

The Merchant Shipping (Registration Of Sailing Vessels) Rules, 1960

UNION OF INDIA

India

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Rule

THE-MERCHANT-SHIPING-REGISTRATION-OF-SAILING-VESELS-R of 1960

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1905.

G.S.R. 1556 dated 17th December, 1960. - In exercise of the powers conferred by clauses (a), (d), (e), (J), (g), (m) and (o) of sub-section (2) of Section 435 read with Section 458 of the Merchant Shipping Act, 1958 (44 of 1958), and in supersession of all previous rules and orders on the subject, the Central Government hereby makes the following rules, namely :

1. Short title, commencement and Application.

(1)These rules may be called the Merchant Shipping (Registration of Sailing Vessels) Rules, 1960.(2)They shall come into force on the 1st January, 1961.(3)They shall apply to every sea-going sailing vessel owned by a citizen of India or a Company which satisfies the requirements specified in Cl. (b) of Section 21 of the Act.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Merchant Shipping Act, 1958;(b)"central register" means the register of sailing vessels maintained by the Director-General;(c)"certificate" means a certificate of registry granted under these rules;(d)"port of

registry" in relation to a sailing vessel means a port where the sailing vessel is registered under these rules;(e)"register" means the register of sailing vessels maintained by the registrar at a port of registry;(f)"registrar" means the registrar of Indian ships at a port and includes any officer or authority appointed by the Central Government to exercise the powers and discharge the functions of the registrar under these rules;(g)"Schedule" means a Schedule to these rules;(h)"SVR Form" means a form set out in Schedule I;(i)"tonnage" means the tonnage of a sailing vessel as ascertained under the Merchant Shipping (Tonnage Measurement of Sailing Vessels) Rules, 1960;(j)"vessel" means a sailing vessel.

3. Application for Registry.

(1)Every application for the registry of a sailing vessel under Section 417 of the Act shall be made in SVR Form I to the registrar of the port of registry nearest to the place where the owner resides or where the vessel is built or may be based.(2)Every such application shall be accompanied by(a)a declaration of ownership by the applicant in SVR Form II or III as the case may be;(b)the documents of title to the vessel;(c)the builder's certificate; provided that, in any case in which it is not reasonably practicable to produce the builder's certificate, the registrar may dispense with the same.

4. Name of Vessel.

(1)When applying for the registry, the owner shall specify the name which he proposes to adopt for the vessel.(2)If the name proposed by the owner is the same as or similar to the name by which any other sailing vessel has been previously registered at that port of registry, the registrar may require the owner to suggest some other name under which the vessel may be registered.(3)When the name suggested by the owner has been approved by the registrar, the vessel shall be registered under that name.

5. Official Number.

(1)If the registrar is satisfied about the nationality of the applicant and his title to the vessel, the registrar shall assign to the vessel an official number from a consecutive series maintained at each port of registry preceded by 3 distinguishing letters indicating the port of registry in accordance with Schedule H.(2)The official number once assigned to a vessel shall not be changed except when the vessel is registered again at another port of registry nor shall the official number, on cancellation of the registry of the vessel or otherwise, be reassigned to another vessel.

6. Certificate of registry

(1)The registrar shall, after the tonnage of the vessel has been ascertained in accordance with the Merchant Shipping (Tonnage Measurement of Sailing Vessels) Rules, 1960, enter the particulars of the vessel in the register in SVR Form IV kept by him for the purpose and grant a certificate of registry.(2)Every certificate of registry granted under sub-rule (1) shall be in SVR Form V.(3)The

certificate of registry shall, on demand by a registrar, any officer of the Customs or of the Mercantile Marine Department or a Regional Officer (Sails), be produced by the owner or the tindal.

7. Painting of name and official number on vessel.

(1)The code letters indicating the port of registry, the name of the vessel by which it is registered and the official number assigned to it under rule 5 shall be painted-in white oil colour against a black background on both quarters of the vessel near the stern.(2)All letters and figures painted shall be of such size as the registrar may determine in each case but shall not be less than one decimetre in height and two centimetres in width.(3)The letters and figures referred to in this rule shall also be painted in suitable size on the dinghies attached to the vessel.

8. Change of name.

(1)The name of a vessel under which it has been registered shall not, after such registry, be altered or changed except with the approval of the registrar.(2)Every application for the change of name of a vessel shall be made to the registrar of the vessel's port of registry and shall specify the reasons for the proposed change. The registrar may, if he is satisfied that the change proposed is reasonable and necessary, approve the change.(3)Where the name of the vessel which is mortgaged is sought to be changed, the consent of the mortgagee shall also be obtained for the proposed change.(4)The new name which has been approved by the registrar shall be entered inthe register and in the certificate of registry of that vessel.

9. Registry of alterations.

(1)An application for the registry of alterations to a vessel shall be made in SVR Form VI within one month of such alterations, to the registrar of the port where the vessel is registered.(2)Where the alterations are not substantial, that is to say, do not materially affect the dimensions or the tonnage of the vessel or its carrying capacity, the registrar shall enter the alterations in the register and also in the certificate of registry of the vessel.(3)Where the alterations materially affect the dimensions, the tonnage or the carrying capacity of the vessel, the registrar shall proceed to register the vessel anew.

10. Transfer of registry.

(1)If all the persons having an interest in a vessel. whether as owner or mortgage, desire that the registry of the vessel should be transferred from one port to another, they may apply in SVR Form VII to the registrar of the port of registry for such transfer.(2)The registrar shall if he is satisfied that the proposed transfer isunobjectionable, transmit the particulars of the vessel and the encumbrances, if any, thereon, to the registrar of the intended port of registry.(3)The registrar at the intended port of registry, after he is satisfied that the new official number with the code letters of the Port are duly marked on the vessel in accordance with the provisions of rule 7, shall issue a fresh certificate of registry and communicate to the registrar of the original port of registry the official

number assigned to the vessel and the date of its registry.

11. Closing of registry.

(1)Where the registry of a vessel is transferred under rule 10, the registrar of the original port of registry shall close the registry of the vessel in his register.(2)Where the registry of a vessel at any port is closed under section 425 of the Act, or under sub-rule (1), the registrar of the port shall forthwith submit to the Director-General a statement of the particulars of the vessel whose registry is closed and the circumstances in which the registry is closed.

12. Transfer of vessel or interest therein.

(1)The owner, or in the case of joint ownership all the owners, of a vessel desiring to transfer the vessel or any interest therein shall apply to the registrar of the port of registry for permission to do so.(2)The registrar shall, after making such enquiry as he thinks necessary, forward the application together with his recommendation thereon to the Director-General for approval.(3)If the proposed transfer is approved, and after the sale has been effected, the transferee shall present to the registrar of the port a declaration of ownership, the instrument of transfer and the existing certificate of registry of the vessel, and thereupon, the registrar shall enter the particulars of the transfer in his register and issue a fresh certificate of registry.

13. Mortgage of vessel.

(1)Every instrument of mortgage of a vessel or any interest therein shall be in SVR Form VIII or SVR Form IX, as the case may be.(2)The registrar shall, after satisfying himself that the instrument is properly executed, record the same in his register with the date and hour of acceptance and shall also make an endorsement to that effect on the mortgage instrument.(3)Where there are two or more mortgages on the same vessel, their respective priorities shall be indicated in the register in the appropriate column by the letters A, B, C in alphabetical order.(4)Where a vessel belonging to a company is mortgaged, the registrar shall not register the mortgage unless it has also been registered with the Registrar of Companies under Section 134 of the Companies Act, 1956.(5)When the mortgage debt is fully discharged, the registrar shall, after satisfying himself that the receipt endorsed on the mortgage instrument is in order and that it is properly witnessed and, where the mortgage is by a company, also that a memorandum of satisfaction has been entered in the register of charges under Section 138 of the Companies Act, 1956, make an entry in the register relating to the discharge of the mortgage.(6)No payment of any instalment of a mortgage debt shall be recorded in the register.

14. Transfer of ownership by operation of law.

(1)Where the title to a vessel devolves on any person by operation of law, such person shall apply to the registrar specifying the circumstances in which he has acquired title to the vessel and also adducing evidence of such acquisition.(2)If the registrar, after making such enquiry as he thinks fit,

is satisfied about the claim of the applicant, he shall register the particulars of the change of ownership in his register and also endorse the particulars in the certificate of registry of the vessel.

15. Vessels owned by minors.

(1)Where a vessel is registered in the name of a person as the guardian of a minor, the ownership of the vessel shall remain with the minor, and on attainment of majority he may apply to the registrar for altering the entries in the register relating to the vessel.(2)The registrar shall then issue a fresh certificate in the name of the applicant.(3)No fee shall be charged for issuing a certificate of registry under sub-rule (2).

16. Provisional certificate of registry.

(1)Where an application for the registry or the registry anew of a vessel is pending before a registrar and the registrar is, having regard to the circumstances of the case, of opinion that the vessel should not be detained at the port till the issue of the certificate of registry, he may issue a provisional certificate of registry in SVR Form X.(2)Every provisional certificate issued under sub-rule (1) shall specify the particulars of the vessel and of the owner and tinal thereof, or in the case of registry anew, the particulars as entered in the original certificate of registry.(3)A provisional certificate shall be valid for such period not exceeding three months as may be specified therein :Provided that the registrar may, if he is satisfied that, in the circumstances of the case, it is necessary to do so, extend the period of validity by a further period not exceeding two months.(4)The provisional certificate shall, on the expiry of the period of its validity or at the time of the issue of a regular certificate of registry, whichever is earlier, be surrendered to the registrar.

17. Issue of duplicate copies of certificates.

(1)The registrar may, on application made by the owner in this behalf, issue a duplicate copy of a certificate of registry clearly marked "Duplicate" in red ink if he is satisfied that the original certificate has been destroyed, lost, mislaid, mutilated or defaced.(2)Every application for a duplicate copy of a certificate of registry shall be accompanied by a declaration regarding the circumstances in which the original certificate was destroyed, lost, mislaid, mutilated or defaced.(3)Where a duplicate copy of a certificate of registry has been obtained on the ground that the original has been lost or mislaid, and such original is subsequently found or received by the owner, he shall forthwith surrender the original certificate to the registrar who shall cancel the same.(4)A duplicate copy of the certificate of registry shall not be granted on the ground that the original has been mutilated or defaced unless the mutilated or defaced certificate is surrendered to the registrar.

18. Central register.

(1)The Director-General shall maintain a central register which shall contain all the entries recorded in the registers kept by the registrars.(2)On completion of the registry of a vessel at a port, the

registrar of the port shall immediately transmit to the Director-General a copy of the entries in his register relating to the vessel.(3)The particulars of every other transaction subsequently recorded in the register shall also be reported forthwith to the Director-General.

19. Inspection of register and supply of copies of entries.

(1)The register maintained by a registrar shall, on application made in this behalf and on payment of the prescribed fee, be open to inspection during office hours by any person.(2)A certified copy of any entry in a register may be granted by the registrar to any person on application made in that behalf and on payment of the prescribed fee.

20. Declaration of ownership.

- Every declaration of ownership under these rules shall be made before a registrar of sailing vessels, a Justice of the peace, a Magistrate of the first class, a Mamlatdar or a Commissioner of Oaths.

21. Fees.

- Fees shall be levied under these rule at the rate and for the purposes specified in Schedule III. The fees shall be paid to the registrar along with the application for recording the transaction.

22. Entry of particulars of existing vessels.

(1)The owner of every sailing vessel which was registered before the commencement of these rules shall within a period of three months of such commencement, produce before the registrar the relevant certificate of registry; Provided that the Director-General may, for sufficient reasons, extend this period up to six months.(2)The registrar shall enter in his register the particulars of the vessel and any outstanding mortgage of the vessel or any interest therein and shall also assign a new official number to the vessel.(3)The official number assigned under sub-rule (2) shall be painted in the manner specified in rule 7 in the place of the number, if any already painted thereon.

23. Penalties.

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

I

SVR Form I Application For Registry of A Sailing Vessel[See rule 3(1)]To, The Registrar of Sailing Vessels. Port of Sir, I/We of being the owner/s of sailing vessel called the hereby request that the said vessel be registered in my/our name/s, and a Certificate of Registry issued to me/us.

2. The particulars in respect of the said vessel are as under :-

(i)Owner's name and address in full;(ii)Occupation :(iii)Whence, when and how the vessel was secured :(iv)Place and year of build : (with the builder's name and address if any)(v)Type of vessel; whether open/semi-decked/decked/fitted with auxiliary engine :(vi)Description and type of engine with the name of the manufacturers. horse power and speed in fully loaded condition:(vii)Nature of employment :(viii)Port of Registry and Official No. if registered previously :(ix)Whether the vessel has any previous mortgages, if so, the particulars thereof :PlaceDateSignature or L.T.I. of Owner.SVR Form IIDeclaration Of Ownership(By Individuals/joint Owners/partnership Firm)[See rule 3(2)]I/We, the undersigned, hereby declare that I/we am/are citizen(s) of India, residing permanently/having the principal place of business atand that the sailing vessel calledthe particulars of which are given below, was built at in the year and/was purchased by me/us for the sum of Rs/was materially altered and rebuilt by me/us/was inherited by me/us fromwhose name appears in the Register as the owner of the said vessel and who died at on the and that I/we am/are the sole owner (s) of the said vessel and that no person or persons has or have any interest, either legal or beneficial right title, share of property therein or thereto. And I/we make this solemn declaration conscientiously believing the same to be true.Particulars Of The VesselOfficial Number, date and port of registryRegistered Dimensions LengthBreadth Depth..... Gross LengthBreadth Depth Cubic metre.Cubic metresSignature(s)Declared before me atthisday of19.....Signature and designation.Seal of OfficeSVR Form 111Declaration Of Ownership(By A Company)[See rule 3(2)]I, the undersigned, permanently residing at.....and being the duly authorised agent/duly constituted attorney of..... Company Limited, hereby declare as follows :The said Company was registered under the Companies Act, 1956, on the and has its principal place of business at where all the important business is controlled and managed. The said Company satisfies the requirements of clause (b) of Section 21 of the Merchant Shipping Act, 1958, and is the sole owner of the sailing vessel calledthe particulars of which are given below. The said vessel was built atin the year..... and/purchased by the said Company for the sum of Rs...../was materially altered and rebuilt by the said Company.To the best of my knowledge and belief, no person or persons has or have any interest, either legal or beneficial, right, title, share of property in the said vessel. And I make this solemn declaration conscientiously believing the same to be true.Particulars Of The VesselOfficial Number, date and port of registry.....Registered Dimensions : Length.....Breadth DepthGross Tonnage..... Registered TonnageCubic Metres Cubic Metres.....Declared before me atthisday of19.....SignatureFor and on behalf ofCompany Ltd.Signature.Designation.Seal of Office.Register Of Sailing Vessels[See rule 6(1)]Official Number.....Name of the Vessel..... Date and Port of RegistryParticulars Of Owner(S)

Name(s)of Owner(s)

Occupation

Permanent residence or Principal place of business	Share held by each
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Description of the Vessel (a) Type, i.e., whether open decked (e) Name & Address of Builders
..... or semi-decked (f) No. of Mastes (b) Build & Material
..... (g) No. (c) Hull - whether wooden (h) No. of holds or
composite (i) Rigged (d) Place & Year of Build Dimensions and
Particulars of Tonnage Registered Dimensions (a) Length (b) Breadth (c)
Depth (a) Gross Tonnage (b) Register Tonnage Cubic metres Cubic
metres Particulars of Auxiliary Engine(s) (a) Type, Make & Name of engine(s) (b) Year of
Make (c) Name & Address of Manufacturers (d) Number and Diameter of
Cylinders (e) Length of Stroke (f) Brake Horse Power (g)
RPM (h) Speed: - (i) fully loaded (ii) Light condition Particulars of
Crew
'Fair season Foul season

(a) Deck Crew
(b) Engine Crew

Particulars of Mortgage, Sale and other transactions involving transmission of interest by way of
death, bankruptcy, etc.

Number transaction	Name of person from whom title derived	Hour and date of registry of mortgage	Nature & date of transaction
1	2	3	4
Extent to which interest share etc., affected by such transaction	Name, address and occupation of transferee, mortgagee or other persons acquiring interest, title etc.	Time & date of discharge of mortgage, etc.	Remarks
5	6	7	8

Registrar of Sailing Vessels.

SVR Form V Certificate Of Registry Of A Sailing Vessel [See rule 6(2)] THIS IS TO CERTIFY
that of has declared that is/are the
sole owner(s) of called and that the said the
identification particulars of which are appended below, was built at in the year
..... The said has been duly registered at the port of under
the M.S. Act, 1958 (44 of 1958). CERTIFIED under my hand this day of
..... 19..... Particulars of Vessel Port of Registered
Dimensions Length Breadth Depth Gross Tonnage (Cubic metres) Deductions on account of engine
room space Register tonnage (Cubic metres) . Registrar of Sailing Vessels. Port of
..... Footnote: (i) This certificate must be produced for inspection on demand by any
authorised person. (ii) While the certificate is in force, the vessel's name and other markings must
not be removed or defaced. (iii) Should the vessel be lost, broken up or rendered unfit for service, this
certificate should be surrendered to the Registrar at the vessel's port of registry. SVR Form
VI Application For Registry Of Alterations [See rule 9(1)] To, The Registrar of Sailing Vessels. Port of
..... Sir, I/We, the undersigned being the owners of sailing

vessel called Official Number hereby report that the following alterations have been carried out to the vessel on19. I/We therefore request that these alterations may kindly be registered and a fresh Certificate of Registry issued on payment of the prescribed fees. The vessel's existing Certificate of Registry is returned herewith. Signature of Owner(s) SVR Form VII Application For Transfer Of Port Of Registry [See rule 10(1)] To, The Registrar of Sailing Vessels. Port of Sir, I/We being the owners of sailing vessel called Official No registered at your port hereby request that the registry of the said vessel may be transferred to the port of for the following reasons :

2. The said vessel has been mortgaged in favour of as will be verified from the Register maintained by you and the mortgagees have no objection to the proposed transfer. In this connection, his/their letter, dated the agreeing to the transfer of the port of registry to is enclosed in original for your record.

Yours faithfully. SVR Form VIII Instrument Of Mortgage (To Be Executed By Individuals/Joint Owners/Partnership Firms) [See rule 13(1)] I/We, the undersigned in consideration of the sum of Rupees this day lent to me/us by residing permanently/having my/our principal place of business at do hereby for myself/ourselves and my/our heirs, executors or administrators covenant with the said firstly that I/We and/or my/our heirs, executors or administrators will pay to the said the said sum of Rupees together with interest thereon at the rate of per cent per annum on the day of 19....; and secondly that if the said principal sum is not paid on the said day I/We or my/our heirs, executors or administrators will during such time as the same or any part thereof remains unpaid, pay for to the said interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of percent. per annum by equal half yearly payments on the day of and day of in every year; and that for better securing to the said the payment in manner aforesaid of the said principal sum and interest I/we hereby mortgage to the said the sailing vessel called Official Number Port of Registry together with all her boats, appurtenances, etc. Lastly, I/we for myself/ourselves and my/our heirs, executors or administrators covenant with the said and his/their assigns that I/We have power to mortgage the said vessel in the manner aforesaid and the same is free from encumbrances save as appear by the register of the said vessel. Signed by the above named in my presence. Signature Designation Seal of Office Signature(s) Received the sum of Rupees in discharge of the within written security Dated this day of 19..... Signed in my presence. Signature(s) of Mortgagee(s). Signature Designation Seal of Office SVR Form IX Instrument Of Mortgage (To Be Executed By A Company) [See rule 13(1)] We, the Company, Limited, having our principal place of business at in consideration of the sum of

Rupees..... this day lent to us byresiding permanently/having their principal place of business at do hereby for ourselves and our successors covenant with the said that his/their/its assigns firstly that we/our successors will pay to the saidor its/their assigns the said sum of Rupeestogether with interest thereon at the rate ofper cent. per annum on the day of19....; secondly that if the said principal sum is not paid on the said day we or our successors will during such time as the same or any part thereof remains unpaid, pay to the saidinterest on the whole or such part thereof as may for the time being remain unpaid, at the rate ofpercent. per annum by equal half yearly payments on theday of.....and.....day ofin every year; and that for better securing to the saidthe payment in manner aforesaid of the said principal sum and interest we hereby mortgage to the saidthe sailing vessel calledOfficial Number Port of Registrytogether with all her boats and other appurtenances, etc. Lastly, we for ourselves and our successors covenant with the saidand their/its assigns that we have power to mortgage the said vessel together with all her boats and appurtenances. etc., and that the same is free from encumbrances save as appear by the register of the said vessel. In witness whereof we have subscribed our name(s) and common seal thisday of.....One Thousand Nine Hundred andSigned by the above-named in my presence. Signature(s) For and on behalf ofCompany Limited. SignatureDesignationSeal I of OfficeCompany's Seal. Received the sum of Rupeesin discharge of the within mentioned security. Dated thisday of19.....Signed in my presence. Signature(s) of Mortgagee(s). SignatureDesignationSeal of OfficeSVR Form XProvisional Certificate Of Registry[See rule 16(1)] This is to certify that sailing vesselOfficial No. of..... Tons..... belonging to.....is hereby permitted to ply pending issue of Certificate of Registry. This Provisional Certificate shall remain in force for a period of three months or until the vessel is granted a Certificate of Registry whichever is earlier. Port ofDateRegistrar of Sailing Vessels.

II

[See rule 5(1)]

	Name of port	Code letters
1	MANDVI	MNV
2	KANDLA	KDL
3	NAVLAKHI	NVL
4	BEDI	BDI
5	OKRA	OKA
6	PORBUNDER	PBR
7	VERAVAL	VRL
8	BHAVNAGAR	BHN

9	BROACH	BRH
10	BULSAR	BLS
11	UMBERGAON	UMR
12	THANA	THN
13	BOMBAY	BOM
14	URAN	URN
15	REVDANDA	RVD
16	BANKOT	BKT
17	DABHOL	DBL
18	RATNAGIRI	RTN
19	JAITAPUR	JTP
20	MALWAN	MI..N
21	KARWAR	KWR
22	HONAVAR	HNR
23	COONDAPUR	CDR
24	MANGALORE	MNG
25	KOZHIKODE	KZK
26	COCHIN	CHN
27	TUTICORIN	TTN
28	PAMBAN	PBN
29	NAGAPATTINAM	NGM
30	CUDDALORE	CLR
31	MASULIPATNAM	MST
32	KAKINADA	KKD
33	MAHUVA	MHV
34	MORMUGAO	MGO
35	LAKSHADWEEP	UTC

III

[See rule 21]

1	For initial registry	Rs.
	Vessels up to 7 tons gross	1
	Vessels exceeding 7 tons gross but not exceeding 25 tons gross	7
	Vessels exceeding 25 tons gross but not exceeding 50 tons gross	10
		15

Vessel exceeding 50 tons gross but not exceeding 75 tons gross	
Vessel exceeding 75 tons gross but not exceeding 100 tons gross	20
Vessel over 100 tons gross.	Rs.20 for first 100 tons plus 10 naye Paise for each ton exceeding first 100 tons.
2 For registry of alterations	5
3 For transfer of registry	10
4 For registry of transfer of ownership or interest .	10
5 For registry of mortgage .	10
6 For change of name of vessel	5
7 For Provisional certificate of registry or extension thereof .	1
For inspection of entries in the register book and/or supply	
8 of certified copies of the entries and other documents relating to registry	5
9 For duplicate copy of certificate of registry	5