

Ship Registration Act 1992

APPLICATION FOR REGISTRATION OF SHIP IN PART A OF REGISTER – SR2

Please read carefully the attached notes before completing this form. Use block letters.

Application is hereby made to register the ship described below in the name(s) of the person(s) detailed in this application.

To: The Registrar of Ships, Maritime New Zealand, PO Box 25620, Wellington 6140

PARTICULARS OF SHIP				
Present Name of Ship / Builder's Number:		Previous Name of Ship:		If previously registered overseas or in New Zealand, show Port & Official Number:
				If previously registered in Part B show Registration Number & date of expiry or termination:
Proposed Port of Registry:		Type of Ship*: Commercial / Fishing / Pleasure		Call Sign (if any):
		Location of Ship:		
Length (metres):	Hull Material:	Place of Construction:	Year of Completion:	Propulsion & Power of Engines*: Motor / Sail / Dumb kW

PARTICULARS OF OWNER(S)			
Full name(s):	Full residential address(es) or Place(s) of Business	Telephone numbers	
		Home	Business
1.			
2.			
3.			

Continue on a separate sheet if necessary

Type of registered ownership required (please tick one): Sole Joint Owner Body Corporate Demise Charter (3)

PROPOSED NAME OF SHIP

The proposed name of the ship submitted for approval is (in order of preference):

1. _____
2. _____
3. _____

Note: The approved name will be reserved for one year from date of approval or until the ship is registered, whichever is earlier.

Registrar's use only

1. Name approved: _____
2. Name not approved (reason): _____

Signature: _____ Date: _____

Registrar/Deputy Registrar of Ships

Dated at (place): _____ on _____ day of _____ 20_____

If individual/s(1):

If body corporate (2) – refer to form SR30 before signing

Signature of owner:

Signed by (Company Name):

Name (in block letters):

By (signature & full name):

Director/Authorised signatory*

Director

In the presence of (*if two directors sign, no witness is required*):

Signature & full name of witness:

Full address & occupation of witness):

Invoice

You will be invoiced once we have processed your application. A reference number and instructions explaining how to pay will be sent with the invoice. Please provide the name and address you want the invoice made out to.

Name to use on invoice	
Postal address	
City	
Country	
Postcode	

Notes

1. The application is to be signed by the owner or, if there are more than two owners, by at least two of those persons.
2. Refer to form SR30 for alternative methods of execution including the requirements for attorneys executing on behalf of a body corporate.
3. Application in respect of a ship on demise charter to a New Zealand-based operator is to be made by the owner/s.

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NOTES FOR APPLICANTS FOR REGISTRATION OF SHIP IN PART A OF REGISTER – SR2

Notes for applicants completing form SR2

Proposed name of ship

As there cannot be two registered ships known by the same name, the proposed name must be approved by the Registrar of Ships.

List three proposed names in order of preference. Roman numeral suffixes II and above are acceptable.

Names that may **NOT** be approved include:

- Names that are likely to be confused with the names of registered ships or ships about to be registered
- Offensive names
- Names of members of the Royal family
- The name “New Zealand” without a prefix or suffix
- Names that falsely suggest a connection with the Royal family, international, national or local government bodies.

The Registrar will advise you of the approval of the name. Once approved, the name will be available for registration for one year from the date of approval.

If you wish to check the availability of a name before submitting the Application, please either use the Ships Names Online Search Tool at www.maritimenz.govt.nz or contact the Registrar, toll free on 0508 22 55 22.

If the Registrar disallows a name you have chosen and you are dissatisfied with the decision, you have the right to appeal to a District Court within 21 days after being notified of the decision of the Registrar.

Previous registration details

A ship cannot be registered in New Zealand if it is still registered under the law of another country and it cannot be registered in Part A and Part B of the New Zealand register at the same time.

The Registrar must be satisfied that any previous registration has been closed.

If the ship was previously registered overseas, show the port of registry and official number in the application and supply the following:

- A certified transcript of the overseas registry including full details of the registered particulars of the ship, registered owners and any mortgages; and
- A Certificate of Deletion or certified transcript of the closed Registry showing that the registration has been closed free from encumbrances. Documents issued in a foreign language must be accompanied by an English translation from a recognised translation service.

If the ship was previously registered in Part A of the New Zealand Register, show the port of registry and official number.

If the ship was previously registered in Part B of the New Zealand Register, show the registration number and date of expiry or termination of the registry.

Where the ship was previously registered in New Zealand the Registrar will check that the Registry has been closed.

Proposed port of registry

The approved ports of registry are:

Whangarei	Auckland	Tauranga	New Plymouth
Napier	Wellington	Nelson	Lyttelton
Timaru	Dunedin	Invercargill	

Fees and payment

- There is a fee for your application.
 - \$2,450 for a new build ship over 24 m in length;
 - \$1,715 for a new build ship 24 m or less;
 - \$2,940 for an existing ship over 24 m in length;
 - \$2,205 for an existing ship 24 m or less; or
 - \$3,430 for a demise charter ship.

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

Documents required to be lodged with the application

The Application for Registration must be accompanied by:

- Builder's Certificate (Form SR23)
- Evidence of changes in ownership (including bills of sale) to establish ownership history from the builder to the applicant for registration or from the last registered owner overseas to the applicant for registration;
- If information relating to the building of a ship and ownership changes cannot be furnished, the Registrar may accept a Declaration for Absence of Certain Documents (Form SR27) made by the applicant for registration;
- Declaration of Ownership and Nationality (Form SR04), which must not be dated before the application for registration and any document passing title to the applicant for registration;
- Evidence that any registration of the ship in another country has been closed;
- Any surveyor's tonnage certificate and international tonnage certificate which have been issued to the ship overseas;
- Appointment of Representative Person (Form SR01), if applicable; and
- In the case of a ship on demise charter to a New Zealand-based operator, a copy of the charter party and a Declaration by Charterer (Form SR05).

Statutory declarations in New Zealand can be made before a range of judicial and administrative officers, but perhaps most conveniently before any justice of the peace or solicitor. In other Commonwealth countries, judges, justices of the peace, Commonwealth representatives and solicitors of the High Court of New Zealand, among others, can take declarations. In other overseas countries, declarations must be made before judges, notaries public or solicitors of the High Court of New Zealand.

Trusts cannot be registered unless they are trusts incorporated under the Charitable Trusts Act 1957. The trustees of a family trust may register in their own names, but no notice of the trust can be entered in the Register.

The role of attorneys

Where documents are signed by an attorney under power, a certified true copy of the power of attorney must be produced to the Registrar with a certificate of non-revocation of power of attorney.

Statutory declarations cannot be made by an attorney on behalf of an owner.

Measurement of the ship

Following receipt of the application form and accompanying documents, a recognised surveyor of ships must be requested to complete either of the following documents:

- For vessels exceeding 24 metres register length, a surveyor's tonnage certificate and international tonnage certificate. The tonnages may be taken from any acceptable certificates issued to the ship overseas or will have to be determined from the approved drawings of the ship;

OR

- For vessels not exceeding 24 metres register length, a surveyor's certificate specifying the register length and descriptive particulars of the ship.

Where the vessel is overseas, the Registrar will appoint an overseas surveyor to carry out the measurement of the ship. Further information on the appointment of the Surveyor will be provided by the Registrar upon receipt of the application for registration.

Carving and marking note

Following receipt of the appropriate certificate/s from the surveyor, the ship will be allocated an official number and a carving and marking note will be issued by the Registrar for certification as follows:

- For commercial vessels, by a recognised surveyor of ships;
- For pleasure yachts, by the owner or one of the owners

The services provided by the surveyor are not covered by the registration fees. The surveyor's fee must be paid for separately.

Issue of the Certificate of Registry

Upon receipt of all documents referred to above correctly completed, the ship will be entered in the Register of Ships and a Certificate of New Zealand Registry, and an international tonnage certificate (only for vessels exceeding 24 metres register length), will be issued to the owner/s.

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ADDITIONAL INFORMATION ABOUT REGISTRATION OF SHIP IN PART A OF REGISTER – SR2

Additional information about Part A

Registration in Part A of the New Zealand Register of Ships provides **nationality, evidence of title** and accommodates the **registration of mortgages**.

What ships must be registered in Part A

The requirement to register in Part A applies to all New Zealand-owned ships exceeding 24 metres register length **except**:

- Pleasure vessels;
- Ships engaged solely on inland waters of New Zealand;
- Barges that do not proceed on voyages beyond coastal waters; and
- Ships exempted by the Director of Maritime New Zealand in writing, being New Zealand-owned ships operated by foreign residents under a demise charter which are registered, or are to be registered, under the law of a foreign country.

What ships are entitled to be registered in Part A

While not required to be registered in Part A, the following ships are entitled to be entered in Part A:

- New Zealand-owned ships that are pleasure vessels;
- Ships on demise charter to New Zealand-based operators (excluding pleasure vessels and New Zealand-owned ships);
- New Zealand-owned ships not exceeding 24 metres register length;
- New Zealand-owned ships engaged solely on inland waters of New Zealand;
- New Zealand-owned ships that are barges and do not proceed on voyages beyond coastal waters; and
- Ships, where a majority interest in the ship is owned by a person or persons permanently resident in Niue or Tokelau, and the ship is one that would be required to be registered in either Part A or Part B of the Register if it were owned by a New Zealand citizen.

What ships must be registered in Part A or in Part B

The owners of the following ships have to decide whether to register in Part A or Part B:

- New Zealand-owned pleasure vessels proceeding overseas; and
- New Zealand-owned ships not exceeding 24 metres register length proceeding overseas.

What is a New Zealand-owned ship?

For the purpose of registration in Part A, a New Zealand-owned ship is a ship owned by:

- One or more New Zealand nationals, and no other person; or
- Three or more persons as joint owners and the majority of those persons are New Zealand nationals; or
- Two or more persons as owners in common, and more than half of the shares in the ship are owned by one or more New Zealand nationals.

A New Zealand National is:

- A New Zealand citizen; or
- A body corporate incorporated under the law of New Zealand including a body corporate incorporated under the Charitable Trusts Act 1957; or
- The Executive Government of New Zealand

What is Register Length?

Register length is the length of the ship 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.

In the case of a ship not have 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.

What is a Demise Charter?

A demise charter is the demise, letting, hire or delivery of a ship (other than a New Zealand-owned ship or a pleasure vessel) to a charterer, by virtue of which the charterer has whole possession and control of the ship, including the right to appoint its master and crew. In plain language, it is a type of lease where the lessee operates the ship as if he or she were the owner. It is commonly known as a bare boat charter.

Who is entitled to be registered as a charterer?

The following persons are entitled to be registered as the charterer of a ship on demise charter to a New Zealand-based operator:

- A New Zealand national or New Zealand nationals ordinarily resident or carrying on business in New Zealand, and no other person; or
- 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.

How is the ship to be marked?

Ships, other than pleasure vessels, must be marked permanently and conspicuously, as follows:

- The ship's name on each side of the bow; and
- The ship's name and port of registry on the stern or on each side of the hull as near as practicable to the stern; and
- The lettering and any numerals must be not less than 100mm in height and of proportionate breadth and must be marked in a colour contrasting with the background.

In addition, the following particulars must be cut in on the main beam or on a main structural member or on an integral part of the ship where readily visible:

- Where the ship exceeds 24 metres register length, the official number allocated by the Registrar and the ship's net tonnage
- Where the ship does not exceed 24 metres register length, the official number allocated by the Registrar and the ship's register length.

Pleasure vessels must be marked as follows:

- The vessel's name on each side of the hull, or on each side of the superstructure, if the vessel is not fitted with a sail; and
- The vessel's name and port of registry on the stern, or on each side of the hull as near as practicable to the stern; and
- The lettering and any numerals must not be less than 50mm in height and of proportionate breadth.

It is an offence under the Ship Registration Act 1992 to conceal, remove, alter, deface or obliterate any marking on the ship. Every owner or master of a ship commits an offence who fails to maintain any such marking.

When must a representative person be appointed?

Before applying for a ship to be registered, the owner must appoint a representative person, who must be a natural person resident in New Zealand, if:

- The owner does not reside in New Zealand; or
- The owner does not have a registered office in New Zealand

The owner must notify the Registrar in the prescribed form (SR01) of:

- The name and address of the representative person, on applying for the ship to be registered and
- Any change in the identity, or address, of the representative person within 14 days after the change occurs.

What is the role of the representative person?

The representative person appointed by the owner may:

- Lodge with or furnish to the Registrar any document or other information which the owner is required to produce to the Registrar.
- Accept service of any documents required to be served on the owner relating to the proceedings for any offence.

What are the ways in which the shares in a ship may be held?

There are 64 shares in a ship which may be held as follows:

- One sole/body corporate owner of 64 shares; or
- Not more than 64 persons/bodies corporate each owning a number of shares – that is, owners in common of a certain number of shares each, which together total 64; or
- Not more than five persons as joint owners of 64 shares or, of any number of shares not exceeding 64.

Joint owners of shares are considered as constituting one person. The sale or mortgage of shares which are jointly owned requires the consent of all the joint owners of those shares.

Owners of fractions of shares cannot be registered.

The type of ownership you want registered is your decision. You should consider seeking legal advice if you are uncertain which type of ownership you require.

How long does registration in Part A last?

The registration of a ship in Part A continues for as long as the ship is entitled to be registered in New Zealand – that is, for as long as a majority interest (more than 32 shares) is owned by a New Zealand national or New Zealand nationals.

Registration of a demise chartered ship continues for as long as the ship is demise chartered to a resident New Zealand national or nationals, or demise chartered under an arrangement where a resident national or nationals exercise the rights and powers of the charterer.

What transactions must be registered?

Certain transactions must be registered, including:

- Changes of ownership affecting some or all of the shares;
- Transmissions by operation of law, eg upon the death of a sole/joint owner;
- Changes of owner's, mortgagee's or charterer's name, address or nationality;
- Alterations to ship's particulars
- Changes of the ship's name or port of registry;
- Closure of registration when a ship is sold to a foreign national or destroyed.

What transactions can be registered?

Certain transactions can be registered, including:

- Registration, transfer and discharge of mortgages;
- Variation of priority and variation of terms of mortgage;
- Caveats;
- Closure of registration where a ship is not required to be registered.

For further details on the procedures for registering transactions, please refer to our website at www.maritimenz.govt.nz or contact the Registrar toll free on 0508 22 55 22.

Registration fees

Registration fees are payable for services provided under Part A of the Register.

What flags must you fly?

New Zealand registered ships, other than New Zealand Government ships, must fly:

- The New Zealand flag

OR

- The marine flag of New Zealand, but shall not fly both flags.

The marine flag of New Zealand is 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 four 5-pointed white stars.

The New Zealand flag or the marine flag of New Zealand must be flown in the following circumstances by ships registered in Part A:

- When signalled to do so by any ship set aside for or being used by the Armed Forces of New Zealand;
- While berthed or at anchor, during daylight hours, or entering or leaving or underway in any port in a foreign country;
- While berthed or at anchor, during daylight hours, or entering or leaving or underway in any port in New Zealand.

Except as otherwise provided in any other Act, New Zealand Government ships must fly the New Zealand flag.

It is an offence under the Ship Registration Act 1992 not to fly the appropriate flag when required to do so or to fly national colours other than those specified under the Act. Liability for such an offence rests with the ship's master.

Your contact on ship registration matters

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

Telephone: Toll free 0508 22 55 22
+64 (0)4 494 1219 (direct line to the Registrar of Ships)
+64 (0)4 473 0111 (Maritime NZ Switchboard)

Facsimile: +64 (0)4 494 1263

Email: Ship.registration@maritimenz.govt.nz

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

This document is intended to provide guidance only. If you are in any doubt as to the matters contained within, you should seek legal advice.

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METHODS OF EXECUTION BY A COMPANY ACCEPTABLE TO THE REGISTRAR OF SHIPS – SR30

THIS IS A REFERENCE DOCUMENT ONLY

Notes

- (i) The appropriate method of execution may depend upon the provisions of the company's constitution. If you are in any doubt about how your company executes documents, you should seek advice from your solicitor.
- (ii) Methods 2, 3, 4 and 5 require witnesses. Any witness will be acceptable provided that:
 - The person executing is personally known to the witness;
 - The witness is not a co-signatory or a party to the transaction.
- (iii) All persons signing must print their full name and description after their signature.
- (iv) All witnesses must print their full name, address and occupation after their signature.

1. Signed by ABC Shipping Limited by:

John Paul Smith
Director

Jane Ann Smith
Director

2. Signed by ABC Shipping Limited by:

John Richard Williams
Director

in the presence of:

Colin Stuart Jones
100 King Street
Auckland
Retired

3. Signed by ABC Shipping Limited by:

Sarah Louise Richards
Authorised Signatory

in the presence of:

Peter Mark Watson
25 Archer Avenue
Napier
Solicitor

4. Signed by ABC Shipping Limited by:

Richard John Jones
Director

Judith Ann Williams
Company Secretary

In the presence of:

Simon Charles Andrews
20 Tui Street
Dunedin
Builder

5. Signed by ABC Shipping Limited
by its duly appointed attorney

Paul James Brown

In the presence of:

Andrew James Jones
10 Queens Road
Wellington
Accountant

Note: Documents signed by an attorney must be accompanied by:

- the original or a certified true copy of the Power of Attorney
and
- a Certificate of Non-Revocation of Power of Attorney.