**Version**
**as at 28 October 2021**

# Ship Registration Act 1992

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| Commencement | see section 1 |

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.**

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**An Act to provide for the registration of ships in New Zealand and related matters**

## 1 Short Title and commencement

(1) This Act may be cited as the Ship Registration Act 1992.

(2) Section 93 shall come into force 6 months after the commencement of this Act.

(3) Except as provided in subsection (2), this Act shall come into force on the 28th day after the date on which it receives the Royal assent.

## 2 Interpretation

(1) In this Act, unless the context otherwise requires,—

**barge** means any barge, lighter, or like vessel that does not have any means of self-propulsion

**beneficial interests** includes interests arising under contract, and other equitable interests

**certificate of clearance** means a certificate of clearance issued under the Customs and Excise Act 2018

**certificate of registration** means a certificate of registration granted under section 23(2); but does not include a provisional certificate of registration

**certificate of registry** means a certificate of registry granted under section 23(1); but does not include a provisional certificate of registry

**coastal waters** means—

(a) all waters within the exclusive economic zone of New Zealand; and

(b) the territorial sea of New Zealand; and

(c) the internal waters of New Zealand

**Customs officer** has the meaning given to it by section 5(1) of the Customs and Excise Act 2018

**demise charter**, in relation to a ship, means the demise, letting, hire, or delivery of the ship to the charterer, by virtue of which the charterer has whole possession and control of the ship, including the right to appoint its master and crew

**Deputy Registrar** means a Deputy Registrar of Ships appointed under section 62

**Director** means the person who is for the time being the Director of Maritime New Zealand under the Maritime Transport Act 1994

**enemy** means any country, or any armed force, or any authority or government controlling any such force, with which New Zealand, or any force acting in co-operation with any part of the Armed Forces of New Zealand, is at war or is engaged in armed combat operations; and includes—

(a) any member of any such armed force or any member of that authority or government, as the case may be:

(b) any person materially assisting that country, force, authority, or government in its war effort or armed combat operations:

(c) any ally of that country, force, authority, or government:

(d) all pirates:

(e) all armed persons who are engaged in any mutiny, rebellion, or riot against New Zealand or against any Service authority of the Armed Forces of New Zealand or against any ally of New Zealand

**foreign country** means a country other than New Zealand

**foreign port** means a port outside New Zealand

**gross tonnage**, in relation to any ship, means—

(a) the gross tonnage of that ship determined or recognised in accordance with the provisions of the Maritime Transport Act 1994; or

(b) where a ship has been assigned alternative gross tonnages, the higher of those gross tonnages

**marine flag of New Zealand** means the red ensign usually worn by merchant ships registered in the United Kingdom, with the addition on the fly of the Southern Cross as represented by 4 5-pointed white stars

**Minister** means the Minister of Transport

**net tonnage**, in relation to any ship, means—

(a) the net tonnage of that ship determined or recognised in accordance with the provisions of the Maritime Transport Act 1994; or

(b) where a ship has been assigned alternative net tonnages, the higher of those net tonnages

**New Zealand Flag** means the New Zealand Flag as depicted in Schedule 1 of the Flags, Emblems, and Names Protection Act 1981

**New Zealand Government ship** means a ship that belongs to the Sovereign or is held by any person on behalf of or for the benefit of the Sovereign; but does not include a ship that is set aside for or used by the Armed Forces of New Zealand

**New Zealand national** means—

(a) a New Zealand citizen:

(b) a body corporate established by or under the law of New Zealand:

(c) the Executive Government of New Zealand

**New Zealand national colours** means the national colours specified in subsection (1) or subsection (2) of section 58

**New Zealand-owned ship** has the meaning ascribed to that term by section 3

**New Zealand ship** means a ship that is registered under this Act; and includes a ship that is not registered but is required or entitled to be registered

**New Zealand waters** means—

(a) the territorial sea of New Zealand; and

(b) the internal waters of New Zealand; and

(c) all rivers and other inland waters of New Zealand

**office copy**, in relation to any document, means a copy of the document that appears to have been certified by the person who made or issued the document or by a person who appears to have power to make or issue the document

**overall length**, in relation to a ship, means the length of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship

**owner** means,—

(a) in relation to a ship registered under this Act or under the laws of a foreign country, the registered owner:

(b) in relation to any other ship, the person or persons having the right to manage the ship

**pleasure vessel** means a ship that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include—

(a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment; or

(b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo or for hire or reward; or

(c) a ship that is operated or provided by any club, incorporated society, trust, or business under any time share, charter, or similar arrangement

**port of registry**, in relation to a ship, means the port that is for the time being entered in the Register as the port of registry of that ship

**prescribed form** means a form prescribed by the Director under section 84

**proper officer**, in relation to a port in a foreign country, means the person who—

(a) is a person recognised by the Sovereign as a consular officer of that country; or

(b) is by the law of that country authorised or required to do or perform the act or duty to which reference is made in the provisions of this Act in which the expression occurs; or

(c) is by the law of that country authorised or required to do or perform, in relation to any ship registered in or belonging to that country, any act or duty of the same nature as the act or duty to which reference is made in the provisions of this Act in which the expression occurs; or

(d) is appointed or recognised under section 85 as a proper officer for the purposes of this Act

**provisional certificate of registration** means a provisional certificate of registration granted under section 27

**provisional certificate of registry** means a provisional certificate of registry granted under section 27

**Register** means the New Zealand Register of Ships established under section 65; and includes any part of the Register

**register length**, in relation to any ship, means the length of the ship measured from the foreside of the head of the stem to the aft side of the head of the stern post or, in the case of a ship not having a stern post, to the foreside of the rudder stock:

provided that, in the case of a ship not having a stern post or rudder stock, the after terminal point shall be taken to be the aftermost part of the transom or stern of the ship

**registered** means registered under this Act; and **unregistered** has a corresponding meaning

**Registrar** means the Registrar of Ships appointed under section 61

**ship** means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

(a) a barge, lighter, or other like vessel:

(b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:

(c) a submarine or other submersible

**temporary pass** means a temporary pass granted under section 29

**the tonnage regulations** means any rules or regulations for the time being in force under the Maritime Transport Act 1994 in relation to tonnage.

(2) In this Act, unless the context otherwise requires, a reference to the owner of a ship shall, if there is more than 1 owner of the ship, be read as a reference to each of the owners.

Section 2(1) **certificate of clearance**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 2(1) **Collector of Customs**: repealed, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2(1) **Customs officer**: inserted, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2(1) **Customs officer**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 2(1) **Director**: substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **Director**: amended, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 2(1) **gross tonnage** paragraph (a): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **net tonnage** paragraph (a): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **New Zealand Government ship**: editorial change made by the PCO, on 8 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 2(1) **prescribed form**: amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **proper officer** paragraph (a): editorial change made by the PCO, on 8 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 2(1) **proper officer of Customs**: repealed, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2(1) **ship**: substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **Superintendent of Mercantile Marine**: repealed, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **surveyor of ships**: repealed, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2(1) **the tonnage regulations**: substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

## 3 New Zealand-owned ships

(1) For the purposes of registration in Part A or Part B of the Register, a ship is deemed to be New Zealand-owned if—

(a) it is owned by a New Zealand national or New Zealand nationals, and no other person; or

(b) it is owned by 3 or more persons as joint owners (otherwise than as described in paragraph (c)), and the majority of those persons are New Zealand nationals; or

(c) it is owned by 2 or more persons as owners in common, and more than half of the shares in the ship are owned by 1 or more New Zealand nationals.

(2) For the purposes of subsection (1)(c), where 2 or more persons are joint owners of any number of shares in the ship the following provisions shall apply:

(a) in the case of 2 or more particular shares that are owned by the same persons, the interest of each owner in those shares shall be ascertained by dividing the number of shares by the number of owners of the shares:

(b) in the case of a share to which paragraph (a) does not apply, the interest of each owner in the share shall be ascertained by dividing the number 1 by the number of owners of the share:

(c) if the sum of the interests so ascertained in respect of all jointly-owned shares in the ship as being interests of a New Zealand national or New Zealand nationals is a whole number or a whole number and a fraction, such number of shares as is equal to that whole number shall be deemed to be owned by a New Zealand national or New Zealand nationals.

(3) *[Repealed]*

Compare: 1952 No 49 s 385(1); Shipping Registration Act 1981 s 8 (Aust)

Section 3(1): amended, on 9 June 1999, by section 2(1) of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

Section 3(3): repealed, on 9 June 1999, by section 2(2) of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

### 4 Ships on demise charter to New Zealand-based operators

A reference in this Act to a ship on demise charter to a New Zealand-based operator shall be read as a reference to a ship (not being a ship required to be registered, or a ship entitled otherwise than under section 8(1)(b) to be registered, or a pleasure vessel) on demise charter to—

(a) a New Zealand national or New Zealand nationals ordinarily resident or carrying on business in New Zealand, and no other person; or

(b) a New Zealand national or New Zealand nationals ordinarily resident in New Zealand together with any other person or persons, where the New Zealand national is or the New Zealand nationals are in a position to control the exercise of the rights and powers of the charterers under the charterparty.

Compare: Shipping Registration Act 1981 s 9 (Aust)

### 5 Application of Act to Crown, etc

(1) Except as provided in subsections (2) and (3), this Act binds the Crown.

(2) Nothing in this Act applies to any ship while it is set aside for or being used by the Armed Forces of New Zealand or of any other country.

(3) Nothing in this Act renders the Crown liable to be prosecuted for any offence against this Act.

(4) This Act applies to every ship registered in the Cook Islands as if it were not a New Zealand-owned ship.

(5) Notwithstanding any other provision in this Act, any ship shall be entitled to be registered in Part A of the Register if—

(a) a majority interest in the ship is owned by a person or persons permanently resident in Niue or Tokelau; and

(b) the ship is one that would be required to be registered either in Part A or Part B of the Register, if it were owned by a New Zealand citizen.

Compare: 1987 No 184 s 3; Shipping Registration Act 1981 ss 5, 6, 7 (Aust)

### 5A Act is maritime Act

(1) This Act is a maritime Act under section 2(1) of the Maritime Transport Act 1994.

(2) This has the effect that transport instruments may be made for the purposes of this Act under section 452B of that Act.

(3) This section is intended as a guide only and is not an exhaustive statement as to the effects of this Act being a maritime Act under that Act.

Section 5A: inserted, on 1 April 2021, by section 60(2) of the Regulatory Systems (Transport) Amendment Act 2021 (2021 No 9).

# Part 1
# Ships required or entitled to be registered

## 6 Requirement to register certain New Zealand-owned ships and pleasure vessels

(1) All New Zealand-owned ships exceeding 24 metres register length are required to be registered in Part A of the Register, except the following:

(a) pleasure vessels:

(b) ships engaged solely on inland waters of New Zealand:

(c) barges that do not proceed on voyages beyond coastal waters.

(2) A ship is required to be registered in either Part A or Part B of the Register if—

(a) the ship is a pleasure vessel or does not exceed 24 metres register length; and

(b) the ship proceeds on an overseas voyage; and

(c) the ship is a New Zealand-owned ship.

(3) Where—

(a) a New Zealand-owned ship is operated by a foreign resident under a demise charter; and

(b) the ship is required to be registered under this section; and

(c) the Director is satisfied that—

(i) the ship is registered, or is to be registered, under the law of a foreign country; and

(ii) the ship is entitled, or will be entitled, to fly the flag of that country,—

the Director may, by written notice to the owner, exempt the ship during the term of the charter from the requirement to be registered.

(4) Where a ship that is required to be registered under this section is not registered, the ship may be detained until registration is effected.

Compare: 1952 No 49 s 386; Shipping Registration Act 1981 ss 12, 13, 14 (Aust)

Section 6(2)(c): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 6(3): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 6(3)(c): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 7 Representative persons

(1) The owner of every ship required by section 6(1) to be registered in Part A of the Register shall appoint a representative person in relation to the ship if—

(a) the owner does not reside in New Zealand; or

(b) the owner does not have a registered office in New Zealand.

(2) Where a representative person is required by subsection (1) to be appointed in relation to a ship, the owner of the ship—

(a) shall, before applying for the ship to be registered, appoint a natural person satisfying the requirements of this section to be the representative person in relation to the ship; and

(b) shall ensure that, so long as the ship remains registered, a natural person satisfying those requirements is so appointed.

(3) A representative person shall—

(a) be a natural person resident in New Zealand; and

(b) comply with such other requirements as may be prescribed by regulations made under this Act.

(4) The owner—

(a) shall, on applying for the ship to be registered, notify the Registrar in the prescribed form of the name and address of that person; and

(b) shall notify the Registrar in the prescribed form of any change in the identity, or in the address, of the representative person within 14 days after the change occurs.

(5) Where any provision of this Act requires the owner to lodge with or furnish to the Registrar any document or other information, it shall be sufficient compliance with that requirement if the representative person appointed by the owner lodges with or furnishes to the Registrar the document or other information.

(6) Any document required or authorised by or under any enactment to be served on the owner of a registered ship for any purpose relating to proceedings for any offence shall be deemed to have been duly served if it is—

(a) delivered to any representative person for the time being appointed in relation to the ship; or

(b) sent to any such person by post at the address notified or last notified to the Registrar under subsection (4); or

(c) left for any such person at that address.

(7) Every person commits an offence and is liable on conviction to a fine not exceeding $2,000 who fails to comply with subsection (2) or subsection (4).

Compare: Merchant Shipping Act 1988 s 5 (UK)

Section 7(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 8 Entitlement to register certain New Zealand-owned ships and other ships

(1) The following ships are entitled to be registered in Part A of the Register:

(a) New Zealand-owned ships that are pleasure vessels:

(b) ships on demise charter to New Zealand-based operators (other than pleasure vessels and New Zealand-owned ships):

(c) New Zealand-owned ships not exceeding 24 metres register length:

(d) New Zealand-owned ships that are engaged solely on inland waters of New Zealand:

(e) New Zealand-owned ships that are barges and do not proceed on voyages beyond coastal waters.

(2) The following ships are entitled to be registered in Part B of the Register:

(a) New Zealand-owned ships that are pleasure vessels:

(b) New Zealand-owned ships not exceeding 24 metres register length:

(ba) any ship that is jointly owned in equal proportions by a New Zealand citizen or New Zealand citizens and a person or persons (not being a New Zealand citizen or New Zealand citizens) who is or are entitled, in terms of the Immigration Act 2009, to reside in New Zealand indefinitely:

(c) any other ship, if a majority interest in the ship is owned by a person or persons (not being a New Zealand citizen or New Zealand citizens) who is or are entitled, in terms of the Immigration Act 2009, to reside in New Zealand indefinitely.

(3) This section is subject to section 9.

Compare: Shipping Registration Act 1981 s 14 (Aust)

Section 8(2)(ba): inserted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 8(2)(ba): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 8(2)(c): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 8(3): added, on 15 December 2005, by section 3 of the Ship Registration Amendment Act 2005 (2005 No 114).

### 9 Foreign-registered ships not registrable under this Act

(1) The Registrar shall not register a ship under this Act if it is registered under the law of a foreign country.

(2) Where application is made for registration under this Act of a ship that has at any time been registered under the law of a foreign country, the application shall be accompanied by such evidence as the Registrar requires to establish—

(a) that the ship is no longer registered under the law of that country; or

(b) that 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 registration of the ship under this Act.

(3) For the purposes of this section, while the registration of a ship under the law of a foreign country is suspended the ship shall be treated as if it were an unregistered ship under the law of that country.

Compare: Shipping Registration Act 1981 s 17 (Aust)

### 10 Liabilities of ships not registered

(1) A ship that is required by section 6 to be registered, but is not registered,—

(a) shall not be recognised as a New Zealand ship; and

(b) is not entitled to any benefits, privileges, advantages, or protection usually enjoyed by a registered ship.

(2) For the purposes of any law of New Zealand that provides for—

(a) the payment of any fee or other charge; or

(b) any liability to a fine or forfeiture; or

(c) the punishment of offences committed on board a ship, or by any person belonging to a ship,—

a ship to which subsection (1) applies shall be dealt with in the same manner in all respects as if the ship were registered.

Compare: 1952 No 49 s 441; Shipping Registration Act 1981 s 63 (Aust)

### 11 Certain unregistered ships not to leave New Zealand

(1) A ship that is required by section 6 to be registered, but is not registered, shall not depart from a New Zealand port on a voyage to a place outside New Zealand, except pursuant to a temporary pass.

(2) A Customs officer shall not grant a certificate of clearance in respect of a ship that is about to depart from a New Zealand port to a place outside New Zealand in contravention of subsection (1).

(3) The master or owner of any ship commits an offence who causes or permits or fails to take reasonable steps to prevent a contravention of subsection (1), and is liable on conviction,—

(a) in the case of a natural person, to a fine not exceeding $5,000; or

(b) in the case of a body corporate, to a fine not exceeding $10,000.

Compare: Shipping Registration Act 1981 s 68 (Aust)

Section 11(2): amended, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 11(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

# Part 2
# Registration of ships

## 12 Applications for registration

(1) An application for registration of a ship under this Act, and for any renewal of registration in the case of a ship registered in Part B of the Register, shall—

(a) be lodged with the Registrar; and

(b) be made in the appropriate prescribed form; and

(c) be accompanied by such particulars, documents, and information as may be required by this Act.

(2) An application for registration of a ship in Part A of the Register shall be attested in accordance with the following provisions:

(a) where the majority interest in the ship is owned by a natural person, the application shall be signed by that person:

(b) where the majority interest in the ship is owned by a body corporate, the common seal of the body corporate shall be affixed to the application in the presence of an officer of the body corporate authorised for the purpose:

(c) where the application is made in respect of a ship on demise charter, attestation shall be effected as if it were a New Zealand-owned ship:

(d) where the majority interest in the ship is owned by 2 or more natural persons or bodies corporate, at least 2 of those persons or bodies shall attest the application in accordance with paragraph (a) or paragraph (b), as the case may require.

(3) An application for registration of a ship in Part B of the Register shall be signed by the owner of the ship and contain—

(a) the name of the ship; and

(b) the description of the ship; and

(c) the overall length of the ship; and

(d) the name, address, and nationality of every owner of any share in the ship.

(4) For the purpose of determining whether a ship may properly be registered, the Registrar may require the applicant to furnish such supplementary information and evidence relating to the ship and its ownership as the Registrar thinks necessary.

(5) Every person commits an offence and is liable on conviction to a fine not exceeding $2,000 who makes any statement in an application for registration of a ship knowing that the statement is false in any material particular.

Compare: 1952 No 49 s 387; Shipping Registration Act 1981 s 15 (Aust)

Section 12(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 13 Declaration of ownership and nationality

(1) Every applicant for registration of a ship in Part A of the Register shall furnish the Registrar with a statutory declaration in accordance with this section.

(2) The declaration shall be made in accordance with section 83, and shall be in the prescribed form and contain—

(a) the declarant's full name and address, and nationality; and

(b) the grounds on which that nationality is claimed; and

(c) the extent of the declarant's interest in the ship; and

(d) a statement identifying the owner or owners of the ship; and

(e) in the case of a ship not on demise charter, a statement that, to the best of the knowledge of the person making the statement, the ship will be a New Zealand-owned ship.

(3) In the case of a ship on demise charter, the declaration shall also state whether a New Zealand national is or New Zealand nationals are in a position to exercise the rights and powers of the charterer.

(4) Except where the Registrar grants a dispensation under section 82, the Registrar shall not register a ship if no such declaration has been supplied in respect of that ship.

(5) For the purposes of subsection (2)(a), a body corporate shall state its address as follows:

(a) if the corporation has a registered office in New Zealand, it shall state the address of that office:

(b) if the corporation is not incorporated in New Zealand but has a principal place of business in New Zealand, it shall state the address of that place:

(c) if the corporation has neither a registered office nor a principal place of business in New Zealand, it shall state the address of its principal place of business outside New Zealand.

Compare: 1952 No 49 s 390

### 14 Evidence required before registration

(1) The Registrar shall not register any ship in Part A of the Register until the owner of any share in the ship has furnished the Registrar with the following:

(a) a builder's certificate in the prescribed form, which shall be given by any builder involved in the ship's construction and shall specify—

(i) the name of the ship (if any) or the name or description by which it was known by the builder; and

(ii) the year in which that builder's work on the ship was completed; and

(iii) the name and address of the builder; and

(iv) the name and address of the person for whom the ship was built; and

(v) the place or places at which the ship was built; and

(vi) the type of ship, its overall length, breadth, and depth, the principal material used in the construction of the hull, and the type of engine fitted:

(b) any documents (including bills of sale) relating to changes in ownership of the ship that have occurred since it was last registered in New Zealand or in any foreign country, or (if it has not been registered in any country) have occurred since it was built:

(c) a copy of any demise charterparty in respect of the ship.

(2) Where an applicant is for any reason unable to furnish any document or particulars required by subsection (1), it shall be sufficient compliance with the requirements of that subsection if the applicant furnishes to the Registrar's satisfaction the missing information in the form of a statutory declaration together with those documents that are available.

(3) Every person who constructs in New Zealand a ship that is required to be registered in Part A of the Register or any part of such a ship shall, within 21 days after the date on which the construction of the ship has been completed, deliver to the person for whom it has been constructed or any agent of that person a certificate specifying the particulars required by subsection (1)(a).

(4) Every person commits an offence and is liable on conviction to a fine not exceeding $2,000 who constructs in New Zealand a ship that is required to be registered in Part A of the Register or any part of such a ship, and—

(a) fails to comply with the requirements of subsection (3); or

(b) makes any false statement in a certificate required by subsection (3) knowing that the statement is false in any material particular.

Compare: 1952 No 49 s 387

Section 14(1)(b): amended, on 9 June 1999, by section 3 of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

Section 14(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 15 Tonnage measurement of ship required before registration

(1) No ship shall be registered in Part A of the Register until—

(a) the Director has surveyed the ship and issued a certificate specifying,—

(i) in the case of a ship not exceeding 24 metres register length, the ship's register length and descriptive particulars; or

(ii) in any other case, in accordance with the tonnage regulations, the ship's gross and net tonnages and descriptive particulars; and

(b) the applicant has lodged a copy of the tonnage certificate with the Registrar.

(2) The Registrar may accept a tonnage certificate issued in accordance with the laws of a foreign country if—

(a) the tonnage legislation of that country is substantially similar to the tonnage legislation of New Zealand; and

(b) the tonnage certificate has been signed by a surveyor of ships employed by—

(i) the Government of that country; or

(ii) an organisation recognised for such purposes under the law of that country; or

(iii) an organisation approved for the purposes of this section by the Director.

(3) Where none of the matters required by subsection (1)(a) to be specified in a tonnage certificate have altered since the ship was previously registered, whether under Part 12 of the Shipping and Seamen Act 1952 or in Part A of the Register, the Registrar may accept in place of a tonnage certificate, a statutory declaration to that effect made by the owner or any owner of a share in the ship.

Compare: 1952 No 49 s 388; Shipping Registration Act 1981 s 16 (Aust)

Section 15(1)(a): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 15(1)(b): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 15(2)(b)(iii): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 15(3): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 16 Power to disallow proposed name and to allow change of name

(1) The Registrar may disallow any name registered or proposed to be registered in respect of a ship if that name—

(a) is the name of a ship registered in that Part of the Register to which the application for registration relates; or

(b) is a name accepted by the Registrar in respect of any other ship in the course of registration in that Part of the Register; or

(c) is likely to be confused with a name described in paragraph (a) or paragraph (b); or

(d) is likely to be offensive to members of the public; or

(e) is the name of any member of the Royal family, or claims or implies patronage of or any connection with the Sovereign or any other member of the Royal family; or

(f) is the name "New Zealand" without a prefix or suffix (unless the name is proposed to be used by the Crown); or

(g) falsely suggests connection with—

(i) the Crown; or

(ii) the Government of New Zealand or of a foreign country or of any legal subdivision of a foreign country; or

(iii) the Armed Forces of New Zealand or an arm or part of those forces; or

(iv) a department, an authority, or an instrumentality of the Executive Government of New Zealand; or

(v) a local authority in New Zealand; or

(vi) the United Nations; or

(vii) the Commonwealth of Nations; or

(h) is a name whose use is prohibited by or under any provision of the Flags, Emblems, and Names Protection Act 1981 or any other enactment.

(2) The Registrar may disallow any name registered or proposed to be registered in respect of any ship if the name contains any prefix that the Registrar considers to be unnecessary or undesirable.

(3) The Minister may, by notice in writing to the Registrar, direct the Registrar to disallow any name registered or proposed to be registered in respect of a ship if the Minister considers that the description of the ship by that name is likely to prejudice the international relations of New Zealand; and the Registrar shall disallow the name accordingly.

(4) An application for a change in the name of a registered ship or of the port of registry of a ship registered in Part A of the Register shall be made in the prescribed form.

(5) The Registrar—

(a) may disallow any proposed change of name if it is a name that could be disallowed under subsection (1); and

(b) shall disallow any proposed change of name if the Minister, by notice in writing to the Registrar, directs the Registrar to disallow the name on the ground that the description of the ship by that name is likely to prejudice the international relations of New Zealand.

(6) Where the Registrar allows a change of name of a registered ship or there is a change in the port of registry of a ship,—

(a) the Registrar shall cause the change to be entered in the Register and endorsed on the ship's certificate of registry; and

(b) the owner of the ship shall alter the ship's markings so that it is marked with its new name or port of registry, as the case may be, as if it were being marked for registration under this Act.

(7) Every person commits an offence and is liable on conviction to a fine not exceeding $2,000 who fails to comply with subsection (6)(b).

(8) Every person commits an offence and is liable on conviction to a fine not exceeding $2,000 who describes a registered ship by any name other than the name by which the ship is for the time being registered, if the name is likely to mislead or deceive any person who has official business in relation to the ship under the provisions of this Act or any other enactment.

(9) Nothing in subsection (1) applies in relation to the name under which any ship is deemed by section 90 to be registered.

Compare: 1952 No 49 ss 434, 435, 436; Shipping Registration Act 1981 ss 27(3), 28 (Aust)

Section 16(1)(e): editorial change made by the PCO, on 8 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 16(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 16(8): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 17 Appeals from decisions under section 16

(1) Any person who is dissatisfied with a decision of the Registrar under subsection (1) or subsection (2) or subsection (5)(a) of section 16 may appeal to the District Court within 21 days after being notified of that decision, or within such further time as the court may allow.

(2) On hearing the appeal, the court may, subject to subsection (3), confirm the decision or give such directions or make such other determination in the matter as the court thinks fit.

(3) The court shall not give any direction or make any determination that is inconsistent with the provisions of section 16.

Section 17(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

### 18 Application for reservation of name

(1) The Registrar may, on receipt of an application in the prescribed form, reserve the name proposed to be registered in respect of a ship.

(2) The Registrar shall not reserve a name—

(a) if the Registrar considers it undesirable; or

(b) if the use of the name would contravene an enactment that prohibits the use of particular words or names.

(3) A name is not undesirable merely because it is similar to the name of another ship and may be confused with it.

(4) The Registrar shall advise the applicant by notice in writing—

(a) of the reservation of the name; and

(b) that the name is available for registration for 12 months after the date stated in the notice.

### 19 Ship to be marked before registration

(1) Except as provided in subsection (2), no ship shall be registered in Part A of the Register until it has been marked permanently and conspicuously in accordance with the following provisions:

(a) the name of the ship shall be marked on each side of the bow:

(b) the name of the ship and of the port of registry shall be marked either on the stern or on each side of the hull as near as practicable to the stern:

(c) the lettering in the name and port of registry and any numerals in the name shall be marked in a colour contrasting with the background, and shall be of a height of not less than 100 mm and be of proportionate breadth:

(d) if the ship is of 24 metres register length or less, the ship's official number assigned by the Registrar and the ship's register length shall be cut in on the main beam or on a main structural member or on an integral part of the ship where those expressions are readily visible:

(e) if the ship exceeds 24 metres register length, the official number assigned by the Registrar and the ship's net tonnage shall be cut in on the main beam or on a main structural member or on an integral part of the ship where those expressions are readily visible.

(2) In the case of a pleasure vessel, it shall be sufficient compliance with subsection (1) if—

(a) the name of the vessel is marked—

(i) on each side of the hull; or

(ii) if the vessel is not fitted with a sail, on each side of the superstructure; and

(b) the name of the vessel and of the port of registry is marked either on the stern or on each side of the hull as near as practicable to the stern; and

(c) the lettering and numerals are of a height of not less than 50 mm and are of proportionate breadth.

(3) Every ship registered in Part B of the Register shall, no later than 1 month after the date of its registration in that Part of the Register, be marked in accordance with the following provisions:

(a) the ship's registration number prefixed by the letters "NZ", together with the words "New Zealand" below that prefix and number, shall be painted clearly or similarly marked either on the stern or on each side of the hull as near as practicable to the stern:

(b) the letters and numerals shall be not less than 50 mm in height and be of proportionate breadth.

(4) Alterations to the markings required by this section shall be made only in the case of ships registered in Part A of the Register and in accordance with this Act.

(5) When a ship registered in Part B of the Register ceases to be registered, the owner shall remove the markings required by this section.

(6) *[Repealed]*

(7) The Director may, subject to such conditions as the Director thinks fit to impose, exempt any ship or any class of ship from all or any of the requirements of subsection (1).

(8) Every person commits an offence who, in relation to any marking that is on a registered ship in the manner prescribed, conceals, removes, alters, defaces, or obliterates any such marking, or causes or permits any other person to conceal, remove, alter, deface, or obliterate any such marking.

(9) Every owner or master of a ship commits an offence who, in relation to any marking that is on a registered ship in the manner prescribed, fails to maintain any such marking.

(10) Every person who commits an offence against subsection (8) or subsection (9) is liable on conviction,—

(a) in the case of a natural person, to a fine not exceeding $2,000; or

(b) in the case of a body corporate, to a fine not exceeding $5,000.

(11) It is a defence to a charge in respect of an offence against subsection (8) or subsection (9) that the act or omission charged was done or omitted in accordance with this Act or for the purpose of escaping capture by an enemy.

(12) Every ship marked in accordance with the provisions of Part 12 of the Shipping and Seamen Act 1952 and deemed by section 90 to be registered in Part A of the Register shall comply with the requirements of this section within 12 months after the commencement of this Act.

(13) An exemption under subsection (7) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named ships.

Compare: 1952 No 49 s 389; Shipping Registration Act 1981 s 26 (Aust)

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | It is not required to be published | LA19 s 73(2) |
| **Presentation** | It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 19(6): repealed, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 19(7): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 19(10): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 19(13): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 20 Entry of particulars in Part A of Register

(1) The Registrar shall register a ship in Part A of the Register by entering in that Part the following particulars:

(a) the name of the ship and its official number:

(b) the port of registry:

(c) any international call sign assigned in respect of the ship:

(d) the details comprised in the certificate issued or accepted under section 15 in respect of the ship:

(e) the following details from the declarations of ownership and nationality furnished in respect of the ship under section 13:

(i) the name, address, and nationality of each owner of a share in the ship:

(ii) the extent of each declarant's interest in the ship:

(f) the name and address of any representative person appointed in respect of the ship:

(g) the date of the entry in the Register, together with the Registrar's designation and usual signature.

(2) For the purposes of this section, a ship's official number,—

(a) in the case of a ship previously registered in Part A of the Register, shall be the official number assigned to the ship when last registered in Part A; or

(b) in any other case, shall be the number assigned by the Registrar.

(3) When the registration of a ship has been completed under this section the Registrar shall retain the following documents:

(a) the application for registration:

(b) any document in relation to the ship's tonnage:

(c) any builder's certificate in relation to the construction of the ship:

(d) all declarations of ownership and nationality:

(e) any documents in relation to change in the ownership of the ship:

(f) any appointment of a representative person:

(g) a copy of any demise charterparty:

(h) any other document accepted by the Registrar under this Act for the purposes of registration.

(4) Subject to subsection (5), the registration of a ship in Part A of the Register shall have effect until the registry in relation to that ship is closed under this Act.

(5) Subject to subsection (6), the registration of any ship in Part A of the Register shall have no effect unless the ship is either required or entitled under this Act to be registered in that Part.

(6) Nothing in this section shall prejudice any rights of a mortgagee that exist apart from this section.

Compare: 1952 No 49 s 392; Shipping Registration Act 1981 s 18 (Aust)

### 21 Entry of particulars in Part B of Register

(1) The Registrar shall register a ship in Part B of the Register by entering in that Part the following particulars:

(a) the registration number of the ship (as assigned by the Registrar):

(b) the name of the ship:

(c) a description of the ship:

(d) the ship's overall length:

(e) the full name and address of each owner of a share in the ship:

(f) the date of registration:

(g) the date on which registration expires.

(2) For the purposes of this section, a ship's registration number,—

(a) in the case of the renewal of registration or the re-registration of a ship within 6 months of the expiration of its previous registration, shall be the registration number assigned to the ship when last registered in Part B of the Register; or

(b) in any other case, shall be the number assigned by the Registrar.

(3) When the registration of a ship has been completed under this section the Registrar shall retain the following documents:

(a) the application for registration:

(b) any document or other evidence obtained by the Registrar in relation to the application.

(4) Subject to subsection (5), the registration of a ship in Part B of the Register—

(a) shall, unless sooner terminated by paragraph (c), have effect for a period of 5 years commencing with the date of registration:

(b) may from time to time be renewed by the Registrar if—

(i) application is made in accordance with section 12 within the 6-month period ending with the expiry of the ship's current period of registration; and

(ii) the ship is still required or entitled to be registered in Part B of the Register; and

(iii) any change in the particulars of the ship's registration have been notified to the Registrar in accordance with this Act:

(c) shall be deemed to be terminated by—

(i) any alteration to the ship or in its ownership that materially affects the particulars entered on the ship's certificate of registration; or

(ii) the ship's ceasing to be required or entitled to be registered in Part B of the Register.

(5) The registration of any ship in Part B of the Register shall have no effect unless the ship is either required or entitled under this Act to be registered in that Part.

(6) For the purposes of subsection (1)(e), a body corporate must state its address as follows:

(a) if the corporation has a registered office in New Zealand, it must state the address of that office:

(b) if the corporation is not incorporated in New Zealand but has a principal place of business in New Zealand, it must state the address of that place:

(c) if the corporation has neither a registered office nor a principal place of business in New Zealand, it must state the address of its principal place of business outside New Zealand.

Section 21(6): added, on 9 June 1999, by section 4 of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

## 22 Registration of property in ships

(1) For the purposes of registering property in a ship, the following provisions shall apply:

(a) the property in the ship shall be divided into 64 shares:

(b) subject to subsection (2), the number of persons registered as owners of the ship shall not at any time exceed 64:

(c) any number of persons not exceeding 5 may be registered as joint owners of the ship or of any number of shares in the ship:

(d) no joint owner of the ship or of any number of shares in the ship is entitled to dispose of that interest in severalty:

(e) no person shall be registered as the owner of a fractional part of a share in the ship:

(f) a body corporate shall be registered as owner in its corporate name.

(2) Where a share in a ship is jointly owned, or where 2 or more shares are jointly owned by the same persons, the joint owners of the relevant share or shares shall, for the purposes of subsection (1)(b), be treated as constituting 1 person.

(3) Nothing in subsection (1) affects the beneficial interests of any person or of any body corporate represented by or claiming under or through a registered owner (including a registered joint owner).

Compare: 1952 No 49 s 384(1); Shipping Registration Act 1981 s 11 (Aust)

*Certificates of registry and registration, provisional certificates of registry, and temporary passes*

### 23 Grant of certificates of registry and registration

(1) Upon registration of a ship in Part A of the Register, the Registrar shall grant a certificate of registry in respect of the ship.

(2) Upon registration of a ship in Part B of the Register, the Registrar shall grant a certificate of registration in respect of the ship.

(3) Certificates of registry and registration shall be in the prescribed form.

Compare: 1952 No 49 s 394(1); Shipping Registration Act 1981 s 19 (Aust)

### 24 Particulars of master to be endorsed on certificate of registry of ship leaving New Zealand

(1) A ship registered in Part A of the Register shall not depart from a New Zealand port to a foreign port unless there is endorsed on the ship's certificate of registry—

(a) the name and address of each person who is, for the time being, authorised to be master of the ship; and

(b) the serial numbers of the maritime document held, in compliance with the Maritime Transport Act 1994 and any regulations or rules made under that Act, by each master in relation to the competence of that master.

(2) An endorsement under subsection (1) shall be made or cancelled, as the case may be, upon lodgement with the Registrar or the Director of—

(a) the certificate of registry; and

(b) a request in writing signed by the owner or representative person.

Compare: 1952 No 49 s 397; Shipping Registration Act 1981 s 13 (Aust)

Section 24(1)(b): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 24(2): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

## 25 Custody of certificates

(1) The certificate of registry or provisional certificate of registry or certificate of registration or provisional certificate of registration—

(a) shall, except as provided in this Act, at all times be carried with the ship; and

(b) shall not be used except for the purpose of the lawful navigation of the ship; and

(c) shall not be subject to detention for any reason (including a claim by an owner, mortgagee, charterer, operator, or any other person to any title in, lien or charge on, or interest in the ship).

(2) Every person having possession or control of a certificate of registry or a provisional certificate of registry or a certificate of registration or a provisional certificate of registration shall deliver the certificate on demand to—

(a) the person entitled to custody of it for the purposes of the lawful navigation of the ship; or

(b) the Registrar, a Deputy Registrar, a Customs officer, a proper officer, or any other person entitled by law to require its delivery.

(3) Every person commits an offence and is liable on conviction to a fine not exceeding $5,000 who—

(a) fails to comply with subsection (2); or

(b) with intent to deceive, uses or lends to another person or allows to be used by another person an invalid certificate of registry or an invalid provisional certificate of registry or an invalid certificate of registration or an invalid provisional certificate of registration.

(4) If in any proceedings in respect of an offence against this section the court is of the opinion that the certificate to which the proceedings relate is lost, the court shall make an order to that effect and cause a copy of the order bearing the seal of the court to be served on the Registrar.

Compare: 1952 No 49 s 394(2)–(5); Shipping Registration Act 1981 s 20 (Aust)

Section 25(2)(b): amended, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 25(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## 26 Replacement certificates

Where a certificate of registry or provisional certificate of registry or certificate of registration or provisional certificate of registration is mislaid or lost or

destroyed, the Registrar shall, upon application made in writing by the owner or the master of the ship and accompanied by such documents and information as the Registrar may require, grant a new certificate in place of that certificate.

Compare: 1952 No 49 s 396(2); Shipping Registration Act 1981 s 21(1) (Aust)

### 27 Grant of provisional certificate of registry or registration

(1) Where a certificate of registry or a certificate of registration in respect of a ship is mislaid or lost or destroyed while—

(a) the ship is at a foreign port; or

(b) the ship is at sea and subsequently, but before arriving at a New Zealand port, the ship arrives at a foreign port,—

the Registrar shall, and the proper officer at that port who is authorised under subsection (6) to do so may, upon receipt of an application made in the prescribed form and subject to this section, grant a provisional certificate of registry or a provisional certificate of registration, as the case may require, in the prescribed form in respect of the ship.

(2) Subject to subsection (3), where a ship becomes entitled or required under this Act to be registered in either Part A or Part B of the Register while—

(a) the ship is at a foreign port; or

(b) the ship is at sea and subsequently, but before arriving at a New Zealand port, the ship arrives at a foreign port,—

the Registrar shall, and the proper officer at that port who is authorised under subsection (6) to do so may, upon receipt of an application made in the prescribed form and subject to this section, grant a provisional certificate of registry or a provisional certificate of registration, as the case may require, in the prescribed form in respect of the ship.

(3) A provisional certificate of registry or a provisional certificate of registration shall be granted under subsection (2) only if, at the time of granting the certificate, the Registrar or proper officer is satisfied that—

(a) an application for registration of the ship has been lodged with the Registrar under section 12; and

(b) no certificate of registry or certificate of registration has been granted in respect of that application.

(4) The owner or master shall produce to the Registrar or proper officer such information as the Registrar or proper officer may reasonably require for the purposes of this section.

(5) A proper officer who grants a provisional certificate of registry or a provisional certificate of registration under this section shall forward a copy of the certificate to the Registrar.

(6) For the purposes of subsections (1) and (2), the Registrar may authorise any proper officer to grant provisional certificates of registry and provisional certificates of registration.

Compare: 1952 No 49 ss 396(3), (4), 401(1); Shipping Registration Act 1981 s 21(2) (Aust)

### 28 Duration of provisional certificates of registry or registration

(1) A provisional certificate of registry and a provisional certificate of registration shall be current until—

(a) the ship arrives at a New Zealand port; or

(b) the expiration of a period of 3 months commencing on the date on which the certificate was granted,—

whichever first occurs.

(2) The owner of a ship in respect of which a provisional certificate of registry or a provisional certificate of registration is granted shall, as soon as practicable, lodge the certificate or cause it to be lodged with the Registrar.

(3) Every owner commits an offence and is liable on conviction to a fine not exceeding $2,000 who, without reasonable excuse, fails to comply with subsection (2).

(4) During the period of its currency, a provisional certificate of registry has the same effect as a certificate of registry and a provisional certificate of registration has the same effect as a certificate of registration, and, for the purposes of this Act and of the lawful navigation of the ship concerned, the ship is deemed to be registered during that period.

Compare: 1952 No 49 ss 396(4)–(7), 401(2), (3); Shipping Registration Act 1981 ss 21(3)–(8), 22 (Aust)

Section 28(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 29 Temporary passes

(1) Where the Registrar is satisfied that, by reason of special circumstances, permission should be granted for an unregistered ship to travel—

(a) from a New Zealand port to a foreign port; or

(b) from a foreign port to another foreign port or to a New Zealand port,—

the Registrar may grant a temporary pass in respect of that ship.

(2) A temporary pass shall be in the prescribed form and specify—

(a) the voyage that the ship is authorised to make; and

(b) any conditions subject to which the voyage is to be made; and

(c) the period for which or a date until which the pass is current.

(3) During the period of its currency, and subject to compliance with any conditions imposed in respect of the voyage, a temporary pass has the same effect as a certificate of registry, and for the purposes of this Act and of the lawful

navigation of the ship concerned on the voyage specified in the pass, the ship is deemed to be registered during that period.

(4) The owner of a ship in respect of which a temporary pass is granted shall, as soon as practicable after the pass expires, lodge the pass or cause it to be lodged with the Registrar.

(5) Every owner commits an offence and is liable on conviction to a fine not exceeding $2,000 who, without reasonable excuse, fails to comply with subsection (4).

Compare: 1952 No 49 s 402; Shipping Registration Act 1981 s 23 (Aust)

Section 29(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

*Alterations to ships, changes in ownership, etc, to be notified to Registrar*

### 30 Alterations to ships

(1) Where a ship registered in Part A of the Register is so altered as not to correspond with its description or with the particulars in the Register relating to the ship's gross tonnage and net tonnage, or register length, then—

(a) the owner; or

(b) where a representative person has been appointed under section 7 in respect of the ship, the representative person,—

shall, as soon as practicable after the alteration, give notice of the alteration to the Registrar.

(2) Upon—

(a) receipt of a surveyor's tonnage certificate in respect of the alteration; and

(b) receipt of a certificate by a surveyor of ships to the effect that any necessary alterations to the markings of the ship have been completed and conform to the requirements of section 19,—

the Registrar shall, subject to subsection (3), either enter the alteration on the ship's certificate of registry or issue a new certificate of registry in respect of the ship.

(3) If the ship is at a foreign port,—

(a) the Registrar shall authorise a proper officer to enter the alteration on the ship's certificate of registry or issue a provisional certificate of registry describing the ship as altered; and

(b) the proper officer shall send the ship's certificate of registry to the Registrar to enable a new certificate of registry to be issued.

(4) Every owner and every representative person commits an offence and is liable on conviction to a fine not exceeding $5,000 who fails to comply with subsection (1).

(5) In this section, **surveyor** means a surveyor of ships recognised by the Director.

Compare: 1952 No 49 ss 403, 404; Shipping Registration Act 1981 s 65 (Aust)

Section 30(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30(5): added, on 9 June 1999, by section 5 of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

### 31 Change of name or address or nationality of owner or mortgagee

(1) Every owner, representative person, charterer, or mortgagee of any ship registered in Part A of the Register shall notify the Registrar of any change in the material particulars relating to that person and entered in the Register.

(2) For the purposes of this section, the material particulars are as follows:

(a) in the case of an owner or a representative person or a charterer, the full name, address, and nationality of the owner or representative person or charterer:

(b) in the case of a mortgagee, the full name and address of the mortgagee.

(3) Notification of any change in the material particulars shall be given by the owner, representative person, charterer, or mortgagee by lodging with the Registrar or proper officer within 30 days after the change occurs, or as soon after the expiration of that period as may be reasonably practicable,—

(a) a notice of the change; and

(b) evidence relating to the change; and

(c) the ship's certificate of registry.

(4) As soon as practicable after—

(a) the material particulars have been notified in accordance with this section; and

(b) the Registrar is satisfied that there is sufficient evidence of the change,—

the Registrar shall either—

(c) make such entries in the Register and on the certificate of registry as may be necessary to give effect to the change, and return the certificate of registry to the person by whom it was lodged; or

(d) authorise a proper officer to endorse the certificate of registry to give effect to the change in the manner specified by the Registrar.

(5) Every owner, representative person, charterer, or mortgagee commits an offence and is liable to a fine not exceeding $2,000 who fails to comply with subsection (1).

Compare: 1952 No 49 s 398; Shipping Registration Act 1981 s 24 (Aust)

*Closure of registration*

### 32 Closure of registration

(1) Where a registered ship—

(a) has been lost (whether actually or constructively), taken by an enemy, burnt, or broken up; or

(b) has ceased to be required or entitled to be registered under this Act,—

the owner of the ship shall, immediately after obtaining knowledge of the event, give notice in writing of the event to the Registrar.

(2) Where the Registrar receives a notice under subsection (1), the Registrar shall make an entry in the Register of the event to which the notice relates.

(3) Subject to section 33, where the Registrar makes an entry in the Register under subsection (2) in respect of any ship, the registration of that ship shall be deemed to be closed except so far as it relates to any unsatisfied mortgage of the ship or any share in the ship.

(3A) If the Registrar is satisfied that subsection (1) applies to a ship but the owner has not notified the Registrar as required by that subsection,—

(a) the Registrar may close the registration of the ship by making an appropriate entry in the Register; and

(b) if the Registrar closes the registration of the ship under paragraph (a), the Registrar must notify the owner of the closure by sending a notification to the last known address of the registered owner; and

(c) an entry made under paragraph (a) has the same effect as an entry made under subsection (2).

(4) For the purposes of subsection (1), a ship shall be deemed to be constructively lost if there is in respect of that ship a constructive total loss within the meaning of section 60 of the Marine Insurance Act 1908.

(5) Every owner of a registered ship commits an offence and is liable on conviction to a fine not exceeding $5,000 who fails to comply with subsection (1).

Compare: 1952 No 49 s 399; Shipping Registration Act 1981 s 66 (Aust)

Section 32(3A): inserted, on 9 June 1999, by section 6 of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

Section 32(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 33 Rights of mortgagees where ship ceases to be registrable

(1) Where—

(a) notice is given to the Registrar under section 32(1) in relation to a registered ship; and

(b) there is any unsatisfied mortgage of the ship or any share in the ship entered in the Register,—

the Registrar shall give the mortgagee, by registered post, notice in writing of the fact that the Registrar has been given such a notice.

(2) Where the Registrar gives a mortgagee such notice in writing, the registration of the ship shall, so far as it relates to the mortgage held by that mortgagee, and subject to any order of the High Court under subsection (3), be deemed to be closed at the expiration of a period of 60 days after the date on which that notice was issued by the Registrar.

(3) A mortgagee who has received a notice under subsection (1) may apply to the High Court within the period of 60 days after the date of issue of the notice, or within such extended time as the court on application made before or after the expiration of that period allows, and the court may do all or any of the following:

(a) order that the ship and its equipment be sold:

(b) make such orders for and in relation to the distribution of the proceeds of the sale as it thinks fit:

(c) make such orders and give such directions with respect to the closure of the registry of the ship as it thinks fit (including, in the case of an application for an extension of time, an order that the registry shall not be deemed to be closed for such period as the court determines).

(4) Notice of an application under this section (including an application for an extension of time) shall be served on the Registrar.

(5) An order made by the court under this section may be on such terms and conditions as to costs and otherwise as the court thinks fit.

(6) The Registrar shall give effect to any orders and directions given by the court under this section so far as they relate to the Register.

(7) Nothing in this section shall prejudice any rights of a mortgagee that exist apart from this section.

Compare: 1952 No 49 s 399(5); Shipping Registration Act 1981 s 66 (Aust)

# Part 3
# Transfers, transmissions, and mortgages of ships

*Transfers and transmissions*

### 34 Application of Part

This Part applies only in relation to ships registered in Part A of the Register.

### 35 Transfer of ships and shares in ships

(1) Subject to section 36, a ship, or any share in a ship, shall be transferred by a bill of sale made in the prescribed form.

(2) Where a ship or share in a ship is so transferred, the Registrar shall, as soon as practicable after the lodgement of the bill of sale together with a declaration of transfer made by the transferee in accordance with section 37,—

(a) register the bill of sale by entering in the Register the name of the transferee as owner of the ship or share; and

(b) endorse on the bill of sale the fact of the entry having been made, together with the date and time of the making of the entry.

(3) The transferee of any bill of sale made under this section shall lodge the bill of sale with the Registrar within 3 months after the date on which the transfer takes effect, and bills of sale lodged under this section shall be registered in the order of their lodgement.

(4) Every transferee commits an offence and is liable on conviction to a fine not exceeding $2,000 who fails to lodge a bill of sale in accordance with subsection (3).

Compare: 1952 No 49 ss 412, 413; Shipping Registration Act 1981 s 36(1), (2), (5) (Aust)

Section 35(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 36 Transmission of ship or share in ship by operation of law

Subject to section 81, where a ship, or any share in a ship, passes by transmission to a person by any lawful means other than by a transfer under section 35, the Registrar shall, as soon as practicable after the lodgement of—

(a) a declaration of transmission made by that person in accordance with section 37; and

(b) such evidence of the transmission as the Registrar may require,—

enter in the Register the name of that person as owner of the ship or share.

Compare: 1952 No 49 s 415(2); Shipping Registration Act 1981 s 37(1) (Aust)

### 37 Declarations of transfer and transmission

Every declaration of transfer or declaration of transmission shall be made in the prescribed form and in accordance with section 83, and, where the transferee or person entitled under the transmission is not the New Zealand Government, shall include the following particulars:

(a) a statement specifying the full name, address, and nationality of the transferee or person entitled under the transmission:

(b) the grounds on which nationality is claimed:

(c) the extent of that person's interest in the ship:

(d) a statement that, to the best of the knowledge of the person making the statement, the ship will continue to be a New Zealand-owned ship or will be controlled by a New Zealand national or New Zealand nationals.

Compare: 1952 No 49 ss 413(2), 415(1); Shipping Registration Act 1981 ss 36(3), (4), 37(2), (3) (Aust)

### 38 Certificate of registry to be endorsed where change in ownership

(1) Where there is a change in the ownership of a ship, the transferee shall forthwith lodge with the Registrar or a proper officer the certificate of registry together with the documents required by section 35 or section 36, as the case may require.

(2) Upon receipt by the Registrar of the documents referred to in subsection (1), the Registrar shall—

(a) enter the new particulars in the Register; and

(b) endorse the certificate of registry to show the change in ownership; and

(c) return the certificate of registry to the transferee.

(3) Where a proper officer receives such documents, the Registrar may authorise the proper officer to give effect to the change in the manner specified by the Registrar.

Compare: 1952 No 49 s 398; Shipping Registration Act 1981 s 37A (Aust)

## *Mortgages*

### 39 Mortgage of ship or share in ship

(1) A ship or any share in a ship may be given as security for a mortgage under this Act.

(2) The instrument of mortgage shall be made in the prescribed form.

(3) As soon as practicable after the lodgement of a mortgage instrument so made, the Registrar shall—

(a) register the mortgage by entering in the Register particulars of the mortgage; and

(b) endorse on the instrument the fact of the entry having been made, together with the date and time of the making of the entry.

(4) Mortgage instruments lodged under this section shall be registered in the order of their lodgement.

Compare: 1952 No 49 s 418; Shipping Registration Act 1981 s 38 (Aust)

### 40 Priority of mortgages

(1) Where 2 or more mortgages are registered in respect of the same ship or share in a ship, the priority among the mortgagees shall be in accordance with the order of registration of the mortgages, irrespective of the dates upon which

they were made or executed and notwithstanding any express, implied, or constructive notice.

(2) No registered mortgage of a ship or a share in a ship shall be affected by any act of bankruptcy committed by the mortgagor, and any such mortgage shall be preferred to any right, claim, or interest in that ship or share of the other creditors of the mortgagor or of any trustee or assignee in their behalf.

Compare: 1952 No 49 s 420; Shipping Registration Act 1981 s 39 (Aust)

### 41 Alteration of terms of mortgage by endorsement

(1) Subject to subsection (2), the parties to a mortgage registered under this Act may, by a memorandum in the prescribed form, do all or any of the following:

(a) increase or reduce the amount secured by the mortgage:

(b) increase or reduce the rate of interest:

(c) shorten, extend, or renew the term or currency of the mortgage:

(d) vary, negative, or add to the covenants, conditions, and powers contained in the mortgage.

(2) It shall not be necessary for a mortgagor to execute a memorandum of reduction, or for a mortgagee to execute a memorandum of increase, of the mortgage debt or of the rate of interest payable under a mortgage.

(3) The memorandum may be registered in like manner as the original mortgage.

(4) A memorandum varying the terms or conditions of any mortgage of a ship subject to a subsequent mortgage shall not be binding on any mortgagee unless the mortgagee has consented thereto in writing on that memorandum, but that consent shall render the said memorandum binding on the mortgagee so consenting, and shall be deemed to be notice to and shall be binding on all persons who may subsequently derive from the mortgagee any interest in the mortgaged property.

Compare: 1952 No 52 s 102

### 42 Variation of priority of mortgages

(1) Notwithstanding anything in section 40, the parties to mortgages registered under this Act may from time to time, by a memorandum of priority in the prescribed form and registered under this Act, vary the priority between themselves of such mortgages.

(2) The memorandum of priority shall be executed by the mortgagor and also by the mortgagee under every mortgage that, by the memorandum, is postponed to any mortgage over which it previously had priority.

(3) Where any mortgage so postponed is subject to a submortgage, the memorandum of priority shall not be effective unless the submortgagee has consented thereto in writing on the memorandum.

(4) Upon the registration of a memorandum of priority the Registrar shall record it upon the register and upon any relevant instrument of title.

Compare: 1952 No 52 s 103

### 43 Transfer of mortgage

(1) A mortgage of a ship or of a share in a ship may be transferred by an instrument of transfer made in the prescribed form.

(2) Where a mortgage is so transferred, the Registrar shall, as soon as practicable after the lodgement of the instrument of transfer, together with the mortgage instrument to which it relates,—

(a) enter in the Register the name of the transferee as the mortgagee of the ship or share that is the subject of the mortgage; and

(b) endorse on the mortgage instrument the fact of the entry having been made, together with the date and time of the making of the entry.

Compare: 1952 No 49 s 422; Shipping Registration Act 1981 s 42 (Aust)

### 44 Transmission of mortgage by operation of law

Subject to section 81, where the interest of a mortgagee in the mortgage of a ship or of a share in a ship passes by transmission to a person by any lawful means other than by a transfer under section 43, the Registrar shall, as soon as practicable after the lodgement of—

(a) a declaration of transmission by that person in the prescribed form; and

(b) such evidence of the transmission as the Registrar may require,—

enter in the Register the name of that person as mortgagee of the ship or share concerned.

Compare: 1952 No 49 s 423; Shipping Registration Act 1981 s 43 (Aust)

### 45 Discharge, waiver, or extinction of mortgage

(1) Where a mortgage is discharged, waived, or extinguished by operation of law (including forfeiture), the Registrar must make an entry in the Register, to the effect specified in subsection (2), as soon as practicable after—

(a) the lodgement of the mortgage instrument endorsed with a receipt for the mortgage money duly signed and attested; or

(b) the lodgement of the mortgage instrument endorsed with an appropriate waiver or discharge duly signed and attested; or

(c) the receipt of an order of a court directing that the ship be forfeit or an office copy of the order; or

(d) the receipt of such particulars as the Registrar may reasonably require for the purposes of this section.

(2) The entry in the Register must be to the effect that the mortgage has been discharged, waived, or extinguished.

(3) On an entry being made under this section, any interest of the mortgagee under the mortgage vests in the person in whom, having regard to any relevant statutory provisions or intervening acts and circumstances, it would have been vested if the mortgage had not been made.

Section 45: substituted, on 9 June 1999, by section 7 of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

*General matters relating to ownership, mortgages, and other interests*

### 46 Powers of disposal by owner

The owner of a ship or of a share in a ship shall, subject to this Act and to any rights and powers appearing from the Register to be vested in any other person, have power absolutely to dispose of the ship or share and to give effectual receipts in respect of the disposal.

Compare: 1952 No 49 s 432(2); Shipping Registration Act 1981 s 45 (Aust)

### 47 Mortgage not to change ownership

A mortgage of a ship or of a share in a ship shall not have the effect of the mortgagee becoming, or the mortgagor ceasing to be, owner of the ship or share, except to the extent necessary to make the ship or share available as security under the mortgage.

Compare: 1952 No 49 s 421(1); Shipping Registration Act 1981 s 40 (Aust)

### 48 Mortgagee to have power of disposal

(1) Subject to subsection (2), a mortgagee of a ship or of a share in a ship shall have power absolutely to dispose of the ship or share and to give effectual receipts in respect of the disposal.

(2) Where there are 2 or more mortgages of the same ship or share, a subsequent mortgagee shall not, except under the order of the High Court, dispose of the ship or share without the consent of every prior mortgagee.

Compare: 1952 No 49 s 421(2); Shipping Registration Act 1981 s 41 (Aust)

### 49 Trusts not recognised

(1) Notice of a trust, whether express, implied, or constructive, shall not be entered in the Register or be receivable by the Registrar.

(2) Nothing in subsection (1) prevents the registration of a ship that—

(a) is owned by a body corporate incorporated under the Charitable Trusts Act 1957; or

(b) is subject to a mortgage under which such a body corporate is the mortgagee.

Compare: 1952 No 49 s 432(1); Shipping Registration Act 1981 s 46 (Aust)

### 50 Equities not excluded

Subject to sections 46, 48, and 49, nothing in this Act shall affect any power to enforce any beneficial interest in a ship, or in a share in a ship, in the same manner as in respect of any other personal property.

Compare: 1952 No 49 s 433(1); Shipping Registration Act 1981 s 47 (Aust)

### 51 Caveat forbidding registration of certain instruments

(1) A person claiming an interest in a ship or in a share in a ship under any unregistered instrument, or by operation of law, may lodge with the Registrar a caveat in the prescribed form forbidding the entry in the Register of any instrument relating to any dealing with that ship or share until after notice of the intended dealing is given to the caveator.

(2) Every caveat shall—

(a) state the name and address of the caveator; and

(b) contain a description sufficient to identify the ship or the share in the ship in which the caveator claims an interest and to identify the interest claimed by the caveator; and

(c) be signed by the caveator or by the caveator's solicitor or agent.

(3) A caveat shall not be entered in the Register by the Registrar unless there is specified in the caveat an address in New Zealand at which notices relating to the caveat or to proceedings in respect of the caveat may be served.

(4) Where a person entitled to withdraw a caveat notifies the Registrar, by lodging a notice in the prescribed form, that the name of the caveator or the address for service of notices on the caveator has been changed from the name or address specified in the caveat, the Registrar shall record on the caveat and in the Register the name or address so notified and that name or address shall thereupon be the name of, or the address for service of notices on, the caveator.

(5) Every notice relating to a caveat or to any proceeding in respect of a caveat shall be deemed to be duly served—

(a) either—

(i) at the address stated in the caveat in accordance with subsection (3); or

(ii) if an address has been notified under subsection (4), at the address, or the last address, so notified; or

(b) if the caveat was signed by a solicitor or agent, at the office of that solicitor or at the address of that agent.

(6) A caveat may be withdrawn—

(a) by the caveator or by the caveator's solicitor or agent; or

(b) by the executor of the will or the administrator of the estate, of the deceased caveator; or

(c) by a trustee or official receiver or other person in whom the interest claimed by the caveator is vested pursuant to the Insolvency Act 2006; or

(d) by any person in whom by an order of the High Court there is entrusted, by reason of the mental incapacity of the caveator, the management and care or the interest claimed by the caveator.

(7) Where there is lodged for entry in the Register an instrument relating to a dealing with a ship, or a share in a ship, in respect of which a caveat has been lodged and the Registrar is satisfied that, upon entry of that instrument in the Register there will vest in the caveator the interest claimed by the caveator in the caveat, the Registrar may, notwithstanding the caveat and the provisions of sections 54 and 55, enter the dealing in the Register and may record on the caveat or in the Register that the caveat has lapsed.

Compare: Shipping Registration Act 1981 s 47A (Aust)

Section 51(6)(c): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

### 52 Notice of caveat

Upon entry in the Register of a caveat, the Registrar shall notify particulars of the caveat by registered post to the person or each person entered in the Register as an owner or part-owner or mortgagee, of the ship or share, as the case may be.

Compare: Shipping Registration Act 1981 s 47B(1) (Aust)

### 53 Procedure for removal of caveat

(1) Any person notified or required to be notified under section 52 of the entry in the Register of a caveat may apply to the High Court for an order that the caveat be removed.

(2) On an application for the removal of a caveat, the caveator has the onus of establishing why the caveat should not be removed.

(3) The court may, upon proof that notice of the application has been served on the caveator or the caveator's solicitor or agent, make such order, either *ex parte* or otherwise, as the court thinks fit.

Compare: 1952 No 52 s 143; Shipping Registration Act 1981 s 47B(2), (3) (Aust)

### 54 When caveat to lapse

A caveat entered in the Register in respect of a ship or a share in a ship shall, unless an order to the contrary is made by the High Court and served on the Registrar, be deemed to have lapsed upon the expiration of 28 days after notice is given by the Registrar by registered post to the caveator that the person or each person entered in the Register as an owner or part-owner of the ship or share or a person having a right to register a dealing with the ship or share, as

the case may be, has applied for the registration of any dealing with the ship or share.

Compare: Shipping Registration Act 1981 s 47C (Aust)

### 55 No dealing to be registered while caveat in force

(1) Subject to this section, so long as a caveat remains in force in respect of a ship or a share in a ship, the Registrar shall not, except with the consent in writing of a person entitled to withdraw the caveat, enter in the Register particulars of any dealing with that ship or share.

(2) Subsection (1) shall not operate to prevent the entry in the Register of a dealing with a ship or a share in a ship which, when the caveat was lodged with the Registrar, had previously been lodged with the Registrar in a form satisfactory for entry in the Register.

(3) Except to the extent that it otherwise specifies, a caveat shall not prevent the Registrar from entering in the Register—

(a) the transmission of a ship or of a share in a ship to a person where that person becomes so entitled by operation of law; or

(b) a dealing by a person as the mortgagee under a mortgage of a ship or a share in a ship, being a mortgage to the entry of which the caveator has consented or in respect of which the caveat has lapsed.

Compare: Shipping Registration Act 1981 s 47D (Aust)

### 56 Compensation for lodging caveat without reasonable cause

(1) A person who lodges or maintains a caveat with the Registrar without reasonable cause is liable to pay to a person who has sustained damage thereby such compensation as is just.

(2) Such compensation is recoverable in an action in a court of competent jurisdiction by the person who has sustained damage from the person who lodged the caveat.

Compare: Shipping Registration Act 1981 s 47E (Aust)

## Part 4
## Nationality and national colours

### 57 Certain ships to have New Zealand nationality

(1) The following ships shall for all purposes be treated as being New Zealand ships and having New Zealand nationality:

(a) ships that are registered under this Act:

(b) ships entitled under section 8 to be registered (not being ships that are required by section 6(2) to be registered).

(2) Nothing in subsection (1) alters the character of a ship as an article of personal property.

Compare: Shipping Registration Act 1981 s 29 (Aust)

### 58 National colours and other flags

(1) Except as otherwise provided in any other Act, New Zealand Government ships shall fly the New Zealand Flag.

(2) New Zealand ships other than New Zealand Government ships shall fly either the New Zealand Flag or the marine flag of New Zealand, but shall not fly both flags.

(3) Subject to subsection (4), every New Zealand ship required or entitled to fly the New Zealand national colours shall fly the appropriate national colours in the following circumstances:

(a) when signalled to do so by any ship set aside for or being used by the Armed Forces of New Zealand:

(b) while berthed or at anchor, during daylight hours, or entering or leaving or underway in any port in a foreign country:

(c) while berthed or at anchor, during daylight hours, or entering or leaving or underway in any port in New Zealand.

(4) Subsection (3)(c) applies only to ships registered under section 6(1) and ships (other than barges) registered under section 8(1).

(5) The master of any New Zealand ship required or entitled to fly the New Zealand national colours commits an offence and is liable on conviction to a fine not exceeding $5,000 if the ship—

(a) fails to comply with any provision of subsection (3); or

(b) flies national colours other than those specified in respect of the ship by this section.

Compare: 1952 No 49 ss 5, 6; Shipping Registration Act 1981 s 30 (Aust)

Section 58(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 58A Flags authorised under prerogative

(1) Despite section 58 or any other enactment, the powers of the Sovereign and the Governor-General include the power—

(a) to establish a new flag which may be flown by a particular New Zealand ship or any class of New Zealand ship authorised for the purpose by the Sovereign or the Governor-General; or

(b) to designate any existing flag as a flag which may be flown by a particular New Zealand ship or any class of New Zealand ship authorised for the purpose by the Sovereign or the Governor-General.

(2) Where any New Zealand ship is entitled to fly any flag in accordance with an authority given by the Sovereign or the Governor-General, that flag is the appropriate national colour for that ship and subsections (3), (4), and (5)(a) of section 58 apply with any necessary modifications.

Section 58A: inserted, on 7 May 1999, by section 2 of the Ship Registration Amendment Act 1999 (1999 No 46).

### 59 Declaration of ship's nationality before Customs clearance

(1) A Customs officer shall not grant a certificate of clearance in respect of a ship about to leave a New Zealand port for a place outside New Zealand until the master of the ship has declared the nationality of the ship.

(2) A declaration made under subsection (1) shall be recorded on the certificate of clearance.

(3) Any ship that attempts to proceed to sea without a certificate of clearance until the declaration of nationality is made may be detained.

Compare: 1952 No 49 s 437; Shipping Registration Act 1981 s 31 (Aust)

Section 59(1): amended, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

### 60 Improperly assuming or concealing New Zealand nationality

(1) The master or owner of a ship that is not a New Zealand ship commits an offence who does anything, or causes or permits anything to be done, for the purpose of causing the ship to appear to be a New Zealand ship.

(2) The master or owner of a ship required by section 58 to fly the New Zealand national colours (within the meaning of that section) commits an offence who does anything, or causes anything to be done, for the purpose of—

(a) concealing the nationality of the ship from any person having a duty or power under the law of New Zealand to inquire into the nationality of the ship; or

(b) deceiving any such person; or

(c) causing the ship to appear not to be a New Zealand ship.

(3) Every master or owner who commits an offence against subsection (1) or subsection (2) is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000; and the ship in respect of which the offence has been committed is liable on conviction to forfeiture under this Act.

(4) In any prosecution for an offence against subsection (1) or subsection (2), it is a defence if the defendant proves that the purpose of the conduct specified in the charge was to escape capture by an enemy.

Compare: 1952 No 49 ss 438, 439; Shipping Registration Act 1981 ss 32, 33 (Aust)

Section 60(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

# Part 5
# Administration

## 61 Registrar of Ships

(1) There shall from time to time be appointed under the Public Service Act 2020 a Registrar of Ships.

(2) The Registrar shall be responsible for maintaining the New Zealand Register of Ships, and shall have such functions, responsibilities, and duties as are conferred on the Registrar by this Act or any other enactment.

(3) The Registrar shall have all such powers as may be reasonably necessary to enable the Registrar to carry out the functions, responsibilities, and duties imposed on the Registrar by this Act or any other enactment.

Compare: 1952 No 49 s 383; Shipping Registration Act 1981 ss 48(1), 50 (Aust)

Section 61(1): amended, on 8 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

## 62 Deputy Registrars of Ships

(1) There may also from time to time be appointed under the Public Service Act 2020 suitable persons to be Deputy Registrars of Ships.

(2) Unless the Registrar otherwise directs in the case of any Deputy Registrar, every Deputy Registrar shall have and may exercise all the functions, duties, and powers of the Registrar.

(3) A Deputy Registrar performing or exercising any of the Registrar's functions, duties, or powers shall be presumed to be acting within the terms of his or her authority, in the absence of proof to the contrary.

Compare: 1952 No 49 s 383A; Shipping Registration Act 1981 ss 48(2), 50 (Aust)

Section 62(1): amended, on 8 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

## 63 Seal of Registrar

(1) The Registrar shall have and use a seal of office in the prescribed form.

(2) Every document bearing the imprint of the seal and purporting to be signed or issued by the Registrar or a Deputy Registrar shall be admissible in evidence, and shall be deemed to be signed or issued by or under the direction of the Registrar without further proof, unless the contrary is proved.

Compare: Shipping Registration Act 1981 s 55 (Aust)

## 64 Protection of Registrar and Deputies

Neither the Registrar nor any Deputy Registrar shall be personally liable in respect of any act or omission in that person's capacity as Registrar or Deputy Registrar, unless that person acts in bad faith or without reasonable care.

Compare: 1952 No 49 s 383(2)

*New Zealand Register of Ships*

### 65 New Zealand Register of Ships

(1) For the purposes of this Act, there shall be a register to be known as the New Zealand Register of Ships, in which shall be entered all matters required or permitted by this Act to be registered.

(2) The Register shall consist of—

(a) Part A, comprising particulars of ships registered in that Part of the Register under section 6 or section 8; and

(b) Part B, comprising particulars of ships registered in that Part of the Register under section 6 or section 8.

(3) The Register and official copies of the Register or of any part of the Register shall be kept at such place or places as the Minister from time to time appoints by notice in the *Gazette*.

(4) For the purposes of this Act, the Minister may from time to time, by notice in the *Gazette*, designate any port as a port of registry.

(5) On payment of the prescribed fee (if any), any person—

(a) may inspect the Register or any official copy of the Register at any reasonable time during the hours when the office in which the Register or copy is held is open for business; and

(b) may, at any such time, inspect any document lodged in association with any entry in the Register; and

(c) is entitled to obtain a copy of or an extract from any entry in the Register or document lodged in association with any entry in the Register.

Compare: 1952 No 49 s 384; Shipping Registration Act 1981 ss 56, 57 (Aust)

Section 65(5)(b): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 65(5)(c): added, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 66 Power to appoint suitable organisation to maintain any Part of Register

(1) The Director may appoint any organisation to maintain the Register or any Part of it, and for that purpose may enter into an agreement with the organisation setting out the conditions under which the Register or that Part will be maintained.

(2) Any such agreement may provide for the appointment of a registrar or deputy registrars and, subject to the terms of the agreement, any persons so appointed shall have and may exercise, in relation to the Register or the relevant Part of the Register, all the powers, duties, and functions of the Registrar or Deputy Registrars, as the case may be, under this Act.

(3) No person shall be personally liable in respect of any act or omission in that person's capacity as such a registrar or deputy registrar, unless that person acts in bad faith or without reasonable care.

Section 66(1): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

*Corrections and rectification of Register*

### 67 Correction of clerical errors

The Registrar may correct, or cause to be corrected, any clerical error or obvious mistake in the Register.

Compare: 1952 No 49 s 507A; Shipping Registration Act 1981 s 60 (Aust)

### 68 Power to give directions in respect of obsolete or incorrect entries

(1) Where, in relation to a particular ship,—

(a) the Registrar has reason to believe that the ship is not entitled to be registered under this Act or is registered in the wrong Part of the Register; or

(b) no entry or amendment of an entry has been made in the Register for a period of 5 years and the Registrar has reason to suspect that—

(i) any notice, information, or document in respect of which an entry in the Register is required by this Act has not been lodged with the Registrar within that period of 5 years; or

(ii) any particulars entered in the Register, other than particulars relating to a mortgage, are incorrect; or

(iii) the ship has been lost (whether actually or constructively), taken by an enemy, burnt, or broken up; or

(iv) the ship is derelict and is incapable of being used in navigation,—

the Registrar may, by notice in writing served on the representative person or the owner of the ship, require that person to furnish to the Registrar within a specified period (being not less than 30 days) after the date of service of the notice, such information and documents relating to the ship as are specified in the notice.

(2) Where—

(a) the person on whom the notice is served under subsection (1) fails to furnish the Registrar, within the period specified in the notice or such longer period as the Registrar may allow, with any information or document specified in the notice; or

(b) upon the furnishing of any information or document pursuant to such a notice, the Registrar is of the opinion that the circumstances justify the closure of the registry of that ship or the alteration of any entry made in the Register,—

the Registrar shall report the facts to the Director, and the Director may give the Registrar such directions in writing as the Director thinks fit with respect to the closure of the registry relating to the ship, or with respect to any entry made or to be made relating to the ship.

(3) The Registrar shall comply with any direction given by the Director under subsection (2).

(4) Where the Director directs the closure of the registry relating to the ship,—

(a) the Registrar shall, if the Director states in the direction that the Director is of the opinion that the ship has been lost (whether actually or constructively), taken by an enemy, burnt, or broken up, or that the ship is derelict and is incapable of being used in navigation, make an entry in the Register of that statement, and the registration of the ship shall thereupon be deemed to be closed except so far as it relates to any unsatisfied mortgage of the ship; or

(b) in any other case, sections 32 and 33 shall apply as if the ship had ceased to be entitled to be registered and the direction were a notice under section 32(1) stating that fact.

Compare: Shipping Registration Act 1981 s 58 (Aust)

Section 68(2): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 68(3): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 68(4): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 68(4)(a): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 69 High Court may direct rectification of Register

(1) Where—

(a) any particular or matter that is required or permitted by or under this Act to be registered is not entered in the Register; or

(b) an entry is removed or omitted from the Register; or

(c) an entry is made in the Register without sufficient cause; or

(d) an entry wrongly exists in the Register; or

(e) there is an error or defect (other than a clerical error or obvious mistake) in an entry in the Register,—

a person aggrieved or the Registrar may apply to the High Court for rectification of the Register.

(2) Notice of an application under subsection (1) by a person aggrieved shall be served on—

(a) the Registrar; and

(b) every mortgagee whose name is recorded in the Register as a mortgagee of the ship concerned or a share in it, and every other person whose name is recorded in the Register as the holder of an interest in the ship or as a person affected by the registration of the ship.

(3) The court may, in proceedings under this section,—

(a) decide any question that is necessary or expedient to decide in connection with the rectification of the Register; and

(b) make such order as it thinks fit directing the rectification of the Register.

(4) A copy of an order under this section shall be served on the Registrar, and the Registrar shall thereupon rectify the Register accordingly.

Compare: Shipping Registration Act 1981 s 59 (Aust)

# Part 6
# Miscellaneous provisions

## 70 Priority of securities or charges in respect of foreign ships

Where a question arises in New Zealand as to the priority of instruments creating securities or charges in respect of a ship registered under the law of a foreign country, instruments creating securities or charges in respect of the ship and duly registered in respect of the ship under that law shall—

(a) have the same effect as a mortgage registered in respect of a ship under this Act; and

(b) be accorded the priority that they would have been accorded if they had been registered under this Act.

## 71 Detention of ships

(1) A ship may be detained under section 6(4) or section 59(3) by any of the following officers:

(a) the Director:

(b) any constable:

(c) any Customs officer.

(2) A Customs officer shall not grant a certificate of clearance in respect of a ship that is detained under this Act.

(3) The master or owner of any ship detained under this Act commits an offence and is liable on conviction to a fine not exceeding $5,000 who causes or permits that ship to go to sea or fails to take reasonable steps to prevent that ship going to sea, before it is released from detention by a competent authority.

(4) The provisions of the Maritime Transport Act 1994 shall, with any necessary modifications, apply in relation to any ship detained under this section as if it were a ship detained under section 55 of that Act.

Compare: 1952 No 49 s 490; Shipping Registration Act 1981 s 71 (Aust)

Section 71(1): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 71(1)(b): amended, on 1 October 2008, pursuant to section 116(a)(iii) of the Policing Act 2008 (2008 No 72).

Section 71(1)(c): substituted, on 1 October 1996, pursuant to section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 71(2): amended, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 71(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 71(4): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 72 Proceedings on forfeiture

(1) Where a ship is liable to forfeiture under section 60(3),—

(a) an officer specified in section 71(1) may seize and detain the ship; and

(b) the Minister may apply to the High Court for an order under subsection (2).

(2) Upon application by the Minister under subsection (1) in relation to a ship, the court may order the ship and its equipment to be forfeited to the Crown.

(3) Anything forfeited under this section becomes the property of the Crown and may be sold or otherwise dealt with as the Minister thinks fit.

Compare: 1952 No 49 s 444(1), (2); Shipping Registration Act 1981 s 70 (Aust)

### 73 Protection of officers in respect of seizure or detention

(1) An officer specified in section 71(1) shall not be liable either civilly or criminally in respect of any seizure or detention under this Act if it is shown to the satisfaction of the court determining any proceedings relating to the ship or seizure or detention that there were reasonable grounds for the seizure or detention.

(2) If the court is not satisfied that there were reasonable grounds for the seizure or detention, it may award costs and damages to any party aggrieved and make such other order as it thinks just.

Compare: 1952 No 49 s 444(3)

### 74 False statements

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $5,000 who makes or presents to an officer having duties and functions under this Act any oral or written statement, knowing that statement to be false or misleading in any material particular.

(2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 who, by means of a statement or document that the person knows to be, or to contain information that is, false or misleading in any material particular, causes or attempts to cause an officer to do or refrain from doing any act or thing in the performance or exercise of that officer's duties, functions, or powers under this Act.

(3) For the purposes of the application of this section in relation to a body corporate, but without prejudice to the liability of any person other than the body corporate,—

(a) a statement made, presented, or otherwise used by a person acting on behalf of the body corporate shall be deemed to have been made, presented, or otherwise used by the body corporate; and

(b) the knowledge of any person employed by or concerned in the management of the body corporate shall be deemed to be knowledge of the body corporate.

Compare: 1952 No 49 s 457(2)(a); Shipping Registration Act 1981 s 73 (Aust)

Section 74(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 74(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 75 Making false documents, etc

(1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 who—

(a) makes any register book, certificate, bill of sale, instrument of mortgage, or other document under this Act, knowing the same to be false or misleading in any material particular; or

(b) forges or fraudulently alters any such document, or assists any other person to do so, or procures the forgery or fraudulent alteration of any such document.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $5,000 who prints, sells, or uses any document purporting to be a form prescribed by the Minister, knowing that the document is not in fact a form that is for the time being prescribed by the Minister.

Compare: 1952 No 49 s 503; 1987 No 184 s 25(1)

Section 75(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 75(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 76 Liability of directors and officers of bodies corporate

Where any body corporate is convicted of an offence against this Act, every director and every person concerned in the management of the body corporate shall be guilty of a like offence if it is proved that the act or omission that constituted the offence took place with that person's authority, permission, or consent, or that the person knew or should have known that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

Compare: Shipping Registration Act 1981 s 74(5) (Aust)

### 77 Offences to be punishable on summary conviction

*[Repealed]*

Section 77: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 78 Proceedings for offences

For the purpose of any proceedings for an offence against this Act, the following provisions shall apply:

(a) the offence may be treated as having been committed either at the place at which it was actually committed or at any place in which the offender may be:

(b) The applicable limitation period referred to in section 25 of the Criminal Procedure Act 2011 for the filing of a charging document shall not run while the person charged (or to be charged) is beyond the territorial limits of New Zealand.

Compare: 1952 No 49 ss 481(1), 483

Section 78(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 79 Service of documents

(1) Where for the purposes of this Act any document is to be served on any person, that document may be served,—

(a) in any case, by delivering the document personally to the person to be served, or by leaving it at that person's last known place of residence; or

(b) if the document is to be served on the master of a ship, where there is a master, or on a person belonging to a ship, by leaving the document for the master or other person on board that ship with the person being or appearing to be in command or charge of the ship, and explaining to that person the purport of the document; or

(c) if the document is to be served on the master of a ship, where there is no master and the ship is within New Zealand waters, by—

(i) either—

(A) leaving the document with the person being or appearing to be in command or charge of the ship; or

(B) serving the document on the representative person appointed in respect of the ship under section 7; or

(ii) if none of the persons specified by subparagraph (i) can be located after taking reasonable steps to locate such a person, affixing the document to the mast of the ship.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $5,000, who obstructs the service of any document under this Act; and the owner or master of the ship commits an offence and is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding $10,000 if the owner or master is a party to the obstruction.

Compare: 1952 No 49 s 498

Section 79(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 80 Admissibility of documents in evidence

(1) A document declared by any provision of this Act to be admissible in evidence is, on mere production, admissible in evidence in any proceedings as prima facie evidence of—

(a) any matter stated in the document in pursuance of this Act or in pursuance of any duty or function under this Act; and

(b) the fact that the document was signed by the person by whom it purports to be signed.

(2) The person having custody of any document referred to in subsection (1) shall, upon payment of the prescribed fee (if any) by the applicant, supply to the applicant a copy of or an extract from the document, certified by writing signed by that person.

(3) The Registrar or a Deputy Registrar may, subject to this Act,—

(a) supply copies of or extracts from any entry in the Register or any document forming part of or associated with the Register; and

(b) certify any such copy or extract, by writing signed by the Registrar or Deputy Registrar and sealed with the seal of the Registrar.

(4) A document purporting to be a copy or an extract supplied under subsection (2) or subsection (3) is admissible in evidence.

Compare: 1952 No 49 ss 493, 494(1), (2), (3); Shipping Registration Act 1981 s 77 (Aust)

### 81 Evidence relating to transmissions

Where the Registrar requires any person to furnish evidence of a transmission of any ship or share in a ship, or of any mortgage of a ship or share in a ship, under either section 36 or section 44, it is sufficient compliance with such requirement,—

(a) in the case of the death of a joint owner or joint mortgagee, to furnish the Registrar with—

(i) a certificate of the death or burial of the deceased, probate or letters of administration of the estate of the deceased, or an office copy of any such document; and

(ii) a declaration made by a person well acquainted with the deceased, to the effect that the deceased is named in the Register as a joint owner or joint mortgagee:

(b) in the case of the death of a sole owner, owner in common, or sole mortgagee, to furnish the Registrar with an instrument constituting any person as the legal personal representative or constituting persons as the legal personal representatives of the deceased, or an office copy of such document:

(c) in the case of a transmission upon an order of a court, to furnish the Registrar with the order or an office copy of the order:

(d) in the case of a lien in respect of a ship, to furnish the Registrar with such particulars as the Registrar may reasonably require for the purposes of this section:

(e) in the case of forfeiture of a ship, to furnish the Registrar with the order of a court directing that the ship be forfeit or an office copy of the order, or such particulars as the Registrar may reasonably require for the purposes of this section.

Section 81: substituted, on 9 June 1999, by section 8 of the Ship Registration Amendment Act (No 2) 1999 (1999 No 67).

### 82 Power of Registrar to dispense with declarations and other evidence, etc

(1) When, under this Act, any person is required or permitted to make a declaration on behalf of himself or herself or of any body corporate or produce any evidence to the Registrar or do any other act, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to make the declaration or produce the evidence or do the act, the Registrar may, subject to any conditions imposed by the Director, dispense with the declaration or evidence or act.

(2) Any such declaration may be made or evidence produced or other act done by an agent approved for the purpose by the Registrar or by order of the High Court.

Compare: 1952 No 49 s 453

### 83 Mode of making declarations

(1) Declarations required by this Act shall, when made in New Zealand, be made before any person before whom a declaration may be made under section 9 of the Oaths and Declarations Act 1957 or before any Registrar of Ships.

(2) Declarations required by this Act shall, when made out of New Zealand, be made—

(a) before any person before whom a declaration may be made outside New Zealand under section 11 of the Oaths and Declarations Act 1957; or

(b) before a proper officer.

(3) Declarations required by this Act to be made on behalf of a body corporate shall be made by any officer of the body corporate authorised by it for the purpose.

Compare: 1952 No 49 s 454

### 84 Power to prescribe or approve forms

(1) For the purposes of this Act, the Director may from time to time—

(a) prescribe forms:

(b) approve the use of any form in place of a prescribed form.

(2) The Director shall cause all prescribed forms to be supplied free of charge or at such reasonable prices as the Director may fix, at such offices of the Director and other places as the Director thinks fit.

(3) The Director may license any person to print and sell prescribed forms, or to do either of those things.

(4) Where a form is required by this Act to be in the prescribed form,—

(a) the form shall not be admissible in evidence in any civil proceedings on the part of the owner or master of the ship to which it relates unless—

(i) it is in the prescribed form or as near to the prescribed form as the circumstances permit; or

(ii) it is in an approved form:

(b) it shall be sufficient compliance with any such requirement if an approved form is used in place of the prescribed form.

Compare: 1952 No 49 s 502

Section 84(1): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 84(2): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 84(2): amended, on 20 August 1993, by section 20(1) of the Maritime Transport Act 1993 (1993 No 89).

Section 84(3): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 85 Power to appoint or recognise persons as proper officers

For the purposes of this Act, the Director may from time to time, by notice in the *Gazette*, appoint or recognise any person as a proper officer in relation to a port in a foreign country.

Section 85: amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 85A Delegation of Minister's functions and powers to Director

(1) The Minister may from time to time, either generally or particularly, delegate to the Director all or any of the Minister's functions and powers under this Act.

(2) Every delegation under this section shall be in writing.

(3) The Director shall not delegate any functions or powers delegated to the Director under this section without the written consent of the Minister.

(4) The power of the Minister to delegate under this section—

(a) is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister's functions or powers; but

(b) does not limit the power of delegation conferred on the Minister by any other Act.

(5) Subject to any general or special directions given or conditions imposed by the Minister, the Director may exercise any functions or powers so delegated to the Director in the same manner and with the same effect as if they had been conferred on the Director directly by this section and not by delegation.

(6) Where the Director purports to act pursuant to any delegation under this section, the Director shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.

Section 85A: inserted, on 20 August 1993, by section 20(1) of the Maritime Transport Act 1993 (1993 No 89).

### 86 Delegation of Director's powers

(1) The Director may from time to time, either generally or in any particular case, delegate to such officer or officers or employee or employees of the Authority as the Director thinks fit all or any of the powers of the Director under sections 19(7) and 82(1).

(2) Subject to any general or special directions given or conditions attached by the Director, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred upon that officer or employee directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Any delegation under this section may be revoked at any time, and no such delegation shall prevent the exercise of any power by the Director.

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Director by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director.

Section 86(1): amended, on 20 August 1993, by section 20(1) of the Maritime Transport Act 1993 (1993 No 89).

## 87 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing, or providing for the fixing of, fees payable in respect of any matter under this Act:

(b) specifying the persons by whom any such fees are payable:

(c) prescribing specific fees for specific work or services:

(d) prescribing a scale of fees or a rate based on the time involved in carrying out the work or services:

(e) prescribing additional charges for reimbursement of travelling time, accommodation, and other expenses:

(f) providing for the refund or waiver of any fee, in whole or in part, in any specified case or class of cases:

(g) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1952 No 49 ss 501, 504; 1987 No 184 s 24; Shipping Registration Act 1981 s 83 (Aust)

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 87(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 88 Repeals and amendments

(1) The enactments specified in Part 1 of the Schedule are hereby repealed.

(2) The enactments specified in Part 2 of the Schedule are hereby amended in the manner indicated in that Part.

(3) *Amendment(s) incorporated in the Act(s)*.

### 89 Revocations

(1) The following regulations and orders are hereby revoked:

(a) the Auckland Harbour Board Flag Regulations 1964 (SR 1964/12):

(b) the Wellington Harbour Board Flag Regulations 1964 (SR 1964/76):

(c) the Shipping (Marking of Fishing Boats) Order 1967 (SR 1967/7):

(d) the Shipping (Marking of Pleasure Yachts) Order 1979 (SR 1979/5):

(e) the Shipping Registration (Prescribed Forms) Order 1982 (SR 1982/75):

(f) the Bay of Plenty Harbour Board Flag Regulations 1986 (SR 1986/323).

(2) As from the commencement of this Act, the Merchant Shipping (Registration of New Zealand Government Ships) Order 1946 (SR 1946/174) shall cease to be part of the law of New Zealand.

(3) The following exemptions granted by the Minister of Marine under section 308(5) of the Shipping and Seamen Act 1908 are hereby revoked:

(a) the exemption relating to vessels of the Royal New Zealand Yacht Squadron, dated 22 March 1920:

(b) the exemption relating to vessels of the Royal Port Nicholson Yacht Club, dated 20 May 1935:

(c) the exemption relating to vessels of the Akarana Yacht Club, Auckland, dated 13 January 1936.

## *Transitional provisions*

### 90 Ships registered in New Zealand under previous law deemed registered under this Act

(1) Every ship that—

(a) is required or entitled to be registered under this Act; and

(b) was, immediately before the commencement of this Act, registered under the provisions of Part 12 of the Shipping and Seamen Act 1952 at a port of registry in New Zealand—

is deemed to be registered in Part A of the Register.

(2) The Registrar shall as soon as practicable issue a certificate of registry in respect of each ship that is so deemed to be registered, and for this purpose the

Registrar may require the production of the certificate of registry issued before the commencement of this Act in respect of any such ship.

(3) Each register book kept at a port in New Zealand under the provisions of Part 12 of the Shipping and Seamen Act 1952 is deemed to be part of Part A of the Register established under this Act.

(4) Every ship that is deemed by subsection (1) to be registered in Part A of the Register is deemed always to have been lawfully registered under Part 12 of the Shipping and Seamen Act 1952.

Compare: Shipping Registration Act 1981 s 86 (Aust)

### 91 Verification of particulars in registers kept under previous law

(1) The Registrar may, by notice in writing served on any person owning or having the management of the ship deemed to be registered by section 90, require that person within a specified period (being not less than 30 days) after the date of the notice—

(a) to verify, in such manner as is specified in the notice, any matter or particular appearing in the Register by virtue of section 90(3); or

(b) to furnish such information and documents relating to the ship and its owner as are specified in the notice, being information and documents of a kind required in connection with or in support of an application for registration.

(2) If—

(a) the owner or person having the management of the ship fails within the specified period to verify a matter or particular, or to furnish any information or documents, as required by a notice under subsection (1); and

(b) the Director is not satisfied that the ship is registrable under this Act,—

the Director may, by notice in writing to the Registrar, direct that the registration relating to the ship be closed.

(3) Upon receipt by the Registrar of such a notice, the provisions of section 32 shall apply as if the ship had ceased to be entitled to be registered and the notice were a notice under section 32(1)(b) stating that fact.

Compare: Shipping Registration Act 1981 s 92 (Aust)

Section 91(2): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 91(2)(b): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

### 92 Applications under previous law

(1) All applications for registration of a ship under the provisions of Part 12 of the Shipping and Seamen Act 1952 that have not been finally dealt with at the commencement of this Act shall be subject to this section.

(2) Every application that is subject to this section shall be deemed to be an application under this Act and the Registrar shall complete the registration of the ship accordingly.

Compare: Shipping Registration Act 1981 s 89 (Aust)

### 93 Transfer of foreign registered ships

(1) Every ship that, at the commencement of this section,—

(a) is registered in a foreign country under provisions of a law that correspond with the provisions of Part 12 of the Shipping and Seamen Act 1952; and

(b) is required by section 6(1) to be registered in Part A of the Register,—

is subject to this section.

(2) The owner of any ship that is subject to this section shall take such action as is necessary to register the ship in Part A of the Register within 6 months after the commencement of this section by way of a transfer of the registration to the Register.

(3) The owner shall furnish the Registrar with, or arrange for the foreign registry office to transmit to the Registrar,—

(a) all particulars entered in the foreign register in relation to the ship; and

(b) the names of all foreign registered owners and any mortgagee of the ship or any share in the ship; and

(c) any instrument or other document relating to the ship or a certified copy of any such instrument or document, kept by the foreign registry office; and

(d) consent to the closure of registration; and

(e) such other information as the Registrar may reasonably require for the purposes of this section.

(4) The prescribed fee (if any) in respect of the transfer of any registration under this section shall be payable by the owner.

Compare: Shipping Registration Act 1981 s 87 (Aust)

### 94 References in other laws

Unless the context otherwise requires, every reference in any other Act to a registered New Zealand ship shall be read as if it were a reference to a ship registered or deemed to be registered under this Act.

Compare: Shipping Registration Act 1981 s 80 (Aust)

### 95 Savings

Notwithstanding the repeal of sections 383 and 383A of the Shipping and Seamen Act 1952 by section 88(1) of this Act,—

(a) every person who, immediately before the commencement of this Act, held office as Registrar of Ships under section 383 of the Shipping and Seamen Act 1952 is hereby deemed to have been appointed as Registrar of Ships under section 61:

(b) every person who, immediately before the commencement of this Act, held office as an Assistant Registrar of Ships under section 383A of the Shipping and Seamen Act 1952 is hereby deemed to have been appointed as a Deputy Registrar of Ships under section 62:

(c) every port in New Zealand that, immediately before the commencement of this Act, was appointed under section 383(1) of the Shipping and Seamen Act 1952 as a port of registry is hereby deemed to be a port of registry for the registration of ships under this Act.

# Schedule
# Repeals and amendments

s 88(1)

## Part 1
## Repeals

**Shipping and Seamen Act 1952 (1952 No 49)**
*Amendment(s) incorporated in the Act(s).*

**Shipping and Seamen Amendment Act 1959 (1959 No 102)**
*Amendment(s) incorporated in the Act(s).*

**Shipping and Seamen Amendment Act 1963 (1963 No 129)**
*Amendment(s) incorporated in the Act(s).*

**Shipping and Seamen Amendment Act 1968 (1968 No 55)**
*Amendment(s) incorporated in the Act(s).*

**Shipping and Seamen Amendment Act 1987 (1987 No 184)**
*Amendment(s) incorporated in the Act(s).*

## Part 2
## Enactments amended

s 88(2)

**Chattels Transfer Act 1924 (1924 No 49) (RS Vol 15, p 33)**
*Amendment(s) incorporated in the Act(s).*

**Flags, Emblems, and Names Protection Act 1981 (1981 No 47)**
*Amendment(s) incorporated in the Act(s).*

**Imperial Laws Application Act 1988 (1988 No 112)**
*Amendment(s) incorporated in the Act(s).*

**Shipping Act 1987 (1987 No 183)**
*Amendment(s) incorporated in the Act(s).*

**Shipping and Seamen Act 1952 (1952 No 49)**
*Amendment(s) incorporated in the Act(s).*

### Statutes Amendment Act 1940 (1940 No 18) (RS Vol 15, p 79)

*Amendment(s) incorporated in the Act(s).*

## Notes

### *1 General*

This is a consolidation of the Ship Registration Act 1992 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### *2 Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### *3 Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### *4 Amendments incorporated in this consolidation*

Regulatory Systems (Transport) Amendment Act 2021 (2021 No 9): section 60

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Customs and Excise Act 2018 (2018 No 4): section 443(3)

District Court Act 2016 (2016 No 49): section 261

Criminal Procedure Act 2011 (2011 No 81): section 413

Immigration Act 2009 (2009 No 51): section 406(1)

Policing Act 2008 (2008 No 72): section 116(a)(iii)

Insolvency Act 2006 (2006 No 55): section 445

Ship Registration Amendment Act 2005 (2005 No 114)

Maritime Transport Amendment Act 2004 (2004 No 98): section 11(3)

Ship Registration Amendment Act 1999 (1999 No 67)

Ship Registration Amendment Act 1999 (1999 No 46)

Customs and Excise Act 1996 (1996 No 27): section 289(1)

Maritime Transport Act 1994 (1994 No 104): section 203

Maritime Transport Act 1993 (1993 No 89): section 20(1)

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