

Unvalidated References:
Merchant Shipping Act 1975

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 242F.

Merchant Shipping (Registration) Regulation 1975

ARRANGEMENT OF SECTIONS.

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SCHEDULE 1

Merchant Shipping (Registration) Regulation 1975

MADE under the *Merchant Shipping Act 1975*.

Dated 200 .

1. REGISTRATION OF GOVERNMENT SHIPS.

(1) An application for registration of a Government ship shall be made to the Registrar in writing and shall be signed—

(a) where the ship belongs to the Government—

(i) by the Departmental Head of the Department; or

(ii) by the head of the authority,

which has responsibility for the ship; and

(b) in any other case, by the person who holds the ship on behalf of, or for the benefit of, the Government.

(2) An application for registration of a Government ship shall contain—

(a) the name of the ship, and

(b) a description of the ship; and

(c) where the date and place of construction of the ship—

(i) are known—a statement of that date and of that place; or

(ii) are not known—a statement to that effect, giving such particulars relating to the construction of the ship as are known, and

(d) particulars of title to the ship; and

(e) a statement that the ship—

(i) belongs to the Government; or

(ii) is held on behalf of, or for the benefit of, the Government.

(3) An application for registration of a Government ship shall have annexed to it—

(a) such certificates or other evidence of title as are referred to in the particulars of title; and

(b) the tonnage certificate of the ship.

(4) The Registrar, if satisfied that a Government ship may be registered, shall register the ship by entering into the Register—

(a) her name; and

(b) the registry number allotted to her; and

(c) the name of her owner; and

(d) her port of sub-registry; and

(e) the particulars contained in—

(i) the application for registration; and

(ii) her tonnage certificate.

(5) On registration of a Government ship the Registrar shall retain—

(a) the application for registry; and

(b) the certificates or other evidence of title referred to in Subsection (3)(a).

2. TONNAGE CERTIFICATES.

A tonnage certificate shall be in Form R.1.

3. MARKING OF SHIP.

(1) In this section, “ship” means a ship that is not an air cushioned vehicle.

(2) A ship shall be marked on—

- (a) each side of her stem, by her name; and
- (b) her stern, by—
 - (i) her name; and
 - (ii) her port of sub-registry followed by the letters and marks “P.N.G.”; and
- (c) each side of her stem and of her stern post by a scale of decimetres or of metres and decimetres denoting her draught of water.

(3) The marking referred to in Subsection (2)(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 length of not less than 1 dm and of proportionate breadth.

(4) The marking referred to in Subsection (2)(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; and
- (d) of a length of not less than 1 dm and of proportionate breadth; and
- (e) where the scale is in decimetres—at each interval of 2 dm; and
- (f) where the scale is in metres and decimetres—at each metre interval and at each intervening 2 dm interval.

(5) 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; and
- (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.

4. MARKING OF AN AIR CUSHIONED VEHICLE.

(1) An air cushioned vehicle shall be marked in a conspicuous place on her superstructure—

- (a) at the forward end above the centre line, by her name; and
- (b) above the after end of the centre line, by—
 - (i) her name; and
 - (ii) her port of sub-registry followed by the letters and marks “P.N.G.”.

(2) The marks on an air cushioned vehicle shall be in—

- (a) white or yellow letters on a dark ground; or
- (b) black letters on a light ground,

being letters of a length of not less than 1 dm and of proportionate breadth.

5. APPLICATION FOR REGISTRATION.

(1) In this section, “ship” means a ship that is not a Government ship.

(2) An application for registration of a ship shall be in Form R. 2.

(3) Subject to Subsection (4), an application under Subsection (2) shall be accompanied by—

- (a) a certificate signed by the builder of the ship and containing—
 - (i) a description of the ship; and
 - (ii) the estimated tonnage of the ship; and
 - (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; and
- (b) where the ship has been registered under a law of a country other than Papua New Guinea—evidence that registration in that country has ceased; and
- (c) evidence that the ship is in a seaworthy condition; and
- (d) evidence that the applicant is the owner of the ship; and
- (e) a list of not less than three alternative names, numbered in order of preference, under which the ship is proposed to be registered; and
- (f) a declaration of ownership.

(4) Where a certificate referred to in Subsection (3)(a) cannot be obtained the applicant shall—

- (a) make a declaration to that effect; and
- (b) annex the declaration to the application under Subsection (2).

6. DECLARATION OF OWNERSHIP.

A declaration of ownership shall be in Form R.3.

7. REGISTRATION OF SHIPS.

(1) In this section, “ship” means a ship that is not a Government ship.

(2) Where the Registrar is satisfied that a ship may be registered, he shall—

- (a) allot a registry number to the ship; and
 - (b) enter into the Register—
 - (i) the registry number so allotted; and
 - (ii) the name of the ship; and
 - (iii) the port of sub-registry of the ship; and
 - (iv) such particulars of the construction or origin of the ship as appear to him to be relevant; and
 - (v) the name and description of each owner of the ship; and
 - (vi) 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.
- (3) On registration of a ship the Registrar shall retain—
- (a) the certificate of the builder; and
 - (b) any evidence as to title to the ship which was annexed to the application for registration; and
 - (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 shall be in Form R.4.

9. PROVISIONAL CERTIFICATE OF REGISTRY.

A provisional certificate of registry of a ship shall be in Form R.5.

10. CHANGE IN OWNERSHIP.

Where a change occurs in the registered ownership of a ship, the Registrar shall—

- (a) enter into the Register the details of the change; and

- (b) endorse, or cause to be endorsed, on the certificate of registry of the ship the details so entered.

11. REGISTRY OF ALTERATIONS.

Where 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 29(5) of the Act.

12. OWNER TO FURNISH PARTICULARS.

The particulars to be furnished by the owner of a ship under Section 30 of the Act are—

- (a) the name, address and qualification to own a ship registered under the Act of each owner of the ship; and
- (b) the trade (if any) in which the ship is engaged or, if the ship is out of commission, the place at which the ship is located; and
- (c) details of any current safety certificate in respect of the ship; and
- (d) the name and address of the master of the ship.

13. BILL OF SALE.

A bill of sale shall be in Form R.6.

14. DECLARATION OF TRANSFER.

A declaration of transfer shall be in Form R.7.

15. TRANSMISSION OF PROPERTY IN SHIP ON DEATH, INSOLVENCY, ETC.

A declaration of transmission shall be in Form R.8.

16. MORTGAGE OF A SHIP.

A mortgage shall be in Form R.9.

17. DISCHARGE OF MORTGAGE.

A discharge of mortgage shall be in Form R.10.

18. TRANSFER OF MORTGAGE.

A transfer of mortgage shall be in Form R. 11.

19. TRANSMISSION OF INTEREST IN MORTGAGE BY DEATH, INSOLVENCY, ETC.

A declaration of transmission of interest in a mortgage shall be in Form R.12.

20. NAMES OF REGISTERED SHIPS.

(1) Where the owner of a ship that is registered under the Act seeks to change the name of the ship, he may apply to the Registrar.

(2) An application under Subsection (1) shall be in Form R.13.

(3) Where the Registrar approves an application under this section, he shall—

(a) notify the applicant; and

(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.

21. ANNUAL REGISTRATION FEES.

(1) In this section, “the length of a ship” means the length of the ship as recorded in the Register.

(2)¹ ²Subject to Subsection (3), the annual registration fee under Section 52 of the Act is K30.00 for every metre, or part of a metre, in the length of a ship.

(3)³ ⁴The minimum annual registration fee under Section 52 of the Act is K15.00.

22. EXEMPTIONS.

(1) The Registrar, by instrument, subject to such conditions (if any) as he thinks fit, may exempt—

(a) a fishing vessel that is lettered or numbered in accordance with a law in force in Papua New Guinea; and

(b) a pleasure craft; and

(c) a ship of less than 20 m in length; and

(d) a ship which, in his opinion, is of traditional build,

from any requirement of Section 3.

(2) The Registrar, by instrument, subject to such conditions (if any) as he thinks fit, may exempt an air cushioned vehicle from any requirement of Section 4.

¹ Section 21(2) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s1(a).

² Section 21(2) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s1(a).

³ Section 21(3) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s1(b).

⁴ Section 21(3) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s1(b).

23. APPLICATION TO ALTER PORT OF SUB-REGISTRY.

(1) The owner of a ship may apply to the Registrar for the port of sub-registry of a ship to be altered.

(2) An application under Subsection (1) shall be in Form R.14.

24. FEES.

(1) In this section, “the length of a ship” means the length of the ship as recorded in the Tonnage Certificate.

(2)⁵ ⁶The fee payable on registration of a ship is K4.00 for every metre, or part of a metre, in the length of the ship.

(3)⁷ ⁸The minimum fee payable on registration of a ship is K40.00.

⁵ Section 24(2) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s2(a).

⁶ Section 24(2) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s2(a).

⁷ Section 24(3) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s2(b).

⁸ Section 24(3) amended by *Merchant Shipping (Registration) (Amendment) Regulation 1998* (No 20 of 1998), s2(b).

SCHEDULE 1

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 1 – TONNAGE CERTIFICATE.

Act, Sec. 18. Form R.1.Reg., Sec. 2.

Name of ship:
Port of sub-registry:
Registry No.:
Registry dimensions: Length . . . metres
Breadth . . . metres
Number of decks:
Number of bulkheads:
Framework and description of ship:
The tonnages of the above described ship measured in accordance with
are as follows:—
Cubic metres Tons
Gross:
Net:

I certify that the tonnages of the above described ship have been determined in accordance with the provisions of the *Merchant Shipping Act* and that the name and port of sub-registry of the ship are permanently and conspicuously marked on the ship in the prescribed manner.

Dated . . . 20...

Safety Officer.

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 2 – APPLICATION FOR REGISTRATION.

Act, Sec. 20. Form R.2Reg., Sec. 5(2).

To: The Registrar of Ships.

1. I/We
am/are owner(s) of . . . ship(s) in
2. I/We apply for registration of the above described ship.
3. In support of this application I/we attach the following:
4. The proposed registry name of the ship is:
5. The proposed port of sub-registry is:

Dated . . . 20...

(Signature(s) of Applicant(s).)

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 3 – DECLARATION OF OWNERSHIP.

Act, Sec. 21. Form R.3.Reg., Sec. 6.

I, . . . make this declaration in respect of the ownership of . . .

I declare as follows:—

1. *I am a person authorized under the Common Seal of . . . (hereinafter called the "corporation") to make declarations on behalf of the corporation.

2. *I am a citizen of Papua New Guinea

(or)

*The corporation is—

(a) established under, and is subject to, the laws of Papua New Guinea; and

(b) has its principal place of business in Papua New Guinea,

and is a corporation that is—

*registered by the Investment Promotion Authority to carry on business as a ship owner in Papua New Guinea; (or)

*a national enterprise as defined in Section 3 of the *Investment Promotion Act* 1992.

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

(a) *as owner of . . . share(s) in the ship; (and/or*)

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

Name(s) of joint owner(s):

Address(es) of joint owner(s):

No. of share(s):

4. Other than the state(s) described in Clause 3 above the states in the ship are owned as follows:—

Name of owner:

Address of owner:

Number of shares:

5. 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.
6. *The ship was constructed at . . . on . . . (or)
*I have no knowledge of the place or date of construction of the ship.
7. The ship is not registered in any other country.

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 by virtue of the *Oaths, Affirmations and Statutory Declaration Act* conscientiously believing the statements contained to be true and correct in every particular.

Declared at . . . , . . . , 20...

(Signature of Declarant.)

Before me:

* Strike out whichever is inapplicable.

Sch. 1

Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 4 – CERTIFICATE OF REGISTRY.

Act, Sec. 23. Form R.4.Reg., Sec.8.

No.

Name of ship:

Port of sub-registry:

Registry No:

Registry dimensions: Length . . . metres
 Breadth . . . metres

Number of decks:

Number of bulkheads:

Framework and description of ship:

Tonnages of ship: *Cubic metres* *Tons*
 Gross:
 Net:

Tonnage Certificate No:

I certify that the above description of . . . Registry No . . . Port of sub-registry . . . is in accordance with the Register Book held at . . . and that the person(s) registered as owner(s) is/are as follows:—

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

Number of shares:

Dated . . . , 20...

Registrar of Ships.

Sch. 1

Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 5 – PROVISIONAL CERTIFICATE OF REGISTRY.

Act, Sec. 24. Form R.5.Reg., Sec. 9.

Name of ship:

Previous port of registry:

Previous registry (or equivalent) number:

Tonnages	Cubic metres	Tons
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Gross:

Net:

Name of builder:

Place of construction:

DESCRIPTION OF SHIP.

Registry Length . . . metres

dimensions:

Breadth . . . metres

Number of decks:

Number of bulkheads:

Framework and description of ship:

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

Number of states:

Name of master:

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

Dated . . . , 20...

Registrar/Propriet Officer* at . . .

* Strike out whichever is inapplicable.

Sch. 1

Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 6 – BILL OF SALE.

Act, Sec. 31. Form R.6.Reg., Sec. 13.

I/we . . . being registered as owner(s) of . . . share(s) in Registry No: . . . Part of sub-registry: . . ., in consideration of: . . . (K . . .) paid to me/us by . . . the receipt of which is hereby acknowledged, do hereby transfer to . . . all my/our estate or interest in . . . share(s) in that ship.

IN WITNESS WHEREOF I/we have hereunto subscribed my/our name(s) at . . ., . . ., 20..

SIGNED in my presence by
who is/ate personally
known to me:

Transferor(s)

ACCEPTED

SIGNED in my presence by
who is/ate personally
known to me:

Transferee(s)

Sch. 1

Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 7 – DECLARATION OF TRANSFER.

Act, Sec. 32. Form R.7.Reg., Sec. 14.

I, ... make this declaration in respect of the ownership of ... Registry No: ... Port of sub-registry

1. *I am a person authorized under the Common Seal of ... (hereinafter called the "corporation") to make declarations on behalf of the corporation.

2. *I am a citizen of Papua New Guinea (or)

*The corporation is—

- (a) established under, and is subject to, the laws of Papua New Guinea; and
- (b) has its principal place of business in Papua New Guinea,

and is a corporation that is—

* (c) registered by the Investment Promotion Authority to carry on business as a ship owner in Papua New Guinea; (or)

* a national enterprise as defined in Section 3 of the *Investment Promotion Act 1992*.

3. The corporation is entitled to be registered—

* (a) as owner of ... share(s) in the above described ship; (and/or)

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

Name(s) of joint owner(s):

Address(es) of joint owner(s):

No. of share(s):

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, ... 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 by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained to be true and correct in every particular.

Declared at ..., 20...

(Signature of Declarant.)

Before me:

* Strike out whichever is inapplicable.

Sch. 1

Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 8 – DECLARATION OF TRANSMISSION.

Act, Sec. 34. Form R.8.Reg., Sec. 15

I, . . . make this declaration in respect of the ownership of, . . . Register No: . . . Port of sub-registry

I declare that:

1. *I am a person authorized under the Common Seal of . . . (hereinafter called the "corporation") to make declarations on behalf of the corporation.

2. *I am a citizen of Papua New Guinea (or)

*The corporation is—

- (a) established under, and is subject to, the laws of Papua New Guinea; and
- (b) has its principal place of business in Papua New Guinea,

and is a corporation that is—

* (c) registered by the Investment Promotion Authority to carry on business as a ship owner in Papua New Guinea; (or)

* (d) a national enterprise as defined in Section 3 of the *Investment Promotion Act 1992*.

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

* (a) as owner of . . . share(s) in the above described ship; (and/or)*

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

Name(s) of joint owner(s):

Address(es) of joint owner(s):

Number of share(s):

4. The circumstances of the transmission are:

5. I annex 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 by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained to be true and correct in every particular.

Declared at . . . , . . . , 20...

(Signature of Declarant.)

Before me:

* Strike out whichever is inapplicable.

Sch. 1

Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 9 – MORTGAGE.

Act, Sec. 39. Form R.9.Reg., Sec. 16.

I/We . . . being the registered owner(s) of . . . ship(s) in . . . Registry No . . . Port of sub-registry . . . in consideration of . . . (K . . .) lent to me/us by . . . the receipt of which is hereby acknowledged, do for the purpose of securing the payment in the names mentioned below of the principal sum and interest on it, hereby mortgage to . . . all my/our estate or interest in . . . ship(s) in the ship and for the above consideration I/we . . . do hereby covenant with . . . as follows:

IN WITNESS WHEREOF I/we have hereunto subscribed my/our name(s) at . . . , . . . , 20...

SIGNED in my presence by
who is/are personally
known to me:

Mortgagor.

ACCEPTED

SIGNED in my presence by
who is/are personally
known to me:

Mortgagee.

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Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 10 – DISCHARGE OF MORTGAGE.

Act, Sec. 40. Form R.10.Reg., Sec. 17.

Registered No. of mortgage:

Date of mortgage:

Name, Registry No. and Port of sub-registry 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) at . . . , . . . ,
20...

SIGNED in my presence by
who is/are personally
known to me:

Mortgagee.

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Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 11 – TRANSFER OF MORTGAGE.

Act, Sec. 43. Form R.11.Reg., Sec. 18.

Registered No. of mortgage:

Date of mortgage:

Name, Registry No. and Port of sub-registry of ship:

I/We . . . in consideration of . . . (K . . .) paid to me/us by . . . the receipt of which I/we hereby acknowledge, do hereby transfer to . . . the whole of my/out interest in mortgage registered No.:

IN WITNESS WHEREOF I/We have hereunto subscribed my/out name(s) at . . . , . . . , 20..

SIGNED in my presence by
who is/are personally
known to me:

Transferor.

ACCEPTED

SIGNED in my presence by
who is/are personally
known to me:

Transferee.

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 12 – DECLARATION OF TRANSMISSION OF MORTGAGE.

Act, Sec. 44. Form R.12.Reg., Sec. 19.

I/We ... make this declaration in respect of the interest of ... in mortgage registered No ... over the security of ... share(s) in ... Registry No ... Port of sub-registry

I declare that:

1. I am a person authorized 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 ... is transmitted to me/us/the corporation* are as follows:
3. 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 by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained to be true and correct in every particular.

Declared at ..., ..., 20...

(Signature of Declarant.)

Before me:

* Strike out whichever is inapplicable

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Merchant Shipping (Registration) Regulation 9999

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 13 – APPLICATION TO CHANGE NAME OF SHIP.

Reg., Sec. 20(2).

Form R.13.

To: The Registrar of Ships.

1. I/We ... am/are owner(s) of ... share(s) in ...
2. I/We 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 is:—

Dated ... 20...

(Signature of Applicant(s).)

PAPUA NEW GUINEA.

Merchant Shipping Act 1975.

Form 14 – APPLICATION TO CHANGE PORT OF SUB-REGISTRY OF SHIP.

Act, Sec. 280.

Form R.14.Reg., Sec. 23(2).

To: The Registrar of Ships.

1. I/We . . . am/are owner(s) of . . . ship(s) in . . . Registry No. . . . Port of Sub-Registry

2. I/We apply to change the port of sub-registry of the above described ship to . . .

Dated . . . 20...

(Signature of Applicant(s).)

Merchant Shipping (Registration) Regulation 1975