant to <i>[Name]</i> of <i>[Address]</i> a temporary pass in respect of the making by the abovementioned ship of the voyage particulars of which are set out above during the period of validity so set out.		
[Seal of Registration Office]	Dated at	on 19 . Registrar <i>[or Deputy Registrar]</i> of Ships

FORM 5

Regulation 30

Shipping Registration Act 1981

NOTICE OF CHANGE OF REGISTERED AGENT

To the Registrar of Ships

Notice is hereby given, in pursuance of sub-section 64 (2) of the abovementioned Act, as follows:

PARTICULARS OF SHIP

Official number	Name
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PARTICULARS OF CHANGE

Name and address of registered agent— As appearing in Register:	As altered:
Date of change:	

Dated

19 .

Signed by *[Name of person giving notice]*

in the presence of:

[Signature, and legible statement of name and address, of witness]

}

[Signature of person giving notice]

SCHEDULE 3

Regulation 38

FEES

Column 1	Column 2	Column 3
Item no.	Matter	Fee
		\$
1.	Initial registration or re-registration—	
	(a) ship not exceeding 1,500 tons gross	142.00
	(b) ship exceeding 1,500 tons gross	201.00
2.	Endorsement of master on registration certificate of ship proceeding overseas	10.00
3.	Grant of provisional registration certificate, or new registration certificate, under section 21 of the Act	30.00
4.	Grant of provisional registration certificate in respect of ship becoming entitled to be registered overseas	50.00
5.	Extension of period of validity of provisional registration certificate	25.00
6.	Grant of temporary pass	50.00
7.	Registration of—	
	(a) change of name, address or nationality of owner or registered agent;	
	(b) change of name or address of mortgagee; or	
	(c) change of name of registered ship	25.00
8.	Grant of certificate of entitlement to fly the Australian national flag or red ensign	20.00
9.	Registration of transfer, transmission, mortgage, transfer of mortgage or transmission of mortgage—	
	(a) ship not exceeding 1,500 tons gross	44.00
	(b) ship exceeding 1,500 tons gross	77.00
10.	Registration of discharge of mortgage	15.00
11.	Inspection of Register in relation to a registered ship	6.00
12.	Provision of certified extract of Register entry	18.00
13.	Search by staff of Australian Shipping Registration Office of Register in relation to a registered ship or a previously registered ship or of a register book kept at a port in Australia under the previous law—	
	(a) search not exceeding 1 hour in duration	30.00
	(b) search exceeding 1 hour in duration—per hour	30.00
14.	Registration of alteration of ship	80.00
15.	Registration of change of home port of registered ship	25.00
16.	Closure of registration	15.00
17.	Extension of time for lodgment of documents	15.00
18.	Provision of certified copy of any document declared by the Act to be admissible in evidence that is in the custody of the Registrar or any other person performing duty under the Act—for each page	6.00

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on *h*

1981,

18 December