

Ship Registration Act 1992

REGISTRATION OF COMMERCIAL SHIPS IN PART A OF THE NEW ZEALAND REGISTER OF SHIPS (MS235)

If you own or are intending to purchase a ship in New Zealand or overseas you will need to consider registering it pursuant to the Ship Registration Act 1992. This document contains information about the registration of commercial ships in Part A of the New Zealand Register of Ships.

The law requires that New Zealand-owned commercial ships exceeding 24 metres in length must be registered in Part A of the New Zealand Register of Ships. The only exceptions to this are ships engaged on inland waters of New Zealand and barges that do not proceed on voyages beyond coastal waters.

While Part A registration is aimed principally at larger commercial ships, New Zealand-owned commercial ships 24 metres in length or less may also be registering in Part A of the Register if their owners wish to apply for this type of registration.

The law also permits foreign owned ships that are on demise charter to a New Zealand-based operator to be registered in Part A of the Register.

Any ship (whatever its size) that becomes New Zealand-owned while at a foreign port must be registered as a New Zealand ship before it can sail from that port to a New Zealand port or to any other overseas port. It may not sail under the flag of the previous owner if it is a New Zealand-owned ship.

Ships which are normally used or are intended to be normally used as commercial ships cannot be registered as pleasure vessels even if they undertake a voyage for pleasure. A pleasure vessel is a vessel used exclusively for the owner's pleasure or as the owner's residence. It does not include a ship that is used on any voyage for pleasure if it is normally operated as a commercial ship.

Part A registration provides nationality which New Zealand-owned ships must have in order to proceed on overseas voyages. It also provides evidence of title (proof of ownership) and the facility to register mortgages, if needed. Part A registration lasts as long as the ship is New Zealand-owned.

How long does it take to complete a Part A registration?

The Part A registration procedure takes approximately 25 working days to complete.

If a ship becomes New Zealand-owned at a foreign port and there is a need to sail promptly, it is sometimes possible to achieve closure of the foreign registration and registration in New Zealand on the same day. However, this does depend on time differences and the particular circumstances of the case. It also requires the applicant for registration to ensure that all the background documentation has been lodged with the Registrar before settlement of the purchase takes place. Provided this has been done, it should be possible to complete the registration promptly when the final documents are received on settlement.

To register in Part A of the Register, the documents listed below must be lodged with the Registrar of Ships.

If a ship is registered overseas, any documents not produced in English must be accompanied by an English translation from a recognised translation service.

1. Application of Registration (SR2)

The applicant for registration must complete the Application for Registration referring to the Notes for Applicants for guidance and the additional information on Part A registration.

If the applicant for registration is a company, the Application for Registration must be executed using one of the methods of execution by a company set out in form SR30.

The application form allows space for three names to be listed for approval in order of preference. To check the availability of a name before the Application for Registration is lodged, an applicant for registration may call the Registrar toll free on 0508 22 55 22.

2. Registration fee

Registration fees are as follows:

- \$2,450 for a new build ship over 24 metres in length;
- \$1,715 for a new build ship 24 metres or less;
- \$2,940 for an existing ship over 24 metres in length;
- \$2,205 for an existing ship 24 metres or less;
- \$3,430 for a demise charter ship;
- \$490 for provisional registration.

You will be invoiced once we have processed your application. A reference number and instructions explaining how to pay will be sent with the invoice.

3. Certified transcript from the overseas registry (if applicable)

If a ship is or has been previously registered overseas, the applicant for registration must supply a certified transcript of the overseas Registry showing full particulars of the current or last registered owner, descriptive particulars, dimensions etc of the ship.

A photocopy of the ship's Certificate of Registry is not the same as a certified transcript of the Registry. The transcript must show the registered particulars of the ship as at the date the transcript is issued and be signed and dated by the overseas Registry.

The applicant for registration is advised to obtain the certified transcript as early as possible as it is required in order to commence the chain of title for New Zealand registration purposes.

4. Evidence of closure of the overseas registry (if applicable)

The applicant for registration must supply documentary evidence that any overseas registration has been closed free from encumbrances. This is required because it is not possible to register a ship in New Zealand if it is still registered under the laws of a foreign country.

The evidence of closure can be in the form of a Deletion Certificate or certified transcript of the closed Registry.

It should be noted that closure of the overseas registration may not be possible until settlement of the purchase has taken place and the ship is New Zealand-owned.

5. Certified copy of a Builder's Certificate from the overseas registry or Builder's Certificate (SR23)

If a ship has been previously registered overseas, the applicant for registration must supply a certified copy of the Builder's Certificate obtained from the overseas Registry. The applicant for registration is advised to request this document at the same time as the certified transcript of the overseas Registry.

If a ship has not been previously registered overseas, the builder must complete the prescribed form of Builder's Certificate (form SR23) showing for whom the ship was built. If the ship was built in stages by different builders (eg hull and decks by one builder and fitting out by another) each builder must complete a Builder's Certificate for their part of the construction. If the builder is a New Zealand incorporated company, the Builder's Certificate must be executed using one of the methods of execution by a company set out in form SR30.

6. Evidence of ownership changes or Bill of Sale (if applicable)

If a ship was not built for the applicant for registration, documentary evidence of all ownership changes must be supplied in order to show that there is a complete chain of title to the ship.

If a ship is or has been previously registered overseas, a copy of the Bill of Sale transferring ownership from the last registered owner shown in the certified transcript of the overseas Registry (if applicable) to the applicant for registration must be supplied. If the applicant for registration is not purchasing the ship from the last registered owner overseas, documentary evidence of all ownership changes from the last registered owner through to the applicant for registration must be supplied. Such evidence can be in the form of copies

of bills of sale, sale and purchase agreements with receipts for monies paid, or written statements from previous owners as to their ownership.

If a ship has not been previously registered overseas, documentary evidence (as detailed above) of all ownership changes from the builder through to the applicant for registration must be supplied.

7. Declaration for Absence of Certain documents (SR27) (if applicable)

If an applicant for registration cannot provide a Builder's Certificate in form SR23 or a copy of the Builder's Certificate from the overseas Registry or full evidence of all ownership changes, a Declaration for Absence of Certain Documents must be completed.

The Declaration must contain sufficient information to satisfy the Registrar that efforts have been made to obtain the required documents and the reasons why they cannot be produced. All documents evidencing the efforts made to obtain the relevant documents should be attached to the Declaration.

If the applicant for registration is a company, the Appointment of Authorised Officer on the reverse of the Declaration must be completed and executed by the company using one of the methods of execution set out in form SR30. This must be done before the Declaration can be made because the purpose of the Appointment is to appoint an officer of the company to make the Declaration.

8. Declaration of Ownership and Nationality (SR4)

The applicant for registration must complete the Declaration of Ownership and Nationality to confirm that the ship is New Zealand-owned. This cannot be done until settlement of the purchase has taken place and the ship is New Zealand-owned.

The applicant for registration is advised to read the notes on the reverse of the form before completing the Declaration and note that all the boxes must be completed. Names and addresses must be given in full; postal box numbers are not acceptable for registration purposes. In the case of a company, its full registered office address must be stated. Paragraph A or paragraph B must be completed, as appropriate, and the date of purchase must accord with the date of the document transferring ownership to the applicant for registration.

If the applicant for registration is an incorporated company, the Appointment of Authorised Officer attached to the Declaration must be completed and executed by the company using one of the methods of execution set out in form SR30. This must be done before the Declaration can be made because the purposes of the Appointment is to appoint an officer of the company to make the Declaration. The Appointment of Authorised Officer can be completed before settlement of the purchase takes place but the authorised officer cannot make the Declaration until the ship is New Zealand-owned.

If a ship was built for the applicant for registration, the wording in paragraph A or paragraph B of the Declaration may be altered to show that the ship was built for the applicant for registration rather than purchased from a third party.

If the ship is a demise charter ship and is not therefore New Zealand-owned, the words "and the ship will be a New Zealand-owned ship in accordance with the Ship Registration Act 1992" must be deleted from paragraph A or paragraph B of the Declaration, as appropriate. The words "A New Zealand national is entitled to exercise the rights and powers of the charterer under a charterparty dated....." must be added instead.

The Declaration must be signed in the presence of a person authorised to take a statutory declaration within the meaning of the Oaths and Declarations Act 1957. Within New Zealand, this may be a solicitor or a justice of the peace. If the Declaration is made overseas, it may be signed in the presence of a notary public.

9. Declaration by Charterer (SR5) and copy of the Charterparty (if applicable)

For foreign owned ships on demise charter to a New Zealand-based operator, the New Zealand charterer must complete the Declaration by Charterer.

If the charterer is a company, the Appointment of Authorised Officer attached to the Declaration must be completed in the same way as indicated for the Declaration of Ownership and Nationality.

The charterer must complete all boxes in the top section of the Declaration referring to the notes on the reverse of the form for guidance. The extent of the charterer's interest can be stated by reference to the copy of the charterparty.

A full and complete photocopy of the charterparty must be attached to the Declaration by Charterer.

10. Measurement of ships exceeding 24 metres register length

If a ship is over 24 metres in length an International Tonnage Certificate issued under the International Convention on Tonnage Measurement of Ships 1969 and a Surveyor's Tonnage Certificate are required for registration purposes.

If a ship has an **International Tonnage Certificate** issued by an overseas authority, a complete copy of the document must be supplied with written confirmation from the applicant for registration that the ship has not been altered since the Certificate was issued. A new International Tonnage Certificate will have to be issued with the ship's New Zealand details (name, official number, port of registry). This can be done either by the Director of Maritime NZ or by a recognised classification society.

If a ship does not have an International Tonnage Certificate or has been altered, re-measurement by a recognised organisation will be required. Only certain organisations are recognised by the Director of Maritime NZ to undertake the computation of tonnages for ships over 24 metres in length. For information on these please refer to the Advisory Circular accompanying Part 48 of the Maritime Rules (Tonnage Measurement).

A **Surveyor's Tonnage Certificate** will also be required showing the descriptive particulars of the ship, register dimensions (which are not the same as main dimensions shown in an International Tonnage Certificate), tonnages and engine details. This must be completed by a recognised classification society or other organisation recognised by the Director of Maritime NZ for this purpose in accordance with the Advisory Circular accompanying Part 48 of the Maritime Rules (Tonnage Measurement).

The surveyor's fee is not included in the registration fee and will be a matter between the applicant for registration and the surveyor.

11. Measurement of ships 24 metres register length or less

Ships 24 metres in length or less are not required to have their tonnages computed.

A **Surveyor's Certificate** is required for registration purposes and this provides the register dimensions of the ship, its descriptive particulars and engine details.

The Surveyor's Certificate must be completed by a surveyor recognised by the Director of Maritime NZ for this purpose in accordance with the Advisory Circular accompanying Part 48 of the Maritime Rules (Tonnage Measurement). The Registrar can provide a list of the recognised organisations an applicant for registration may contact.

When a vessel is overseas, the surveyor must be formally appointed by the Director of Maritime NZ to undertake the measurement and must usually be an approved surveyor belonging to one of the recognised classification societies. A local registered surveyor may, however, be appointed to undertake the measurement provided such person is associated with (but not necessarily a member of) a recognised classification society.

The surveyor's fee is not included in the registration fee and will be a separate matter between the applicant for registration and the surveyor.

12. Marking of the ship

When the Registrar has received the appropriate tonnage certificates or surveyor's certificate, the ship will be allocated a New Zealand official number and the applicant for registration will be advised of the details to be marked on the ship.

The ship must be marked using the approved methods of marking for commercial ships.

A recognised surveyor must inspect the marking once it has been completed and sign a Carving and Marking Note to confirm that the ship is marked in accordance with the requirements of the Ship Registration

Act 1992. If the inspection of the marking is to take place overseas, a surveyor must be formally appointed by the Director of Maritime NZ for this purpose.

The applicant for registration must supply the contact details for the surveyor who is to inspect the marking.

When the Registrar has received all the required documents, the ship will be registered. The ship's Certificate of Registry will then be issued and forwarded to the owner with the International Tonnage Certificate (if applicable),

The Certificate of Registry must be carried on board the ship while voyaging as evidence of the ship's New Zealand nationality. If the ship is to sail from an overseas port the Certificate must be placed on board the ship before departure.

Provisional registration

Provisional registration is possible if a ship needs to sail promptly from a foreign port but the applicant for registration is unable to provide the required tonnage certificates and attend to the ship's marking before the ship is scheduled to sail.

A Provisional Certificate of Registration is valid for three months from the date of issue or until the ship arrives at a New Zealand port, whichever is the earlier. During the period of a provisional registration the ship has the same status as if it was fully registered as a New Zealand ship. When the ship arrives at a New Zealand port, the Provisional Certificate of Registry ceases to be valid and the full registration must be completed promptly.

For provisional registration, the applicant for registration must lodge:

- an Application for Provisional Certificate of Registry (SR9);
- the Part A registration documents and fee detailed above **except** the tonnage certificate and the carving and marking note; and
- the fee of \$490 which is in addition to the Part A registration fee.

Application for provisional registration cannot be made until the ship is New Zealand-owned.

Safety and manning requirements for ships purchased overseas sailing to New Zealand

In addition to being registered, commercial ships which are overseas and are to be sailed to New Zealand must comply with New Zealand safety and manning requirements for the voyage. Certain documents may need to be issued by the Director of Maritime NZ to enable the ship to undertake the voyage.

To obtain further details on these requirements, please contact operators@maritimenz.govt.nz.

Your contact on ship registration matters

The Registrar of Ships
Maritime New Zealand
PO Box 25620
WELLINGTON 6140

Telephone: Toll free (within New Zealand) 0508 22 55 22
+64 (0)4 473 0111 (Maritime NZ switchboard)

Facsimile +64 (0)4 494 1263

Email: ship.registration@maritimenz.govt.nz

Website www.maritimenz.govt.nz

Street Address: Level 11, 1 Grey Street, Wellington 6011, New Zealand