



## ANALYSIS

Title	5. Alterations to ships
1. Short Title and commencement	6. Closure of registration
2. New Zealand-owned ships	7. Discharge, waiver, or extinction of mortgage
3. Evidence required before registration	8. Evidence relating to transmissions
4. Entry of particulars in Part B of Register	

1999, No. 67

**An Act to amend the Ship Registration Act 1992**

[8 June 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Ship Registration Amendment Act 1999, and is part of the Ship Registration Act 1992 (“the principal Act”).

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

**2. New Zealand-owned ships**—(1) Section 3(1) of the principal Act is amended by omitting the expression “part A”, and substituting the expression “Part A or Part B”.

(2) Section 3 of the principal Act is amended by repealing subsection (3).

**3. Evidence required before registration**—Section 14(1)(b) of the principal Act is amended by adding the words “, or (if it has not been registered in any country) have occurred since it was built”.

**4. Entry of particulars in Part B of Register**—Section 21 of the principal Act is amended by adding the following subsection:

“(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.”

**5. Alterations to ships**—Section 30 of the principal Act is amended by adding the following subsection:

“(5) In this section, ‘surveyor’ means a surveyor of ships recognised by the Director.”

**6. Closure of registration**—Section 32 of the principal Act is amended by inserting, after subsection (3), the following subsection:

“(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).”

**7. Discharge, waiver, or extinction of mortgage**—The principal Act is amended by repealing section 45, and substituting the following section:

“45. (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 lodgment of the mortgage instrument endorsed with a receipt for the mortgage money duly signed and attested; or

- “(b) The lodgment 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.”

**8. Evidence relating to transmissions**—The principal Act is amended by repealing section 81, and substituting the following section:

“81. 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.”

---

This Act is administered in the Ministry of Transport.

---