

LAWS OF DOMINICA

REGISTRATION OF SHIPS ACT

CHAPTER 48:01

**Act
42 of 1975
Amended by
12 of 1990**

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 48:01**REGISTRATION OF SHIPS ACT****ARRANGEMENT OF SECTIONS**

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CHAPTER 48:01**REGISTRATION OF SHIPS ACT**

AN ACT to make provision for the registration of ships and for purposes connected therewith. 42 of 1975.

1. This Act may be cited as the –

Short title.

REGISTRATION OF SHIPS ACT.

2. In this Act –

Interpretation.

“chief officer of customs” includes the collector, superintendent or other chief officer of customs at each port;

“consular officer” when used in relation to a foreign country means the officer recognised by the Government of Dominica as a consular officer of that foreign country;

“master” includes every person (except a pilot) having command or charge of any ship;

“Minister” means the Minister responsible for Trade;

“name” includes a surname;

“port” includes place;

“pilot” means any person not belonging to a ship who has the conduct thereof;

“ship” includes every description of vessel used in navigation not propelled by oars.

3. A ship shall not be deemed to be a Dominican ship unless owned wholly by persons of the following description in this Act referred to as persons qualified to be owners of Dominican ships, namely – Qualification for owning Dominican ship. [12 of 1990].

(a) British subjects;

(b) nationals of other countries who have registered the ship in Dominica; and

(c) bodies corporate established under and subject to the laws of any Commonwealth country or any Caribbean territory, and having their principal place of business in such country or territory or in Dominica.

Obligations to register Dominican ships.

4. (1) Every Dominican ship shall, unless exempted from registration, be registered under this Act.

(2) If a ship required by this Act to be registered is not registered under this Act it shall not be recognised as a Dominican ship.

(3) A ship required by this Act to be registered may be detained until the master of the ship, if so required, produces the certificate of registration of the ship.

(4) The first registration of a ship built in Dominica must not be effected at any port outside Dominica without licence.

Exemption from registration.

5. The following ships are exempted from registration under this Act:

(a) ships not exceeding ten tons burden employed solely in navigation on the rivers or coasts of Dominica;

(b) ships not exceeding fifteen tons burden and not having a whole or fixed deck and employed solely in fishing or trading coastwise.

Registrars of Dominican ships.

6. (1) The following persons shall be registrars of Dominican ships:

(a) at any port in Dominica, approved by the Minister for the registration of ships, the chief officer of customs; or

(b) the Permanent Secretary of the Ministry of Trade or any officer authorised by the Minister for the purpose.

Register Book.

7. Every registrar of Dominican ships shall keep a book to be called the Register Book and entries in that book shall be made in accordance with the following provisions:

(a) the property in a ship shall be divided into sixty-four shares;

(b) subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any ship; but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner;

- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;
- (d) joint owners shall be considered as constituting one person only as regards the person entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered;
- (e) a corporation may be registered as owner by its corporate name.

8. Every Dominican ship shall before registration be surveyed by a surveyor of ships and its tonnage ascertained in accordance with the tonnage regulations of the Merchant Shipping Act 1894 of the United Kingdom, and the surveyor shall grant his certificate specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Minister, and such certificate shall be delivered to the registrar before registration.

Survey and measurement of ship.

9. (1) Every Dominican ship shall before registration be marked permanently and conspicuously to the satisfaction of the Ministry as follows:

Marking of ship.

- (a) the ship's name shall be marked on each of its bows, and its name and the name of its port of registration must be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth; and a ship shall not be described by any other name than that by which it is for the time being registered; and a change shall not be made in the name of a ship without the previous written permission of the Minister;
- (b) the ship's official number and the number denoting its registered tonnage shall be cut in on its main beam;
- (c) a scale of feet denoting her draught of water shall be marked on each side of its stern and of its stern post in Roman capital letters or in figures not less than six

inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters or figures must be marked by being cut in and painted white or yellow on a dark ground or in such other way as the Minister approves.

(2) The Minister may exempt any class of ships from all or any of the requirements of this section, and a fishing boat entered in the fishing boat register, and lettered and numbered in pursuance of this section, need not have its name and port of registration marked under this section.

(3) If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship is liable to a fine of three hundred dollars.

(4) The marks required by this section shall be permanently continued and no alteration shall be made therein except in the event of any of the particulars thereby denoted being altered in the manner provided by this Act.

(5) If an owner or master of a Dominican ship neglects to cause his ship to be marked as required by this section, or to keep it so marked, or if any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, that owner, master, or person is for each offence liable to a fine of one thousand five hundred dollars, and on a certificate from a surveyor of ships, or Ministry of Trade inspector under this Act, that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied.

Application for registration.

10. An application for registration of a ship shall be made in the case of individuals by the person requiring to be registered as owner or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointers, and, if appointed by a corporation, under the common seal of that corporation.

Declaration of ownership on registration.

11. A person shall not be entitled to be registered as owner of a ship or of a share therein until he, or in the case of a corporation the person authorised by this Act to make declarations on behalf of the corporation,

has made and signed a declaration of ownership, referring to the ship as described in the certificate of the surveyor, and containing the following particulars:

- (a) a statement of his qualification or willingness to own a Dominican ship, or in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a Dominican ship;
- (b) a statement of the time when and the place where the ship was built, or, if the ship is foreign-built and the time and place of building unknown, a statement that it is foreign-built, and that the declarant does not know the time or place of its building; and in addition thereto, in the case of a foreign ship, a statement of its foreign name, or, in the case of a ship condemned, a statement of the time, place, and court at and by which it was condemned;
- (c) a statement of the name and qualification of the master;
- (d) a declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

12. (1) On the first registration of a ship the following evidence shall be produced in addition to the declaration of ownership:

Evidence on first registration.

- (a) a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where it was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registration;
- (b) in the case of a foreign-built ship, the same evidence as in the case of a Commonwealth ship; unless the declarant who makes the declaration of ownership declares that the time and place of its building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, become vested in the applicant for registration;

(c) in the case of a ship condemned by any competent court, an official copy of the condemnation.

(2) The builder shall grant the certificate required by this section, and such person as the Permanent Secretary recognise as carrying on the business of the builder of a ship, shall be included, for the purposes of this section in the expression "builder of the ship".

(3) If the person granting a builder's certificate under this section wilfully makes a false statement in that certificate he shall for each offence be liable to a fine of three thousand dollars.

Entry of
particulars in
Register Book.

13. As soon as the requirements of this Act preliminary to registration have been complied with the registrar shall enter in the Register Book the following particulars respecting the ship:

- (a) the name of the ship and the name of the port to which it belongs;
- (b) the details comprised in the surveyor's certificate;
- (c) the particulars respecting its origin stated in the declaration of ownership; and
- (d) the name and description of its registered owner or owners, and if there are more owners than one, the proportions in which they are interested in her.

Documents to be
retained by
registrar.

14. On the registration of a ship the registrar shall retain in his possession the following documents; namely, the surveyor's certificate, the builder's certificate, any bill of sale of the ship previously made, the copy of the condemnation (if any), and all declarations of ownership.

Port of registra-
tion.

15. The port at which a Dominican ship is registered for the time being shall be deemed its port of registration and the port to which it belongs.

Certificate of
registration.

16. On completion of the registration of a ship, the registrar shall grant a certificate of registration comprising the particulars respecting its entry in the Register Book, with the name of its master.

Custody of
certificate.

17. (1) The certificate of registration 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 whatever had or claimed by any owner, mortgagee or other person to, on, or in the ship.

(2) If any person, whether interested in the ship or not, refuses on request to deliver up the certificate of registration 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, officer of customs or other person entitled by law to require the delivery, any justice by warrant under his hand and seal, or any court capable of taking cognizance of the matter, may summon the person so refusing to appear before such justice or court, and to be examined touching the refusal, and unless it is proved to the satisfaction of the justice or court that there was reasonable cause for the refusal, the offender shall be liable to a fine of one thousand five hundred dollars, but if it is shown to the justice or court that the certificate is lost, the person summoned shall be discharged, and the justice or court shall certify that the certificate of registration is lost.

(3) If the person so refusing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the justice or court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

18. If the master or owner of a ship uses or attempts to use for its navigation a certificate of registration not legally granted in respect of the ship, he shall, in respect of each offence, be guilty of a misdemeanour, and the ship shall be subject to forfeiture under this Act. Penalty for use of improper certificate.

19. The registrar of the port of registration of a ship may, with the approval of the Minister and on the delivery up to him of the certificate of registration of a ship, grant a new certificate in lieu thereof. Power to grant new certificate.

20. (1) In the event of the certificate of registration of a ship being mislaid, lost, or destroyed, the registrar of its port of registration shall grant a new certificate in lieu of its original certificate. Provision for loss of certificate.

(2) If the port at which the ship is at the time of the event or first arrives after the event –

(a) is not in Dominica where the ship is registered in Dominica; or

(b) is not in country in which the ship is registered,

then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of the ship to

the best of the declarant's knowledge and belief, and the registrar or other officer, as the case may be, may thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

(3) The provisional certificate shall, within ten days after the first subsequent arrival of the ship at its port of discharge in Dominica where it is registered, be delivered to the registrar of its port of registration, and the registrar shall thereupon grant the new certificate of registration, and if the master without reasonable cause fails to deliver up the provisional certificate within the ten days aforesaid, he is liable to a fine of one hundred and fifty dollars.

Endorsement of
change of master
on certificate.

21. Where the master of a registered Dominican ship is changed each of the following persons, that is to say –

- (a) if the change is made in consequence of the sentence of a naval court, the presiding officer of that court;
- (b) if the change is made in consequence of the removal of the master by a court, the proper officer of that court;
- (c) if the change occurs from any other cause, the registrar, or if there is none the Dominican consular officer, at the port where the change occurs,

shall endorse and sign on the certificate of registration a memorandum of the change, and shall forthwith report the change to the Minister, and any officer of customs at any port in any Commonwealth territory may refuse to admit any person to do any act there as master of a Dominican ship unless his name is inserted in or endorsed on its certificate of registration as her last appointed master.

Endorsement of
change of
ownership on
certificate.

22. (1) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorsed on its certificate of registration either by the registrar of the ship's port of registration or by the registrar of any port at which the ship arrives who has been advised of the change by the registrar of the ship's port of registration.

(2) The master shall, for the purpose of the endorsement by the registrar of the ship's port of registration, deliver the certificate of registration to the registrar, forthwith after the change if the change occurs when the ship is at her port of registration, and if it occurs during its absence from that port and the endorsement under this section is not made before its return then upon its first return to that port.

(3) The registrar of any port, not being the ship's port of registration, who is required to make an endorsement under this section may for that purpose require the master of the ship to deliver to him the ship's certificate of registration, so that the ship is not thereby detained, and the master shall deliver the same accordingly.

(4) If the master fails to deliver to the registrar the certificate of registration as required by this section he shall, for each offence, be liable to a fine of one thousand five hundred dollars.

23. (1) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt, or broken up, or ceasing by reason of a transfer to persons not qualified to be owners of Dominican ships or otherwise, to be a Dominican ship, every owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at its port of registration, and that registrar shall make an entry thereof in the Register Book (and the registration of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificate of mortgages entered therein).

Delivery up of certificate of ship lost or ceasing to be Dominican owned.

(2) In any such case except where the ship's certificate of registration is lost or destroyed, the master of the ship shall, if the event occurs in port immediately, but if it occurs elsewhere then within ten days after his arrival in port, deliver the certificate to the registrar, or if there is none, to the Dominican consular officer who shall forthwith forward the certificate delivered to him to the registrar of its port of registration.

(3) If any such owner or master fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine of one thousand five hundred dollars.

24. (1) If at a port not within a Commonwealth territory, a ship becomes the property of persons qualified to own a Dominican ship, the Dominican consular officer there may grant to its master, on his application, a provisional certificate stating –

Provisional certificate for ships becoming Dominican owned abroad.

(a) the name of the ship;

(b) the time and place of its purchase, and the names of its purchasers;

(c) the name of its master; and

(d) the best particulars respecting its tonnage, build, and description which he is able to obtain;

and shall forward a copy of the certificate at the first convenient opportunity to the Minister.

(2) Such a provisional certificate shall have the effect of a certificate of registration until the expiration of six months from its date or until the ship's arrival at a port where there is a registrar (which first happens), and on either of those events happening shall cease to have effect.

Temporary passes in lieu of certificate of registration.

25. Where it appears to the Commissioners of Customs or to the Governor of an appropriate authority of a Commonwealth country, that by reason of special circumstances it would be desirable that permission should be granted to any Dominican ship to pass, without being previously registered, from any port in the Commonwealth to any other port within the Commonwealth, the Commissioners or the appropriate authority may grant a pass accordingly, and that pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registration.

Application of Merchant Shipping Act.

26. The Merchant Shipping Act 1894 of the United Kingdom shall apply to Dominican ships in all other matters save registration.

Certificate of competency to be held by officers of ships.

27. (1) Every Dominica-going ship and every Dominica home trade passenger ship, when going to sea from any place in Dominica and every foreign steamship carrying passengers to and from Dominica or otherwise, shall be provided with officers duly certificated under this Act according to the following scale:

- (a) in any case with a duly certificated master;
- (b) if the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of –
 - (i) mate in the case of a passenger ship;
 - (ii) second mate in the case of an overseas sailing ship of not more than two hundred tons burden; and
 - (iii) only mate in the case of any other overseas sailing ship;

- (c) if the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated;
 - (d) if the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated;
 - (e) if the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.
- (2) If any person on a Dominican ship –
- (a) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated; or
 - (b) employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

that person shall be liable for each offence to a fine of seven hundred dollars.

(3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act or otherwise of a grade appropriate to his station in the ship, or of a higher grade.

28. (1) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades, that is to say –

Grades of
certificate of
competency.

- (a) master of a foreign-going ship;
- (b) first mate of foreign-going ship;
- (c) second mate of a foreign-going ship;
- (d) only mate of a foreign-going ship;
- (e) master of a home trade passenger ship;
- (f) mate of a home trade passenger ship;
- (g) first-class engineer;

(h) second-class engineer.

(2) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

Engineers
certificates of
competency.

29. (1) For the purpose of granting certificates of competency to persons desirous of obtaining the same, examinations may be held at such places as the Minister may direct.

Loss of
certificate.
[12 of 1990].

30. If a master, mate or engineer proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Minister shall, and in any other case may, upon payment of such fee (if any) as may be prescribed, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

Forgery, etc., of
certificates.

31. If any person –

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of registration or certificate of competency, or an official copy of any such certificate; or
- (b) makes, assists in making, or procures to be made any false representation for the purpose of procuring either for himself or for any other person a certificate of registration or competency; or
- (c) fraudulently uses a certificate or copy of a certificate of registration or competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or
- (d) fraudulently lends his certificate of registration or of competency or allows either to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanour and liable to a term of imprisonment of six months.

32. The fees to be paid under this Act for the registration of master, mates and ships, and for the measurement of ships, shall be those set out in the Schedules to this Act. Fees.

FIRST SCHEDULE

Section 32.

Table of maximum fees to be paid for the measurement of Merchant Ships.

	\$ ¢
Vessels of 30 tons gross and under	36.00
Vessels of over 30 tons gross and under 100 tons	60.00
For each additional 100 tons or part of 100 tons above 100 up to 1,000	36.00
For each additional 100 tons or part of 100 tons above 1,000 up to 10,000	18.00
For each additional 100 tons or part of 100 tons above 10,000	9.00

SECOND SCHEDULE

Section 32.

Table of maximum fees to be paid by applicants for examination for certificates as masters and mates and engineers

	\$ ¢
Certificate as master	150.00
Certificate as mate	75.00
Certificate as first-class engineer	75.00
Certificate as second-class engineer	60.00

THIRD SCHEDULE

Section 32.

Table of maximum fees to be paid for registration of ships

	\$ ¢
On the first net 500 and under	135.00 per annum
On the first net 1000 tons	450.00 per annum
On each subsequent net 1000 tons	75.00 per annum
and thereafter annually a fee of seventy-five cents per gross ton up to the first 1000 tons and thereafter thirty cents per gross ton.	
