

THE MERCHANT SHIPPING (REGISTRATION OF INDIAN SHIPS) RULES, 1960

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THE MERCHANT SHIPPING (REGISTRATION OF INDIAN SHIPS) RULES, 1960

¹1. Published in the Gazette of India, 1960, Pt. II, Sec. 3 (i), p. 1975. In exercise of the powers conferred by Cls. (c), (d), (e), (f), (g), (h), (i), (j), (k), (1) and (m) of sub-section (2) of Sec. 74 read with Sec. 458 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely

1. Short title, commencement and application :-

(1) These rules may be called the Merchant Shipping (Registration of Indian Ships) Rules, 1960.

(2) They shall come into force on the 1st January, 1961.

¹ [(3) They shall apply to every sea going Indian Ship exceeding 15 tons net which is fitted with mechanical machine propulsion" ;]

1. Ins. by G.S.R. 155, dated 20th February, 1997.

2. Definitions :-

In these rules, unless the context otherwise requires

(a) "Act" means the Merchant Shipping Act, 1958;

(b) "central register" means the register book maintained by the Director- General ;

(c) "first registry" means the registry of a ship coming on the register book for the first time;

(d) "Government ship" means a ship belonging to the Central Government or a State Government other than a ship of the Indian Navy;

(e) "port of discharge" means the first port in India at which a ship discharges any part of her cargo;

(f) "register book" means the register book kept under Sec. 25 of the Act;

(g) "registrar" means in relation to the port of Bombay, Calcutta and Madras, the Principal Officer of the Mercantile Marine

Department of Bombay, Calcutta or Madras, as the case may be, and in relation to any other port, the authority appointed by the Central Government under Sec.24 of the Act;

(h) "Re-registry" means the registry of a ship which had previously been on the Indian Register, but the registry of which was closed by reason of wreck, abandonment, constructive loss, sale to foreigners or for any other reason.

3. Documents to accompany application for Registry :-

Every application for the registry of a ship under Sec. 26 of the Act shall be accompanied by the following documents, namely:

(a) the declaration of ownership;

(b) the builder's certificate, that is to say a certificate signed by the builder of the ship and containing a true account of the proper denomination

(c) if the ship has been purchased the instrument of sale under which the property in the ship was transferred to the applicant.

¹ [(d) Permission of the Director General of Shipping to register a ship if a ship is built in a shipyard other than Indian Shipyard."]
and where a declaration of ownership is made at a place other than the port of registry the place of attestation shall be stated in the declaration.

1. Subs, by G.S.R. 155, dated 20th February, 1997.

4. . :-

5. Survey and Measurement :-

After the registrar has satisfied himself, as to the evidence of ownership, he shall cause the ship to be surveyed by a surveyor and her tonnage ascertained in accordance with the Merchant Shipping (Tonnage Measurement of Ships) Rules, 1960. Thereafter, the surveyor shall grant a certificate of survey in respect of the ship.

5. Survey and Measurement :-

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the surveyor shall grant a certificate of survey in respect of the ship.

7. Name of a ship :-

The owner or his agent shall give to the registrar at the intended port of registry notice of the name proposed for the ship at least fourteen days before the date on which he desires to effect the registry. On receipt of the notice, the registrar shall send it forthwith to the Director-General and shall not register the ship under that name unless it is approved by the Director-General.

8. Official Number :-

The registrar, on receipt of an application for registry shall apply to the Director-General for allotment of an official number.

9. Carving and Marking Note :-

Where in respect of a ship an official number has been allotted and the name approved by the Director-General and the certificate of survey granted by the surveyor, the registrar shall issue to the owners a Carving and Marking Note which shall be returned to the registrar after the carving and marking have been duly carried out and certified by a surveyor.

10. Marking on ships :-

1 Every ship shall, before registry, be marked permanently and conspicuously to the satisfaction of the registrar as follows:

(a) her name shall be marked on each of her bows, and her name and the name of her intended port of registry shall be marked on her stern on a dark background in white or yellow letters or on a light background in black letters, which shall be not less than one decimetre in height and 1.3 centimetres in breadth;

(b) her official number and the number denoting her registered tonnage shall be cut in on her main beam ;

(c) her scale of draught marks shall be cut or welded in metres and decimetres forward and aft on both sides of the ship. In the case of modern type of ships having a raked soft stem and cruiser stern the marks shall be cut in or welded as close and aft of the stem as possible following the contour of the stem. The marks aft or at the stern shall be cut a short distance forward of the after perpendicular.]

1. Subs, by G.S.R. 227, dated 1st February, 1966.

11. Issue of Certificate of Registry :-

On completion of the preliminaries to registry, the registrar shall enter the particulars of the ship in the register book and issue to the owners a certificate of registry.

12. Acquisition of ships abroad :-

If any ship is built or acquired out of India and becomes the property of persons qualified to own an Indian ship, the owner or master of the ship shall apply to the Indian Consular Officer at the nearest port for the issue of a provisional certificate of Indian registry and such officer may, on production of satisfactory proof of ownership, grant the same to the owner or master.

13. Temporary Pass for unregistered ships :-

(1) Where the owner of a ship has applied to the registrar of a port for her registration but there is delay in the issue of the certificate of registry or where the owner of a ship wants to proceed from a port in India where the ship has been built to the intended port of registry, 1[or, in other special circumstances, the owner may apply to the Registrar of the port for the grant of a pass for proceeding to another port in India].

(2) The registrar to whom an application is made under sub-rule (1) shall report the particulars of the case to the Director-General for authorising him to issue such a pass.

¹ [(3) The pass shall be granted on Registry Form No. 17 or Registry Form No. 18, as the case may be, and bear the following endorsement at the back, namely: "This is to certify that the Director-General has, in pursuance of Sec. 41 of the Merchant Shipping Act, 1958 (44 of 1958), granted permission for the ship herein described to pass as an Indian registered ship fromto....." "This pass shall expire on theday of.....19....., or on the arrival of the ship at the port of....., whichever is earlier. ".....whose Certificate of Competency/Service is No.is the master of the said ship."]

1. Subs, by G.S.R. 227, dated 1st February, 1966.

14. Change of name of ship :-

(1) A change in the name of a ship already on the Indian register shall not be recorded in the register book unless the proposed

change has been advertised in two principal newspapers circulating in the locality where the ship's port of registry is situated and no objection has been lodged with the registrar.

(2) Copies of newspapers in which the advertisement has been published shall be sent to the registrar concerned to whom the certificate of registry together with the prescribed fee shall be presented for recording the change of name.

15. Registry of alterations :-

(1) Every application for registry of alterations to a ship shall be made to the registrar within one month of the alterations.

(2) If the alterations consist of a change in the dimensions of the engine room or other closed-in spaces, or an addition to or removal of a poop or deck house, an increase or decrease in the crew space or an alteration from motor screw to steam or vice-versa, the registrar shall record the alterations in the register book and also in the certificate of registry of the ship.

(3) Where the alterations are material, that is to say, alterations in the hull affecting the principal dimensions of a ship or alterations in the means of propulsion, the registrar shall proceed to register the ship anew and thereupon the rules applicable for the first registry shall apply.

16. Registry anew at ships port :-

(1) Where an application is made to the registrar of a ship's port of registry for registry of alterations and the alterations are such that the ship should be registered anew, the registrar shall call for the certificate of registry and also the declaration of ownership from the owner.

(2) Where a ship is registered anew, the original certificate of registry shall be cancelled, the existing entries in the register in respect of the ship shall be closed and new entries made bringing forward the outstanding encumbrances on the ship.

(3) The original official number allotted to the ship shall be retained.

17. Registry anew at other ports :-

(1) Where any such application as is referred to in sub-rule (1) of rule 16 is made to the registrar at a port other than a ship's port of

registry, the registrar shall provisionally endorse the particulars of the alteration on the ship's existing certificate of registry or grant a provisional certificate of registry. Such certificate shall be given on Registry Form No. 1 with the word 'PROVISIONAL' written before the heading.

(2) The registrar at the ship's port of registry shall be advised of the action taken in accordance with sub-rule (1) and the certificate of survey, the carving and marking note, duly certified and, if the ship has been granted a provisional certificate of registry, the certificate of registry, shall be forwarded to him.]

(3) On receipt of the documents referred to in sub-rule (2), and the declaration of ownership from the owner, the registrar of the ship's port of registry shall issue a new certificate of registry in respect of the ship.

(4) Before the issue of the new certificate, the owner shall surrender the provisional certificate of registry 1[if any].

18. Transfer of Port of Registry :-

(1) If all persons interested in a ship as owners or mortgagees desire that the registry of a ship shall be transferred from one port to another port, they shall apply to the registrar of her port of registry who shall refer the application to the Director-General for approval,

(2) On receipt of the Director-General's approval, the registrar concerned, shall forward to the registrar of the intended port of registry an accurate transcript of the particulars of the ship and also the names of the parties appearing in the registrar book to be interested as owners or mortgagees.

(3) The registrar of the intended port of registry shall enter the particulars furnished to him in his register book.

(4) A new certificate of registry shall not be issued until the carving and marking note showing the new port of registry is returned to the registrar of the intended port of registry duly certified by a surveyor and the old certified of registry has been surrendered.

(5) The fee for the transfer may be paid either at the old or the new port of registry.

19. Closing of Registry :-

(1) Where the registry of a ship is transferred under rule 18, the registrar of the original port of registry shall close the registry.

(2) When a notice under Sec. 39 of the Act is received by a registrar of the ship's port of registry he shall close the relevant entry in the register book and cancel the certificate of registry, if the certificate has been received by him. In all such cases, the reasons for closing the entry shall be recorded. Provided that the registry shall not be closed so long as there are undischarged mortgages on the register.

(3) The cancelled certificate of registry, if any, shall be forwarded to the Director- General together with a report.

(4) When the mortgage referred to in the proviso to sub-rule (2) is discharged, the Registrar shall record the discharge in the usual manner and thereafter finally close the registry and report the fact of closure to the Director-General.

20. Transfer of ships, shares, etc :-

(1) When the owner of a ship desires to transfer the ship or a share therein, he shall apply to the Registrar of the ship's port of registry for permission to do so with full particulars of the intended transferee.

(2) The Registrar shall, after making such inquiry as he may consider necessary, forward the application, with his recommendation, to the Director-General for approval.

21. Instrument of sale :-

(1) A transfer of a registered ship or any share therein shall be effected by an instrument of sale in the appropriate form specified in Schedule I. Where a consideration other than a money consideration is stated in the instrument of sale and the registrar is in doubt whether it constitutes good consideration or not, he shall refer the matter to the Director-General for orders.

(2) In the case of joint ownership, all the joint owners shall join in the execution of the instrument of sale.

22. Recording of sale transaction :-

(1) On production of the instrument of sale accompanied by a declaration of ownership by the transferee together with the prescribed fee, the registrar of the ship's port of registry shall make

the necessary entries in the register book and endorse on the instrument the date and hour of the entry. An endorsement regarding the change of ownership shall also be made as soon as possible on the ship's certificate of registry.

23. Transmission of property or interest in an Indian ship :-

The fee for recording a transmission of property in an Indian ship under Sec. 44 of the Act, or of the interest of a mortgagee in a ship or share under Sec. 54 of the Act shall be as specified in Schedule II.

24. Sale of ship by order of Court :-

An application for the sale of a ship under sub-section (2) of Sec. 45 of the Act shall be made to the High Court within 60 days from the date of receipt of the report referred to in that sub-section.

25. Mortgage of ship or share therein :-

(1) Every instrument of mortgage of a registered ship shall be in one of the appropriate forms specified in Schedule I.

(2) On presentation of the mortgage instrument to the registrar of the ship's port of registry together with the prescribed fee, the registrar shall, if he is satisfied that the instrument is properly executed and that it does not contain notice of any trust, express, implied or constructive, proceed to record the transaction in the register book with the date and hour of acceptance ; he shall also endorse on the mortgage instrument the fact of recording and the date and hour of acceptance.

26. Priority of Mortgages :-

When several mortgages on the same ship are recorded in the register book, their respective priorities shall be indicated in the appropriate column by capital letters, A, B, C, in alphabetical order.

27. Discharge of Mortgage :-

(1) When the mortgage debt is fully discharged, the registrar shall after satisfying himself that the receipt endorsed on the mortgage instrument is in order and that it is properly witnessed, make the entry relating to the discharge in the register book.

(2) No payment of an instalment of a mortgage debt shall be recorded by the registrar in the register book.

28. Registration of Mortgages executed and discharged by

companies :-

Where a mortgage of a ship is executed or discharged by a company, the registrar shall not register the mortgage or enter the discharge unless it has also been registered with the Registrar of Companies under Sec. 134 of the Companies Act, 1956 or, as the case may be, a memorandum of satisfaction has been entered in the register of charges under Sec. 138 of that Act.

29. Registration of Government ships :-

A government ship may be registered in the same manner as other ships subject to the following modifications, namely:

(a) the application for registry shall be made by the Secretary of the Ministry or the Head of the Department to whom the management of the ship is entrusted or by any other officer nominated in this behalf by the Central Government or the State Government, as the case may be, and shall contain the following particulars : (i) the name and description of the ship; (ii) a statement of the time and the place where the ship was built, or, if the time and the place are not known, a statement to that effect and of her foreign name, if any; (iii) a statement of the nature of the title to the said ship; and (iv) the name of the master;

(b) no declaration of ownership shall be necessary;

(c) the registrar, on receiving such application and on compliance with the necessary formalities, shall enter the ship in the register book as belonging to the Government of India or the State Government, as the case may be;

(d) the transfer of a registered government ship shall be made by an instrument of sale in the appropriate registry form omitting the covenant contained therein and shall be signed on behalf of the transferor by a person authorised by the Central Government or the State Government.

30. Registry of abandoned ships :-

(1) An application for the re-registration of an abandoned or wrecked ship under Sec. 62 of the Act shall specify whether the owner desires to retain the ship's previous name or to have a change.

(2) On completion of the preliminaries as for first registry, the registrar shall re-register the ship and make the following entry in

the register book in the space allotted for "number date and port of previous registry (if any)": "Certificate of seaworthiness, dated at.....day of19.....has been given as required under Sec. 62 of the Merchant Shipping Act, 1958",

(3) If the previous registry is at a different port, the registrar shall call for the particulars of the ship from the registrar of that port. All outstanding mortgages or other encumbrances in the previous registry shall be brought forward in the new registry and shall be reported by the registrar at the previous port of registry.

(4) The particulars of the new registry shall be forwarded to the Director-General by the registrar of the port.

31. Signal Letters :-

(1) If the owner of any ship registered in India wishes to obtain signal letters to enable her to be known at sea, he shall make an application to the registrar of the ship's port of registry.

(2) The registrar shall apply for an allotment of signal letters to the Director- General who shall control the series.

(3) The signal letters shall be noted in the register book and endorsed on the certificate of registry by the registrar or by any other officer authorised to do so.

(4) As soon as an allotment of signal letters is made, the Director-General shall send a report to the Adviser, Wireless Planning and Co-ordination, Ministry of Transport and Communications, New Delhi.

32. Change of name of a company :-

Where a company in whose name a ship has been registered under these rules has changed its name subsequent to registration, the registrar shall, on production of the certificate of incorporation relating to the new name make a note of the change of name in the register book in respect of each ship owned by the company. ¹

[***]

1. Omitted, by G.S.R. 227, dated 1st February, 1966.

33. Change of Master :-

When the master having command of a registered ship is changed, the owner shall give notice of the change to the registrar at the

port of registry or any other officer authorised by the Central Government in this behalf and produce to him the certificate of registry for endorsing the change. The endorsement shall specify the name of the new master, the date when the change was made and the number of the certificate of competency or service of the new master.

34. Grant of new certificate of registry :-

(1) An application for a new certificate of registry under sub-section (1) or (2) of Sec. 36 of the Act shall be made to the registrar at the ship's port of registry.

(2) Every duplicate certificate granted under Sec. 36 shall be clearly marked "Duplicate" in red ink.

(3) Where a duplicate certificate has been granted on the ground that the original has been mislaid or lost and such original is subsequently found or received by the owner he shall forthwith surrender the original certificate to the registrar who shall cancel the same.

35. of certified copies of extracts from register book :-

Granting

(1) A certified copy of an entry appearing in the register book may be granted on application.

(2) The fees for inspecting the register book and for obtaining certified copies of entries therein or other documents relating to the registry of ships shall be as specified in Schedule II to these rules.

36. Central Register :-

(1) The Director-General shall maintain a central register which shall contain all the entries recorded in the register books kept by the registrars at the ports of registry in India.

(2) On completion of the registry of a ship, the registrar shall immediately transmit to the Director-General a copy of the entry in the register book.

(3) The particulars of every other transaction [entry or change] subsequently recorded in the register book shall also be reported forth with on the appropriate form to the Director-General.

Returns and Reports. Central Register :-

38. Forms :-

Every application, certificate, advertisement, declaration, return, report or any other documents referred to in these rules shall, if a form therefor has been prescribed in Schedule I to these rules, be in the appropriate form.

39. Fees :-

Fees shall be levied under these rules at the rates and for the purposes specified in Schedule II to these rules.

40. Penalties :-

Whoever commits a breach of any of the provision of these rules, shall be punishable with fine which may extend to one thousand rupees and if the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

SCHEDULE 1

SCHEDULE I

SCHEDULE 2

SCHEDULE I

SCHEDULE II	
(See rule 39)	
	Rs.
On Initial Registry Ships not exceeding 50 tons gross	15.00
Ships exceeding 50 tons gross but not exceeding 100 tons gross	20.00
Ships exceeding 100 tons gross but not exceeding 200 tons gross	30.00
For every 100 tons gross or part of 100 tons gross in excess of 200 tons gross	7.00
For Supply of Duplicate copy of Certificate of Registry	15.00
Provisional Certificate of Registry	
For registry of mortgage, transfer of ship /share or mortgage, trans registry anew, transfer of registry, re-registry, registry of alterations :	
According to the gross tonnage represented by the ship or share transferred, etc., (e.g., transfer of 1 / 10 share in a ship of 1000 tons gross is rec the transfer of 100 tons gross)	
mission,; of ship koned as	
Not exceeding 10 tons gross	2.00
Exceeding 10 tons gross but not exceeding 20 tons gross	4.00
Exceeding 20 tons gross but not exceeding 30 tons gross	5.00
Exceeding 30 tons gross but not exceeding 40 tons gross	7.00
Exceeding 40 tons gross but not exceeding 50 tons gross	10.00
Exceeding 50 tons gross but not exceeding 75 tons gross	12.00
Exceeding 75 tons gross but not exceeding 100 tons gross	14.00

Exceeding 100 tons gross but not exceeding 125 tons gross	16.00
For every 50 tons gross or part of 50 tons gross in excess of 125 tons gross but not in excess of 500 tons gross	2.00
For every 100 tons gross or part of 100 tons gross in excess of 500 tons gross	2.00
For Change of Name of a Ship : For a ship	
Not Exceeding 600 tons gross	80.00
Exceeding 600 tons gross but not exceeding 1600 tons gross	120.00
Exceeding 1600 tons gross but not exceeding 3000 tons gross	170.00
Exceeding 3000 tons gross but not exceeding 5000 tons gross	210.00
Exceeding 5000 tons gross but not exceeding 8000 tons gross	250.00
Exceeding 8000 tons gross but not exceeding 10,000 tons gross	290.00
Exceeding 10,000 tons gross but not exceeding 15,000 tons gross	330.00
Exceeding 15,000 tons gross but not exceeding 20,000 tons gross	370.00
Exceeding 20,000 tons gross	400.00
(The above fee covers the inspection of markings, the change of name on the loading certificate, and on the Suez and Panama Canal Certificates, and in the case of ships holding passenger certificates the issue of fresh declarations and passenger certificates showing the new name and any alterations in the ownership and port of registry. The fee also covers the replacement of safety certificates, safety equipment Certificates, safety radio telegraphy certificates or safety radio telephony certificates or exemption certificates by certificates in the new name.) For the survey and certificate of seaworthiness before re-registry of a ship whose registry has been closed on account of wreck, etc.	
Under 500 tons gross	100.00
500 tons gross and under 750 tons gross	140.00
750 tons gross and under 1000 tons gross	170.00
For every additional 500 tons gross	35.00
(This fee covers the inspection of the crew accommodation and the inspection of the lights and sound signal apparatus, but not the measurement of a ship's tonnage. The fee also cover the survey for loadline if the load lines survey is held at the same time as the survey for seaworthiness and if the fee for survey for load line is not more; if it is more, an extra fee to the fee laid down above shall be paid to bring the total fee paid up to the amount of the fee for the appropriate loadline survey.)	
For Inspection of Register Book :	
For each inspection For inspecting Ship's markings irrespective of the number of visits required by the Surveyor for inspection	40.00
For copies of extracts-from or searches for documents For a certified copy of the particulars entered by the Registrar in the Register Book on the registry of a ship, together with a certified statement showing the ownership of the ship at that time	5.00
For a certified copy of any declaration, document, a copy of which is made evidence by the Merchant Shipping Act, 1958	5.00
For a certified copy of, or extracts from a document declared by the Merchant Shipping Act, 1958, to be admissible in evidence, each folio of 90 words or a part thereof.	2.00
Declaration of Ownership	2.00
Instrument of Sale < Instrument of Mortgage Certificate of Registry	2.00 per

(Initial issue) Provisional Certificate of Registry	copy
Change of Master A	7.00
For allotment of Signal Letters	15.00
For grant of Pass to an unregistered Ship	15.00]