

THE MERCHANT SHIPPING ACT, 1894
(57 and 58 Vict. c. 60)

**THE MERCHANT SHIPPING (TERMINABLE CERTIFICATE
OF REGISTRY) REGULATIONS, 1961**

In exercise of the powers conferred upon him by section 90 of the Merchant Shipping Act, 1894 [57 & 58 Vict c. 60.], and all other powers thereunto him enabling, the Governor, with the approval of the Secretary of State, has made the following regulations:-

W. A. C. GOODE,
Governor.

Citation.

1. These regulations may be cited as the Merchant Shipping (Terminable Certificates of Registry) Regulations, 1961, and shall come into force on the first day of April, 1961.

Interpretation.

2. In these regulations –

“Principal Act” means the Merchant Shipping Act, 1894;

“Registrar” means the Registrar of British Ships in North Borneo;

“Terminable Certificate of Registry” means a Terminable Certificate of Registry granted under regulation 3.

(2) All other words and expression have the same meanings as in the Principal Act.

(3) For the removal of doubt, it is declared that the provisions of the Interpretation Ordinance [Cap. 63.] shall, subject to the provisions of paragraph (2), apply to these regulations.

Application for registry.

3. On an application for registry in North Borneo of any British ship not exceeding sixty tons register, the Registrar, upon the completion of the registry of such ship in accordance with the provisions of these regulations may in lieu of granting a certificate of registry as required by section 14 of the Principal Act, grant a Terminable Certificate of Registry in the form in the Schedule hereto which certificate shall be terminable at the end of twelve months from the granting thereof.

Procedure for registration.

4. The procedure for registration shall be in accordance with the provisions of sections 4 to 13 inclusive of the Principal Act, provided that the powers vested therein in the Board of Trade shall be exercised by the Registrar.

Change of name of ship.

5. (1) A ship registered under these regulations shall not be described by any name other than that by which she is for the time being registered.

(2) A change shall not be made in the name of a ship, save on written application to, and with the written permission of, the Registrar.

(3) On permission being granted to change the name, the ship's name shall forthwith be altered in the register book, in the ship's Terminable Certificate of Registry and on her bows and stern.

(4) any person who contravenes this regulation shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

Effect of Terminable Certificate of Registry.

6. (1) The Terminable Certificate of Registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest whatsoever which any owner, mortgagee or other person may have, or claim to have, on or in the ship described in such Certificate.

(2) Any person, whether interested in the ship or not, shall, on request, deliver up the Terminable Certificate of Registry when in his possession or under his control to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any Registrar or officer of customs or to any other person authorized by the Director to request such delivery.

(3) If any person refuses to deliver up the Terminable Certificate of Registry as requested by this regulation, he shall, unless it can be proved to the satisfaction of the Court taking cognizance of the matter that there was reasonable cause for such refusal, be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

Unlawful use of Terminable Certificate of Registry.

7. If the master or owner of a ship to which these regulations apply uses or attempts to use for the navigation of that ship a Terminable Certificate of Registry not legally granted in respect of the ship, he shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

Change of master.

8. (1) Where the master of a ship is changed, a memorandum of the change shall be endorsed and signed on the Terminable Certificate of Registry by the appropriate authority prescribed by section 19 of the Principal Act for endorsement of a certificate of registry.

(2) Any port officer or officer of customs may refuse to admit any person to do any act as master of a ship unless his name is inserted in or endorsed on the Terminable Certificate of Registry of the ship as her last appointed master.

Change of ownership.

9. Whenever a change occurs in the registered ownership of a ship to which these regulations apply, the provisions of section 20 of the Principal Act shall apply in relation thereto.

Notification of alterations to ship's particulars.

10. (1) The registered owner of a ship shall notify the Registrar of any alterations to the ship making it materially different from the description contained in the register book and shall give particulars of the alterations and deliver the Terminable Certificate of Registry of the ship for endorsement by the Registrar; and the Registrar shall cause the alterations to be registered and the Terminable Certificate of Registry to be endorsed with a signed memorandum of the alterations.

(2) Any person who contravenes this regulation shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

Loss or breaking up etc. of ship.

11. (1) If any ship to which these regulations apply is either actually or constructively lost, taken by the enemy, burnt, broken up or transferred, every person who, at the time of the occurrence of any of the aforesaid events, owns such a ship, or any share therein shall, immediately upon obtaining knowledge of any such occurrence, if no notice thereof has already been given to the Registrar, give such notice to him, and the Registrar shall make an entry thereof in the register book; and, except in cases where the Terminable Certificate of Registry is lost or destroyed, the master of every ship so circumstanced as aforesaid shall, if such event occurs at her port of registry, forthwith, or if the same occurs elsewhere, within ten days after his arrival in that port, deliver the Terminable Certificate of Registry of such ship to the Registrar, and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein.

(2) If any such person or master fails without reasonable cause, to comply with the provisions of this regulation he shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

Renewal of Terminable Certificate of Registry.

12. The Registrar may, by endorsement on a Terminable Certificate of Registry, renew the same for any period not exceeding twelve months; but whether the Terminable Certificate of Registry is intended to be renewed or not it shall be delivered into the custody of the Registrar before the expiration of the period for which it has been granted, or, in the event of the ship being at sea, within three days of her return to North Borneo or within one month of its expiration, whichever is the earlier.

Fees.

13. There shall be payable in respect of the registration of a ship under these regulations and the matters connected therewith and incidental thereto, including the transfer and mortgage of such ships, such fees as may from time to time be prescribed under section 277 of the Merchant Shipping Ordinance, 1960 [*Ord. No. 11 of 1960.*].

SCHEDULE
THE MERCHANT SHIPPING
(TERMINABLE CERTIFICATE OF REGISTRY) REGULATIONS, 1961
(Regulation 3)

Terminable Certificate of Registry

Granted at the Port of Labuan/Sandakan under section 90 of the Merchant Shipping Act, for vessel not exceeding 60 tons burden in force for a period of 12 months from the date of issue or renewal.

PARTICULARS OF SHIP

Number	Name of ship	Number, Date of Registry	Name of Master and No. of Certificate		
..... In 19.....					
Whether British or foreign built	Where a Sailing or Steam ship, and if a Steam Ship how propelled	Where built	When built	Name and Address of Builder	
No. of Decks	Length from Fore part of stem under the Bowsprit to the Aft side of the Head of the Stern Post		Feet	Tenths	
No. of Masts	From Fore part of the Stern under the Bowsprit to the Aft side of the Head of the Stern				
Rigged					
Stern	Main Breadth to outside of plank				
Build	Depth in Hold from Tonnage Deck to Ceiling at Mid-ships				
Head	Length of Engine Room (if any)				
Framework					

PARTICULARS OF ENGINES (IF ANY)

No. of Engines	Description	Whether British or Foreign made	When made	Name and Address of makers	Diameter of Cylinder	Length of Stroke	No. of Horsepower (combines)

PARTICULARS OF TONNAGE

GROSS TONNAGE	No. of tons	DEDUCTIONS ALLOWED	No. of tons
Under Tonnage Deck		On account of Space required for propelling power

Closed-in Space above the Tonnage Deck (if any)
.....
.....
.....
Gross Tonnage
.....
Deduction, as per Contra	Total
.....
REGISTERED TONNAGE		
.....		

I, the undersigned Registrar, of British Ships at the Port of Labuan/Sandakan hereby certify that the ship, the description of which is prefixed to this my Certificate, has been duly surveyed, and that the above Description is true; and that the Name, residence and Description of the Owner and Number of Sixty-fourth shares held by are as follows:-

Name, Residence and Occupation of the Owner	Number of Sixty-fourth shares
.....

Issued at the day of One Thousand Nine Hundred and

..... Registrar of British ships.

Published by Command

Dated at Jesselton, this 9th day of March, 1961.

A. M. GRIER,
Acting Chief Secretary.

3rd October 2008