

**ST HELENA**

**MERCHANT SHIPPING ORDINANCE 2021**

**MERCHANT SHIPPING (REGISTRATION OF SHIPS) REGULATIONS  
2026**

(Sections 16, 17 and 18)

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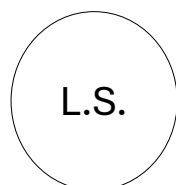
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Legal Notice No. 17 of 2026



ST HELENA



## MERCHANT SHIPPING ORDINANCE 2021

### MERCHANT SHIPPING (REGISTRATION OF SHIPS) REGULATIONS 2026

In exercise of the powers conferred by sections 16, 17 and 18 of the Merchant Shipping Ordinance 2021, the Governor on the advice of the Executive Council makes the following Regulations:

#### PART 1 PRELIMINARY

##### Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships) Regulations 2026, and come into force on 22 September 2026.

##### Interpretation

2. (1) In these Regulations, unless the context otherwise requires—  
“**the Ordinance**” means the Merchant Shipping Ordinance 2021;  
“**appropriate attestation**” means attestation in a form approved by the Registrar;  
“**bareboat charter ship**” means a ship which is hired for a stipulated period on terms which give the charterer possession and control of the ship, including the right to appoint the master and crew;  
“**beneficial ownership**” is determined by reference to every beneficial interest in the ship, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

**“builder’s certificate”** means 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 the builder, and of the date and place where it was built, and of the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered;

**“Categorisation Order”** means the Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003;

**“certificate of bareboat charter registration”** means a certificate of registration issued to a ship which is registered in accordance with Part 11;

**“certificate of registration”** means a certificate of registration which is issued to a ship in accordance with these Regulations, and includes a certificate of bareboat charter registration unless the context otherwise requires;

**“certificate of tonnage and measurement”** means a certificate issued under regulation 36(3)<sup>1</sup>;

**“classification society”** means a person authorised to issue certificates in respect of ships by the Maritime Authority or another maritime administration;

**“closure transcript”** means a certified extract from the register showing that the entry in the register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure;

**“commercial vessel”** means a ship, other than a fishing vessel, which is not a pleasure vessel;

**“declaration of eligibility”** means a declaration which complies with the provisions of regulation 30<sup>2</sup>(1);

**“declaration of intent”** means a declaration which complies with the provisions of regulations 31<sup>3</sup> and 32<sup>4</sup>;

**“dependant”**, in relation to a person means a spouse or life partner of that person;

**“fishing vessel”** means a ship for the time being used (or, in the context of an application for registration, intended to be used) to catch fish or other living resources of the sea for profit, but does not include a ship used wholly to convey a person wishing to fish for pleasure;

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<sup>1</sup> Survey and tonnage measurement of ships

<sup>2</sup> Declarations on eligibility

<sup>3</sup> Declaration of intent

<sup>4</sup> Form of declaration of intent

**“fishing vessel certificate”** means a certificate issued under regulation 38(2)<sup>5</sup>;

**“freeze”** means to prevent any entry (which includes a deletion of an entry) being made in the Register;

**“full registration”**, in relation to a fishing vessel, means the registration of a fishing vessel which is subject to a mortgage;

**“identifying number”** means—

(a) where the Registrar has allocated a bareboat charter ship a number under regulation 86<sup>6</sup>(2)(b) or (3), that number, or

(b) in any other case, the unique number allocated to a bareboat charter ship for identification purposes by its primary register;

**“Immigration Ordinance”** means the Immigration Ordinance, 2011;

**“international voyage”** means a voyage from a port in one State or territory to a port outside that State or territory;

**“inspector of marks”** means a surveyor or any person authorised by the Registrar or the Maritime Authority to verify the carving and marking of a ship under these Regulations;

**“length”** has the same meaning as in the Tonnage Regulations or, until such Regulations are made, the International Convention on Tonnage Measurement of Ships, 1969;

**“LLMC Convention”** means the Convention on Limitation of Liability for Maritime Claims (adopted on 19 November 1976), as amended by the 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (adopted on 2 May 1996);

**“Maritime Authority”** means the Maritime Authority appointed under section 2A of the Ordinance (Maritime Authority);

**“mortgage”** means an instrument creating security for the repayment of a loan or the discharge of any other obligation and to which the provisions of paragraphs 7 to 14 of the Schedule to the Ordinance apply;

**“owner”** means, in relation to a ship or share in a ship, the person owning the ship, or as the case may be, a share in the ship, whether or not registered as owner;

**“pleasure vessel”** means—

(a) any vessel which at the time it is being used is—

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<sup>5</sup> Survey and certification of ships: Part 2 of the Register

<sup>6</sup> Allocation of port and identifying number

(i) in the case of a vessel wholly owned by—

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends, and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “**immediate family**” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “**relative**” means brother, sister, ancestor or lineal descendant;

“**prescribed fee**” means the fee prescribed by regulation 5<sup>7</sup> and Schedule 7<sup>8</sup>;

“**prescribed form**” means the form approved by the Executive Council for the purpose;

“**primary register**” means the register on which the ship is registered at the time the application is made to register the ship as a bareboat charter ship;

“**qualified person**” means a person qualified to be the owner of a ship on Part 1, Part 2, Part 3 or Part 4, as the case may be, of the Register;

“**the Register**” means the St Helena Ship Register kept under section 10 of the Ordinance (Keeping of register);

“**the Registrar**” means the person appointed by the Governor as the Registrar;

“**relevant British possession**” means—

(a) the Isle of Man,

(b) any of the Channel Islands, and

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<sup>7</sup> Fees

<sup>8</sup> Fees

(c) any British Overseas Territory;

“**representation**” means probate, administration, confirmation, or other instrument constituting a person the executor, administrator or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel;

“**Sanctions Regulations**” means any United Kingdom legislation relating to sanctions which has been extended to St Helena;

“**ship**” except where expressly provided otherwise, means a vessel or craft of any type whatsoever operating in the marine environment and includes a fishing vessel, a hydrofoil boat, an air-cushion vessel, a submersible vessel, a floating craft and a fixed or floating platform;

“**simple registration**” means, in relation to a fishing vessel, the registration of a fishing vessel which is not subject to a mortgage;

“**small ship**” means a ship which is less than 24 metres in overall length;

“**St Helenian status**” means St Helenian status granted by right or birth in accordance with section 15 of the Immigration Ordinance, 2011 (Persons having by right or by grant St Helenian status);

“**submersible vessel**” means any vessel used or designed to be used under the surface of any waters;

“**surveyor**” means a person appointed or authorised as a surveyor under section 103A of the Ordinance (Appointment of surveyors);

“**termination direction**” means a direction to terminate the registration of a ship given to the Registrar under any of the Sanctions Regulations;

“**Tonnage Regulations**” means the regulations made under section 17 of the Ordinance (Tonnage regulations);

“**transfer of a ship**” means a transfer of a ship in accordance with paragraphs 2 to 6 of the Schedule to the Ordinance (Transfers etc of St Helena ships) and includes, except where the context otherwise requires, transfer of a share in a ship.

(2) For the purposes of these Regulations, a ship is a “**sanctioned ship**” if—

- (a) were an application for registration in the Register to be made in respect of it, the Registrar would be required to refuse registration because of the relevant provisions of the Sanctions Regulations, or
- (b) a termination direction has been issued in relation to the ship.

(3) These regulations do not apply to a ship that—

- (a) forms part of His Majesty’s Navy, or

- (b) does not form part of His Majesty's Navy but belongs to His Majesty or is held by a person on behalf of, or for the benefit of, the Crown in right of the United Kingdom.

### **Meaning of close economic connection**

- 3. For the purpose of these Regulations, a “**close economic connection**” means that a person—
  - (a) has made a minimum investment of £250,000 in St Helena in accordance with a policy approved by the Executive Council, or
  - (b) has made a smaller investment which, in the opinion of the Executive Council, offers the potential for significant long-term benefits to St Helena.

### **Appointment of inspectors**

- 4. (1) For the purpose of determining whether a ship is eligible to be registered on the Register, the Registrar may appoint a person—
  - (a) to investigate the eligibility of the ship to be so registered, and
  - (b) to make a report including findings and conclusions to the Registrar.
- (2) A person appointed under paragraph (1) has, for the purpose of conducting the investigation, the powers conferred on an inspector by the provisions of section 103D of the Ordinance (Powers of inspectors)(other than paragraphs (d) to (h) of subsection (2) of that section).

### **Fees**

- 5. (1) Schedule 7 has effect and prescribes the fees for—
  - (a) applications and notices, and
  - (b) services provided by the Registrar,under these Regulations.
- (2) Where a fee is prescribed in Schedule 7 in respect of any application, notice, service or transaction, the Registrar is not required to accept the application or notice or provide a relevant service or perform the transaction unless the prescribed fee has been paid.

**PART 2**  
**THE REGISTER OF ST. HELENA SHIPS**

**The Register**

- 6. (1)** The Register maintained by the Registrar in accordance with section 10 of the Ordinance is divided into the following parts—
- (a)* Part 1 for ships owned by persons qualified in accordance with these Regulations, which are—
    - (i)* commercial vessels,
    - (ii)* pleasure vessels which are subject to a mortgage, and
    - (iii)* pleasure vessels which are of 24 metres or above in length, whether or not subject to a mortgage;
  - (b)* Part 2 for fishing vessels;
  - (c)* Part 3 for small ships which are pleasure vessels;
  - (d)* Part 4 for bareboat charter ships.
- (2)** The Register may consist of both paper and computerised records and such other records as the Executive Council may consider to be expedient.
- (3)** Any person is entitled on application to the Registrar to obtain a transcript, certified by an authorised officer, of the entries in the Register.
- (4)** During normal office hours, any person is entitled on request to inspect the entries in the Register.
- (5)** Entries in the Register must be made in accordance with the following provisions—
- (a)* the property in a ship is to be divided into sixty-four shares;
  - (b)* subject to the provisions of the Ordinance and these Regulations and paragraph (6), not more than sixty-four persons are entitled to be registered at the same time as owners of any one ship;
  - (c)* a person is not entitled to be registered as owner of a part of a share; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares in a ship;

- (d) joint owners are deemed to constitute one person only as regards the persons entitled to be registered, and are not entitled to dispose in severalty of any interest in a ship, or in any share in a ship in respect of which they are registered.
- (6) The beneficial title of any persons represented by or claiming under or through any registered owner or joint owner is not affected by paragraph (5)(b).
- (7) The Registrar may amend the Register where—
  - (a) a clerical error has occurred, or
  - (b) sufficient evidence is produced to satisfy the Registrar that the entry is incorrect.
- (8) On making an amendment to the Register, the Registrar must issue a new certificate of registration or permission if necessary.

#### **Registration on only one Part of the Register**

- 7. No ship may be registered on more than one part of the Register at any one time.

#### **Trusts not to be entered**

- 8. (1) Subject to paragraph (2), no trust, express, implied or constructive may be registered by the Registrar.
- (2) Where, on the bankruptcy of a registered owner or mortgagee, that person's title is transmitted to the person's trustee in bankruptcy, the trustee in bankruptcy, if a qualified person, may be registered as the owner or mortgagee of a St Helena ship or share in a St Helena ship.

#### **Restrictions on registration**

- 9. (1) A fishing vessel may not be registered on Part 1 of the Register.
- (2) A ship is not to be registered on the Register unless its registration is permitted by the Categorisation Order.

### **PART 3**

#### **QUALIFICATION AND ENTITLEMENT FOR REGISTRATION ON PART 1 OF THE REGISTER**

#### **Application of Part 3**

- 10. (1) This Part applies to ships which are—
  - (a) commercial vessels,

- (b) pleasure vessels of whatever length which are subject to a mortgage, and
  - (c) pleasure vessels which are of 24 metres or above in length whether or not subject to a mortgage.
- (2) This Part does not apply to—
  - (a) fishing vessels;
  - (b) a ship that forms part of His Majesty's Navy;
  - (c) a ship that does not form part of His Majesty's Navy but belongs to His Majesty or is held by a person on behalf of, or for the benefit of, the Crown in right of the United Kingdom.

**Persons qualified to own a ship registered on Part I of the Register**

11. (1) A person is qualified to be the owner of a ship registered on Part 1 of the Register if the person either—
- (a) meets the St Helenian qualification requirements set out in paragraph (2), or
  - (b) meets—
    - (i) the non-St Helenian qualification requirements set out in paragraph (3), and
    - (ii) has a close economic connection.
- (2) The St Helenian qualification requirements are that the owner is either—
- (a) a person who has St Helenian status,
  - (b) a dependent of a person who has St Helenian status, and who jointly owns the vessel with the person who has St Helenian status, or
  - (c) a body corporate which—
    - (i) is incorporated in St Helena, and
    - (ii) has its principal place of business in St Helena.
- (3) The non-St Helenian qualification requirements are that the owner is—
- (a) a person who has a long-term entry permit, or is otherwise permitted to enter and work in St Helena, and is—
    - (i) a British citizen,
    - (ii) a person who is a British subject under the British Nationality Act 1981,

- (iii) a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986, or
    - (iv) a person who is a citizen of a State or territory listed in Schedule 1,
  - (b) a body corporate incorporated in a State or territory listed in Schedule 1, or
  - (c) a limited partnership registered in a State or territory listed in Schedule 1 which—
    - (i) has its principal place of business in that State or territory or in St Helena, and
    - (ii) has a partner—
      - (aa) who, in the case of an individual, is resident in that State or territory or in St Helena, or
      - (bb) which, in the case of a body corporate, has its principal place of business in that State or territory or St Helena.
- (4) A person who is not qualified under paragraph (1) to be the owner of a ship registered on Part 1 of the Register may nevertheless be one of the owners of such a ship if—
- (a) a majority interest in the ship (within the meaning of regulation 12<sup>9</sup>) is owned by a person or persons who is or are so qualified under paragraph (1), and
  - (b) the ship is registered on Part 1 of the Register.

### **Entitlement to be registered on the Register**

- 12. (1)** Subject to the relevant provisions of the Sanctions Regulations, regulation 45(4)<sup>10</sup> and paragraphs (2), (3) and (4), a ship is entitled to be registered on the Register if a majority interest in the ship is owned by one or more persons qualified under regulation 11(1)<sup>11</sup>.
- (2)** Where a majority interest in a ship is owned by a person or persons qualified by reason of regulation 11(1)<sup>12</sup>, the ship may, subject to paragraph (3), be registered only if that person or (as the case may be) any of those persons is resident in St Helena.

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<sup>11</sup> Entitlement to be registered on the Register

<sup>10</sup> Registration and refusal of registration of a ship

<sup>11</sup> Persons qualified to own a ship registered on Part 1 of the Register

<sup>12</sup> Persons qualified to own a ship registered on Part 1 of the Register

(3) Where the condition in paragraph (2) is not satisfied, the ship may be registered only if a representative person is appointed in relation to the ship under regulations 20<sup>13</sup> or 21<sup>14</sup>.

(4) For the purposes of this regulation—

- (a) one or more persons is treated as owning a majority interest in a ship if there is vested in that person or in those persons, taken together, the legal title to 33 or more shares in the ship (there being left out of account for this purpose any share in which any beneficial interest is owned by a person who is not entitled to be an owner of a St Helena ship), and
- (b) a body corporate is treated as resident in St Helena if it has a place of business in St Helena.

#### **PART 4**

### **QUALIFICATION AND ENTITLEMENT OF FISHING VESSELS TO BE REGISTERED ON PART 2 OF THE REGISTER**

#### **Application of Part 4**

13. This Part applies to fishing vessels.

#### **Persons qualified to own a fishing vessel registered on Part 2 of the Register**

14. (1) A person is qualified to be the owner of a fishing vessel registered on Part 2 of the register if the owner either—

- (a) meets the St Helenian qualification requirements set out in paragraph (2), or
- (b) meets—
  - (i) the non-St Helenian qualification requirements set out in paragraph (3), and
  - (ii) has a close economic connection.

(2) The St Helenian qualification requirements are that the owner is either—

- (a) a person who has St Helenian status, or

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<sup>13</sup> Power to appoint representative persons

<sup>14</sup> Duty to appoint representative persons

- (b) a dependent of a person who has St Helenian Status, and who jointly owns the vessel with the person who has St Helenian status, or
  - (c) a body corporate which—
    - (i) is incorporated in St Helena, and
    - (ii) has its principal place of business in St Helena.
- (3) The non-St Helenian qualification requirements are that the owner is—
  - (a) a person who has a long-term entry permit, or is otherwise permitted to enter and work in St Helena, and is—
    - (i) a British citizen,
    - (ii) a person who is a British subject under the British Nationality Act 1981,
    - (iii) a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986,
    - (iv) a person who is a citizen of a State or territory listed in Schedule 1,
  - (b) a body corporate incorporated in a State or territory listed in Schedule 1 or
  - (c) a limited partnership registered in a State or territory listed in Schedule 1 which—
    - (i) has its principal place of business in that State or territory or in St Helena, and
    - (ii) has a partner—
      - (aa) who, in the case of an individual, is resident in that State or territory or in St Helena, or
      - (bb) which, in the case of a body corporate, has its principal place of business in that State or territory or St Helena.

### **Entitlement to be registered on the Register**

- 15. (1)** Subject to the relevant provisions of the Sanctions Regulations, regulation 45(4)<sup>15</sup> and paragraphs (2) and (3), a fishing vessel is entitled to be registered on the Register if the fishing vessel is wholly owned by one or more persons qualified under regulation 14(1)<sup>16</sup>.

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<sup>15</sup> Registration and refusal of registration of a ship

<sup>16</sup> Persons qualified to own a fishing vessel registered on Part 2 of the Register

(2) A fishing vessel entitled to be registered in accordance with paragraph (1) may only be registered if either—

- (a) the owner, or one of the joint owners (as the case may be) is resident in St Helena, or
- (b) a representative person has been appointed in relation to the fishing vessel under regulation 20<sup>17</sup> or 21<sup>18</sup>.

(3) For the purposes of this regulation a body corporate is treated as resident in St Helena if it has a place of business in St Helena.

### **Dispensations**

16. (1) Where in the case of any fishing vessel, the Executive Council is satisfied that—

- (a) a fishing vessel would be eligible to be registered but for the fact that any particular individual, or (as the case may be) each of a number of particular individuals is not a qualified person under regulation 14(1)(a)<sup>19</sup>, and

(b) it would be appropriate to dispense with the requirement of St Helenian status in the case of that individual or those individuals, in view of the length of time the individual or individuals has or have resided in St Helena and have been involved in the fishing industry of St Helena, the Executive Council may determine that that requirement should be so dispensed with.

(2) Where the Executive Council has made a dispensation in accordance with paragraph (1), the fishing vessel is, so long as sub-paragraph (1)(a) applies to it and any such determination remains in force, treated for the purposes of registration on Part 2 of the Register as being eligible to be registered as a St Helena fishing vessel.

## **PART 5**

### **QUALIFICATION AND ENTITLEMENT OF PLEASURE VESSELS TO BE REGISTERED ON PART 3 OF THE REGISTER**

#### **Application of Part 5**

17. This part applies to a small ship which is a pleasure vessel.

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<sup>17</sup> Power to appoint a representative person

<sup>18</sup> Duty to appoint a representative person

<sup>19</sup> Persons qualified to own a fishing vessel registered on Part 2 of the Register

**Persons qualified to be the owners of a small ship to be registered on Part 3 of the Register**

- 18. (1)** A person is qualified to be the owner of a pleasure vessel registered on Part 3 of the register if that person—
- (a) has St Helenian status, or
  - (b) is otherwise permitted to enter and work in St Helena, and is—
    - (i) a British citizen,
    - (ii) a person who is a British subject under the British Nationality Act 1981,
    - (iii) a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986, or
    - (iv) a person who is a citizen of a State or territory listed in Schedule 2.
- (2)** A person who is not qualified under paragraph (1) to be the owner of a pleasure vessel registered on Part 3 of the Register may nevertheless be one of the owners of such a pleasure vessel if—
- (a) the person is a dependant of a person who is qualified to be the owner of a pleasure vessel under paragraph (1),
  - (b) an interest in the pleasure vessel is owned by a person or persons who is or are so qualified under paragraph (1), and
  - (b) the pleasure vessel is registered on Part 3 of the Register.

**Disapplication of the Schedule to the Ordinance**

- 19.** The Schedule to the Ordinance relating to the private law provisions for St Helena does not apply to pleasure vessels registered on Part 3 of the Register.

**PART 6**

**APPOINTMENT OF MANAGING OWNER AND REPRESENTATIVE PERSONS**

**Power to appoint a representative person**

- 20.** (1) This regulation applies in respect of a ship which is owned by a person or persons qualified to be an owner of a ship registered on the Register by virtue of regulation 11(1)(a)<sup>20</sup>, 14(1)(a)<sup>21</sup> or 18(1)(a)<sup>22</sup>.
- (2) An owner to which this regulation applies who is not resident in St Helena may appoint an individual or body corporate satisfying the requirements in paragraph (3) to be the representative person in respect of the ship.
- (3) A representative person must be either—
- (a) an individual resident in St Helena, or
  - (b) a body corporate incorporated in St Helena and having a place of business in St Helena.
- (4) The appointment of the representative person must—
- (a) be made in the prescribed form, and
  - (b) contain the name and the address of the representative person.
- (5) The owner of any ship, in relation to which a representative person is for the time being appointed under this regulation, must—
- (a) on applying for the ship to be registered, send to the Registrar the appointment required by paragraph (4);
  - (b) in the event of any change in the identity, or in the address of the representative person, notify the Registrar of the relevant change within 7 days of the change occurring,

and the Registrar must record the new particulars in the Register.

### **Duty to appoint representative persons**

- 21.** (1) Where the entitlement of any ship to be registered is conditional upon the appointment of a representative person, the owner of the ship must—
- (a) before applying for the ship to be registered, appoint an individual or body corporate satisfying the requirements in paragraph (2) to be the representative person, and
  - (b) ensure that, so long as the ship remains registered, an individual or body corporate satisfying those requirements is so appointed.

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<sup>20</sup> Persons qualified to own a ship registered on Part 1 of the Register

<sup>21</sup> Persons entitled to own a fishing vessel registered on Part 2 of the Register

<sup>22</sup> Persons qualified to be the owners of a small ship to be registered on Part 3 of the Register

- (2) A representative person must be either—
  - (a) an individual resident in St Helena, or
  - (b) a body corporate incorporated in St Helena and having a place of business in St Helena.
- (3) The appointment of the representative person must—
  - (a) be made in the prescribed form, and
  - (b) contain the name and the address of the representative person.
- (4) The owner of any ship in relation to which any representative person is for the time being appointed under this regulation must—
  - (a) on applying for the ship to be registered, send to the Registrar the appointment required by paragraph (3);
  - (b) in the event of any change in the identity, or in the address of the representative person, notify the Registrar of the relevant change within 7 days of the change occurring,

and the Registrar must record the new particulars in the Register.

#### **Nomination of managing owner**

- 22. (1) Where application is made in respect of a ship which has more than one owner, or whose shares are owned by more than one owner, and no representative person has been appointed under this Part, one of those owners who is resident in St Helena must be nominated as the managing owner, and the Register must be marked accordingly and all correspondence must be sent to that person at the address recorded in the Register in respect of that owner.
- (2) Where the owners determine that a different managing owner is appointed, the Registrar must be notified in writing and the Register noted accordingly.

#### **Service on managing owners or representative persons**

- 23. (1) This regulation applies where a document is required from or is authorised to be served on the owner of a ship —
  - (a) by or under the Ordinance, or any regulations made under it, including these Regulations;
  - (b) by virtue of any statutory provision for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under the Ordinance, or under any instrument in force under it, including these Regulations.

- (2) The document is treated as duly received from or served on the owner if—
- (a) received from, or delivered to, any managing owner or representative person, as the case may be, for the time being nominated or appointed, or
  - (b) in the case of service on the owner—
    - (i) sent to any such person by post at the address notified (or, as the case may be, last notified) to the Registrar under regulation 20(4)<sup>23</sup> or 21(4)<sup>24</sup> in relation to that person, or
    - (ii) left for any such person at that address.

## **PART 7**

### **APPLICATIONS FOR REGISTRATION**

#### *Applications*

#### **Form of application**

24. (1) Every application made under these Regulations must be made to the Registrar.
- (2) The application must—
- (a) be made in the prescribed form, and
  - (b) contain—
    - (i) the name and address of the applicant, and
    - (ii) sufficient information to enable the ship to be identified.

#### **The applicant**

25. (1) Every application made under these Regulations must be made—
- (a) in the case of individuals, by one or more of the individuals registered or requiring to be registered as owners or by an agent, or
  - (b) in the case of a body corporate, by a duly authorised officer of that body corporate, or by its agent.

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<sup>23</sup> Power to appoint a representative person

<sup>24</sup> Duty to appoint representative persons

**Applications by bodies corporate**

- 26.** Where application is made on behalf of a body corporate, the application must be accompanied by—
- (a) if it is a body incorporated in St Helena, a copy of its certificate of incorporation, and, in the case of a company which has changed its name since incorporation, its certificates of change of name, or
  - (b) if it is a company incorporated other than in St Helena, proof in accordance with the laws of the State or territory of its incorporation that the company is an incorporated company.

**Applications for registration: Part 1 of the Register**

- 27. (1)** An application for registration on Part 1 of the Register must be in the prescribed form and be accompanied by—
- (a) a declaration of eligibility in accordance with regulation 30<sup>25</sup> or, in the case of a new ship, a declaration of intent in accordance with regulation 31<sup>26</sup>,
  - (b) confirmation that the ship will be used during the period of registration either as
    - (i) a commercial vessel, or
    - (ii) a pleasure vessel,
  - (c) evidence of title which complies with the provisions of regulation 34<sup>27</sup>,
  - (d) a certificate of tonnage and measurement which complies with the provisions of regulation 36<sup>28</sup>,
  - (d) a load line or coding certificate which complies with the provisions of regulation 37<sup>29</sup>,
  - (e) in the case of a new ship, a builder's certificate, and

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<sup>25</sup> Declarations of eligibility

<sup>26</sup> Declaration of intent

<sup>27</sup> Evidence of title on registration

<sup>28</sup> Survey and tonnage measurement of ships

<sup>29</sup> Survey and certification of ships: Part 1 of the Register

- (f) if a ship to which regulations 20<sup>30</sup>, 21<sup>31</sup> or 22<sup>32</sup> apply, the details required by regulation 20(4)(a)<sup>33</sup>, 21(4)(a)<sup>34</sup> or 22(1)<sup>35</sup>, as the case may be.
- (2) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register must be accompanied by a certified extract from that register in respect of that ship.
- (3) Every application for registration of a ship must confirm that the ship is not a sanctioned ship.
- (4) In relation to any application for registration on Part 1 of the Register, the applicant must provide proof that there is in respect of the ship a contract of insurance (or other form of security) in the amount required by paragraph (6) providing, as a minimum—
- (a) hull and machinery insurance
  - (b) protection and indemnity insurance, and
  - (c) to the extent not covered by the insurance mentioned in (a) and (b), insurance which covers the claims listed in paragraph (5).
- (5) The claims are in respect of—
- (a) loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
  - (b) loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
  - (c) other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;

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<sup>30</sup> Power to appoint a representative person

<sup>31</sup> Duty to appoint representative persons

<sup>32</sup> Nomination of managing owner

<sup>33</sup> Power to appoint a representative person

<sup>34</sup> Duty to appoint representative persons

<sup>35</sup> Nomination of managing owner

(d) the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;

(e) the removal, destruction or the rendering harmless of the cargo of the ship;

(f) any environmental damage resulting from an incident involving the ship, including the costs of responding to and cleaning up or recovering from such damage;

(g) the costs associated with any search and rescue action required in respect of the ship, including the costs of medical care and evacuation;

(h) the hijack or boarding of or an attack on the ship or other acts of piracy;

(i) compensation in the event of death or injury, or the need for repatriation, of any member of the ship's crew;

(j) compensation for which the ship owner may be liable under any international convention or other instrument applicable to the ship and under which the owner is required to maintain insurance.

**(6)** The amount of insurance for each and every ship per incident must be no less than the maximum amount at which the owner may limit liability in respect of the ship either—

(a) under and in accordance with the LLMC Convention, or

(b) if higher, under and in accordance with any other international convention or instrument applicable to the ship.

### **Applications for registration: Part 2 of the Register**

**28. (1)** An application for registration on Part 2 of the Register must state whether the application is for—

(a) full registration, or

(b) simple registration.

**(2)** Every application for registration of a fishing vessel on Part 2 of the Register must—

(a) in the case of an application for full registration, comply with paragraph (3);

- (b) in the case of an application for simple registration, comply with paragraph (4).
- (3) An application for full registration must be in the prescribed form and be accompanied by—
  - (a) a declaration of eligibility in accordance with regulation 30<sup>36</sup> or, in the case of a new ship, a declaration of intent in accordance with regulation 31<sup>37</sup>,
  - (b) evidence of title which complies with the provisions of regulation 34<sup>38</sup>,
  - (c) evidence of measurement of the fishing vessel which complies with the provisions of regulation 36<sup>39</sup>,
  - (d) a safety certificate which complies with the provisions of regulation 38<sup>40</sup>,
  - (e) in the case of a new fishing vessel, a builder's certificate,
  - (f) if a fishing vessel to which regulations 20<sup>41</sup>, 21<sup>42</sup> or 22<sup>43</sup> apply, the details required by regulation 20(4)(a)<sup>44</sup>, 21(4)(a)<sup>45</sup> or 22(1)<sup>46</sup>, as the case may be, and
  - (g) a fishing licence relevant to the fishing vessel's proposed area or areas of operation.
- (4) An application for simple registration must be in the prescribed form and be accompanied by—
  - (a) a declaration of eligibility in accordance with regulation 30<sup>47</sup> or, in the case of a new ship, a declaration of intent in accordance with regulation 31<sup>48</sup>,

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<sup>36</sup> Declarations of eligibility

<sup>37</sup> Declaration of intent

<sup>38</sup> Evidence of title on registration

<sup>39</sup> Survey and tonnage measurement of ships

<sup>40</sup> Survey and certification of ships: Part 2 of the Register

<sup>41</sup> Power to appoint a representative person

<sup>42</sup> Duty to appoint representative persons

<sup>43</sup> Nomination of managing owner

<sup>44</sup> Power to appoint a representative person

<sup>45</sup> Duty to appoint representative persons

<sup>46</sup> Nomination of managing owner

<sup>47</sup> Declarations of eligibility

<sup>48</sup> Declaration of intent

- (b) a safety certificate which complies with the provisions of regulation 38<sup>49</sup>,
  - (c) in the case of a new fishing vessel, a builder's certificate,
  - (d) in the case of a fishing vessel to which regulations 20<sup>50</sup>, 21<sup>51</sup> or 22<sup>52</sup> apply, the details required by regulation 20(4)(a)<sup>53</sup>, 21(4)(a)<sup>54</sup> or 22(1)<sup>55</sup>, as the case may be, and
  - (e) a fishing licence relevant to the fishing vessel's proposed area or areas of operation.
- (5) Every application for registration of a fishing vessel which has, immediately prior to the application, been registered on any other register must be accompanied by a certified extract from that register in respect of that fishing vessel.
- (6) Every application for registration of a fishing vessel must confirm that the fishing vessel is not a sanctioned fishing vessel.
- (7) In relation to any application for registration on Part 2 of the Register, the Registrar may request a copy of the relevant fishing licence, and proof of compliance with any relevant associated conditions of that licence, to be provided by the applicant within such reasonable time as specified by the Registrar.
- (8) In relation to any application for registration on Part 2 of the Register, the applicant must provide proof that there is in respect of the ship a contract of insurance (or other form of security) in the amount required by paragraph (10) providing, as a minimum—
  - (a) hull and machinery insurance
  - (b) protection and indemnity insurance, and,
  - (c) to the extent not covered by the insurance mentioned in (a) and (b), insurance which covers the claims listed in paragraph (9).
- (9) The claims are in respect of—

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<sup>49</sup> Survey and certification of ships: Part 2 of the Register

<sup>50</sup> Power to appoint a representative person

<sup>51</sup> Duty to appoint representative persons

<sup>52</sup> Nomination of managing owner

<sup>53</sup> Power to appoint a representative person

<sup>54</sup> Duty to appoint representative persons

<sup>55</sup> Nomination of managing owner

- (a) loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the fishing vessel or with salvage operations, and consequential loss resulting therefrom;
- (b) other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the fishing vessel or salvage operations;
- (c) the raising, removal, destruction or the rendering harmless of a ship or fishing vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship or fishing vessel;
- (d) the removal, destruction or the rendering harmless of the cargo of the fishing vessel;
- (e) any environmental damage resulting from an incident involving the fishing vessel, including the costs of responding to and cleaning up or recovering from such damage;
- (f) the costs associated with any search and rescue action required in respect of the fishing vessel, including the costs of medical care and evacuation;
- (g) the hijack or boarding of or an attack on the fishing vessel or other acts of piracy;
- (h) compensation in the event of death or injury, or the need for repatriation, of any member of the fishing vessel's crew;
- (i) compensation for which the fishing vessel owner may be liable under any international convention or other instrument applicable to the fishing vessel and under which the owner is required to maintain insurance.

**(10)** The amount of insurance for each and every fishing vessel per incident must be no less than the maximum amount at which the owner may limit liability in respect of the fishing vessel either—

- (a) under and in accordance with the LLMC Convention, or
- (b) if higher, under and in accordance with any other international convention or instrument applicable to the ship.

### **Applications for registration: Part 3 of the Register**

**29. (1)** An application for registration on Part 3 of the Register must—

- (a) be in the prescribed form, and

- (b) be accompanied by—
  - (i) the name of the pleasure vessel,
  - (ii) the name and address of every owner of the ship,
  - (iii) a description of the pleasure vessel,
  - (iv) the overall length of the pleasure vessel,
  - (v) a declaration of eligibility or, in the case of a new ship, a declaration of intent,
  - (vi) a declaration that the ship—
    - (aa) is to be used only as a pleasure vessel during the period of registration, and
    - (ab) is not subject to a mortgage, and
  - (vii) evidence of title which complies with the provisions of regulation 34<sup>56</sup>.
- (2) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register must be accompanied by a certified extract from that register in respect of that ship.
- (3) Every application for registration of a ship must confirm that the ship is not a sanctioned ship.
- (4) Where it appears to the Registrar that there is any doubt as to the right of a ship to be registered on Part 3 of the Register, the Registrar may require satisfactory evidence to be produced by the owner that the ship is entitled to be so registered.
- (5) The evidence required under paragraph (4) may include the production of the ship for inspection at a place and under such conditions as the Registrar requires; and, if the necessary evidence is not provided within 1 month of being so required, the Registrar may refuse to register the ship.

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<sup>56</sup> Evidence of title on registration

*Declarations of eligibility and intent*

**Declarations of eligibility**

- 30. (1)** Subject to regulation 31<sup>57</sup>, every application for registration must be supported by a declaration of eligibility in the form set out in Schedule 8<sup>58</sup> which must include—
- (a) a declaration of ownership by every owner setting out each owner's qualification to own a St Helena ship of the type for which an application for registration is made,
  - (b) in the case of an owner who is qualified to be the owner of a ship registered on Part 1 of the register by virtue of either regulation 11(1)(b)<sup>59</sup> or regulation 14(1)(b)<sup>60</sup>, a declaration of the close economic connection,
  - (c) a statement of the number of shares in the ship, the legal title of which is vested in each owner, whether alone or jointly with any other person or persons, and
  - (d) in the case of an application for registration on Part 3 of the Register, the name and address of every owner of the pleasure vessel.
- (2)** The Registrar—
- (a) may require an applicant to provide such evidence of eligibility, including proof of beneficial ownership, as the Registrar directs, and
  - (b) unless such evidence is provided within such reasonable period as is specified by the Registrar, may refuse the application.

**Declaration of intent**

- 31.** Where, at the time when the application for registration is made, the ownership of a ship has not yet passed (or fully passed) to the persons who are to be its owners when it is registered, the application must be accompanied by a declaration of intent instead of a declaration of eligibility.

**Form of declaration of intent**

- 32.** The declaration of intent must be in the prescribed form and consist of—

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<sup>57</sup> Declaration of intent

<sup>58</sup> Form of declaration of eligibility

<sup>59</sup> Persons qualified to own a ship registered on Part 1 of the Register

<sup>60</sup> Persons qualified to own a fishing vessel registered on Part 2 of the Register

- (a) a draft declaration of eligibility which complies with regulation 30(1)<sup>61</sup>, setting out particulars of ownership of the ship as they are intended to be when the ship is registered, and
- (b) a declaration that the ownership of the ship will, at the time when registration occurs, be as stated in the draft declaration of eligibility.

**Declaration of eligibility to be submitted before registration**

33. Where an application for registration is accompanied by a declaration of intent and not by a declaration of eligibility, a duly completed declaration of eligibility must be submitted to the Registrar prior to registration.

*Evidence of title*

**Evidence of title on registration**

34. (1) An application to register a ship, other than an application in respect of a fishing vessel requiring simple registration, must be supported by the evidence of title specified in this regulation.
- (2) In respect of an application for a ship to be registered on Part 1 of the Register, the evidence is—
- (a) where the ship is new, a builder's certificate;
  - (b) where the ship is not new, either—
    - (i) a bill or bills of sale showing the ownership of the ship for the five years before the application was made, or
    - (ii) if the ship has been registered at any time within the last five years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered.
- (3) In respect of an application for a fishing vessel requiring to be registered with full registration on Part 2 of the Register, the evidence is —
- (a) where the fishing vessel is new, a builder's certificate;
  - (b) where the fishing vessel is not new, either—
    - (i) a bill or bills of sale showing the ownership of the fishing vessel for the three years before the application was made, or
    - (ii) if the fishing vessel has been registered at any time within the last three years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered.

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<sup>61</sup> Declarations of eligibility

**(4)** In respect of an application for a pleasure vessel to be registered on Part 3 of the Register, the evidence is—

- (a)* where the pleasure vessel is new, a builder's certificate;
- (b)* where the pleasure vessel is not new, either—
  - (i)* a previous bill or bills of sale showing the ownership of the pleasure vessel for at least 5 years before the application is made, or
  - (ii)* if the pleasure vessel has been registered with a full registration at any time within the last 5 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered.

**(5)** Where the evidence required by paragraphs (2), (3) or (4) is not available, other evidence of title satisfactory to the Registrar may be accepted.

**(6)** Where a ship is registered on one part of the Register and an application is subsequently made to register the ship on another part, the owner must provide the evidence of title required in respect of an application to register the ship on that new part under this regulation for the ship to remain eligible to be registered.

**Notification of changes of ownership etc.**

**35. (1)** If at any time there occurs, in relation to a registered ship—

- (a)* any change affecting the eligibility of the ship to be registered as a St Helena ship,
- (b)* any change in relation to the address of the registered owner of the ship, or
- (c)* any change in details relating to the ship,

the registered owner of the ship must, as soon as practicable after the change occurs, notify the Registrar.

**(2)** Notification made under paragraph (1) must—

- (a)* be in writing,
- (b)* be signed by the registered owner, and
- (c)* specify—
  - (i)* the nature of the change, and
  - (ii)* the name and the number of the ship.

*Survey and measurement*

**Survey and tonnage measurement of ships**

- 36. (1)** Every ship of 24 metres or more in length must, before registration, be surveyed by a surveyor and its tonnage ascertained in accordance with—
- (a) such regulations as may be made under section 17 of the Ordinance which apply to such a ship, or
  - (b) until such regulations are made, the International Convention on Tonnage Measurement of Ships, 1969.
- (2)** A ship of less than 24 metres in length must, before registration, be measured by a surveyor and its tonnage calculated in accordance with—
- (a) such regulations as may be made under section 17 of the Ordinance which apply to such a ship, or
  - (b) until such regulations are made—
    - (i) in the case of a fishing vessel, the United Kingdom Merchant Shipping (Fishing Vessel—Tonnage) Regulations 1988 (S.I. 1988 No. 1909), or
    - (ii) in the case of any other vessel, Part III of the United Kingdom Merchant Shipping (Tonnage) Regulations 1997 (S.I. 1997 No. 1510).
- (3)** After survey or measurement—
- (a) the surveyor must issue a certificate specifying the ship's tonnage and build and such other particulars describing the identity of the ship as may be required by the Registrar, and
  - (b) the applicant for registration must deliver the certificate to the Registrar before the ship may be registered.
- (4)** Subject to paragraph (5), a ship which is being—
- (a) registered for the first time which has been surveyed or measured and its tonnage ascertained within the previous 12 months, or
  - (b) re-registered within 12 months of its registration on the Register ceasing,

is not required to be surveyed or measured, or its tonnage ascertained in accordance with paragraphs (1) or (2) if a declaration is made by the owners confirming that the survey or measurement and tonnage details have not changed from those previously provided to the Registrar.

- (5) The Registrar may direct, if the Registrar thinks it appropriate, that a declaration required by paragraph (4) is provided by a surveyor.

**Survey and certification of ships: Part 1 of the Register**

37. (1) This regulation applies to a ship in respect of which an application is made to register it on Part 1 of the Register.

- (2) A ship must—

- (a) if engaged on international voyages—
  - (i) be surveyed and issued with an International Load Line Certificate in accordance with the Merchant Shipping (Safety and Health) (Load Lines) Regulations, 2021 (L.N. No. 16 of 2021), and
  - (ii) be surveyed and issued with the certificates applicable to the ship in accordance with the Merchant Shipping (Safety of Life at Sea) Regulations 2021 (LN No.19 of 2021);
- (b) if not engaged on international voyages, be surveyed and issued with a certificate in accordance with the relevant United Kingdom small craft code of practice which is applicable to the ship.

- (3) In this regulation “**United Kingdom small craft code of practice**” means one of the following codes of practice, as amended or replaced from time to time, published by the Secretary of State or the Maritime and Coastguard Agency in the United Kingdom—

- (a) the Code of Practice for the construction, machinery, equipment, stability, operation, manning, examination, certification and maintenance of vessels of up to 24 metres load line length which are in commercial use for the carriage of cargo and/or not more than 12 passengers or neither cargo nor passengers; and pilot boats;
- (b) the Code of Practice for the construction, machinery, equipment, stability, operation and examination of motor vessels of up to 24 metres load line length in commercial use and which do not carry cargo or more than 12 passengers;
- (c) the Code of Practice for the construction, machinery, equipment, stability, operation and examination of sailing vessels of up to 24 metres load line length in commercial use and which do not carry cargo or more than 12 passengers;

- (d) the Safety of small vessels in commercial use for sport or pleasure – a Code of Practice.

**Survey and certification of ships: Part 2 of the Register**

- 38.** (1) This regulation applies to a fishing vessel in respect of which an application is made to register it on Part 2 of the Register.
- (2) A fishing vessel to which this regulation applies must—
- (a) in the case of a fishing vessel of less than 15 metres in length, be surveyed or inspected, and be issued with a Small Fishing Vessel Certificate, in accordance with the United Kingdom’s Code of Practice for the safety of small fishing vessels of less than 15m length overall;
  - (b) in the case of a fishing vessel of 15 metres to less than 24 metres in length, be surveyed, and be issued with a Fishing Vessel Certificate, in accordance with the United Kingdom’s Code of Safe Working Practice for the construction and use of fishing vessels of 15m length overall to less than 24m registered length;
  - (c) in the case of a fishing vessel of 24 metres or more in length, be surveyed, and be issued with an International Fishing Vessel Certificate, in accordance with the United Kingdom’s Code of Practice for the construction and use of fishing vessels of 24m registered length and over.

*Names and official markings*

**Names**

- 39.** (1) On making an application for registration of a ship the applicant must propose a name by which the ship is to be called.
- (2) **Schedule 3** (which provides for the approval of names) has effect.
- (3) A ship must not be described by any name other than its registered name.
- (4) A change must not be made in a registered ship’s name without the prior written permission of the Registrar.

**Allocation of official number and port**

- 40.** (1) Subject to paragraph (2), on receipt of an application for registration of a ship for the first time, the Registrar, if satisfied that the ship is eligible to be registered, must—

- (a) record Jamestown as the ship's port,
  - (b) allocate to the ship a Register number (“**official number**”), and
  - (c) issue a carving and marking note.
- (2) The Registrar is not required to carry out any of the actions mentioned in paragraph (1) if the Registrar is satisfied that the ship is a sanctioned ship.
- (3) The Registrar may, on request by a classification society, allocate an official number to a ship notwithstanding that the Registrar is not yet satisfied as to its eligibility.
- (4) Where a ship has had a number allocated under paragraph (3) and that number has been carved into the ship's beam but the ship is not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided by the classification society to the Registrar.

## **Marking**

41. On receipt of a carving and marking note on first registration the owner must—
- (a) if the ship has not already been surveyed or measured as required by regulation 36<sup>62</sup>, cause it to be so surveyed or measured;
  - (b) cause the ship to be carved and marked in accordance with Schedule 4<sup>63</sup>;
  - (c) where required under regulation 42<sup>64</sup>, cause the ship's carving and marking to be inspected by an inspector of marks.

## **Inspection of marks**

42. (1) In respect of a ship, other than a pleasure vessel which is under 24 metres in length, an inspector of marks must—
- (a) be satisfied that the ship has been carved and marked in accordance with Schedule 4<sup>65</sup>, and
  - (b) when so satisfied, complete the carving and marking note and return it to the Registrar.

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<sup>62</sup> Survey and tonnage measurement of ships

<sup>63</sup> Carving and marking

<sup>64</sup> Inspection of marks

<sup>65</sup> Carving and marking

(2) In respect of a pleasure vessel which is under 24 metres in length, the owner must—

(a) ensure that—

(i) within one month of the date on which the registration of the ship takes effect there is clearly painted on or affixed to a visible external surface of the ship the number of its registration, and

(ii) such marking is effectively maintained and renewed when necessary during the period of the registration of the ship, and

(b) certify that the ship has been so carved and marked and return the certified carving and marking note to the Registrar.

#### **Verification of measurement and carving and marking**

43. (1) The Registrar may direct the owner to have the measurement or other details and the carving or marking of the vessel verified by a surveyor or inspector of marks as appropriate, if the Registrar is not satisfied that—

(a) the particulars of the measurement and tonnage of the ship and such other particulars describing the identity of the ship as have been required by the Registrar are correct, or

(b) the ship, other than a pleasure vessel of less than 24 metres in length, is carved and marked in the manner required by Schedule 4.

(2) If the owner fails to comply with the direction of the Registrar, the Registrar may—

(a) if the ship is not registered, refuse its registration until the Registrar's direction has been complied with, or

(b) if the ship is registered, serve notice on the owner of the ship requiring the owner to produce evidence within 30 days sufficient to satisfy the Registrar that the particulars of the measurement and tonnage are, or that the marking of the ship is, correct.

(3) If at the expiry of that period of 30 days the Registrar is not so satisfied, the Registrar may—

(a) extend the notice and ask for further information, or

(b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.

(4) Where a ship's registration is closed under paragraph (3), the owner of the ship must forthwith surrender its certificate of registration.

(5) Where the Registrar serves a notice under this regulation on the owner of a ship in respect of which a mortgage is registered, the Registrar must send a copy of that notice to the mortgagee at the address recorded in the Register for the mortgagee.

(6) An owner who fails to surrender the certificate as required by paragraph (4) commits an offence.

Penalty: A fine of £1,000.

### **Cancellation of carving and marking note**

44. If a carving and marking note issued under regulation 40<sup>66</sup> is not duly completed and returned to the Registrar within 3 months of its issue, the Registrar may cancel it and the application must be treated as having been withdrawn.

### **Registration and refusal of registration of a ship**

45. (1) The Registrar must, subject to the relevant provisions of the Sanctions Regulations and paragraphs (2), (3) and (4), register a ship by entering in the Register the particulars of the ship and its owners specified in Schedule 5<sup>67</sup>, where the Registrar is satisfied in respect of an application that—

- (a) the ship is eligible to be registered as a St Helena ship,
- (b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided,
- (c) the particulars of the ship furnished to the Registrar are correct,
- (d) title to the ship has been adequately proved (where necessary), and
- (e) the relevant requirements of these Regulations have been complied with.

(2) The Registrar may refuse to register any ship if the Registrar is not satisfied that there is in force in respect of the ship any certificate required to be so in force by virtue of regulations 36<sup>68</sup>, 37<sup>69</sup> or 38<sup>70</sup>, as the case may be.

(3) If the Registrar is not satisfied as mentioned in paragraph (1), the Registrar must, subject to regulation 115<sup>71</sup>, refuse the application.

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<sup>66</sup> Allocation of official number and port

<sup>67</sup> Details to go on the Register

<sup>68</sup> Survey and tonnage measurement of ships

<sup>69</sup> Survey and certification of ships: Part 1 of the Register

<sup>70</sup> Survey and certification of ships: Part 2 of the Register

<sup>71</sup> Requirement for supplementary information

(4) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if they consider that it would be inappropriate for the ship to be registered, taking into account any requirements of the Ordinance (including any instrument made under it) relating to—

- (a) the condition of the ship or its equipment so far as relevant to its safety,
- (b) any risk of pollution, or
- (c) the safety, health and welfare of persons employed or engaged in any capacity on board the ship.

#### **Issue of certificate of registration**

46. Upon registering a ship, the Registrar must issue and send to the owner a certificate of registration containing the particulars set out in Schedule 6<sup>72</sup>.

#### **Temporary registration documents for fishing vessels**

47. (1) The Registrar may upon registering a fishing vessel, if the owner so requests, issue to the owner a temporary registration document.
- (2) A temporary registration document must contain the registered particulars of the vessel and must specify the period (not exceeding 2 months) for which it is valid.
- (3) During the period of its validity a temporary registration document has the effect of a certificate of registration.

#### **Period of registration**

48. Subject to regulation 107(6)<sup>73</sup> and regulation 125<sup>74</sup>, the registration of a ship is, unless terminated under these Regulations, valid for a period of 5 years beginning with the date of registration specified in the certificate of registration and expiring at the end of that period unless it is renewed in accordance with regulation 51<sup>75</sup>.

#### **Documents to be retained by the Registrar**

49. (1) On registering a ship, the Registrar must retain a copy of—
- (a) any builder's certificate,

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<sup>72</sup> Certification of registration

<sup>73</sup> Restoration of registration

<sup>74</sup> Validity of old certificates

<sup>75</sup> Application for renewal of registration

- (b) the bill of sale or other evidence of title produced on first registration,
  - (c) any certificate of measurement or survey, and
  - (d) all declarations of eligibility.
- (2) On a fishing vessel changing from simple registration to full registration the Registrar must retain a copy of the evidence adduced for that change.
- (3) All original documents which have been produced to the Registrar to establish title must be returned to the applicant once the ship has been registered.

#### **Renewal notices and time limit for renewal**

50. (1) At least 3 months (but not more than 6 months) before the expiry of the registration period the Registrar must issue to the owner of the ship a renewal notice.
- (2) Subject to paragraph (3), the owner of the ship may apply for renewal of registration at any time between the date of issue of the renewal notice and the date of expiry of the current registration period.
- (3) Notwithstanding paragraph (2), an application for renewal of registration may be made prior to the last 3 months of the current registration (or issue of a renewal notice), for issue of a certificate of registration commencing prior to the expiry of the current registration period.
- (4) Where a certificate of registration is issued under paragraph (3), it is valid for a period no longer than 5 years commencing on the date of issue and the previous certificate immediately ceases to be valid.

#### **Application for renewal of registration**

51. (1) An application for renewal must be in the prescribed form and must be accompanied by—
- (a) a declaration of eligibility,
  - (b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar,
  - (c) a declaration that the ship is correctly measured for tonnage under these Regulations,
  - (d) confirmation that the ship is not a sanctioned ship, and
  - (d) proof that a contract of insurance (or other form of security) is maintained which meets the requirements of—

- (i) regulation 27(4)<sup>76</sup>, in respect of a ship registered on Part 1 of the Register, or
- (ii) regulation 28(8)<sup>77</sup>, in respect of a ship registered on Part 2 of the Register.

(2) Where no application for renewal is made, the Registrar must notify each and every mortgagee of the expiration of the ship's registration.

*Transfers and transmissions of ships*

**Evidence of title on registration of transfer of ship**

52. (1) On application for registration of a transfer of a registered ship or a share in a registered ship, other than a fishing vessel registered with simple registration, the bill of sale must be produced to the Registrar.
- (2) When an application is made for the registration of a transfer of a fishing vessel which is registered with simple registration, evidence of the transfer satisfactory to the Registrar must be produced.

**Form of bill of sale**

53. Every bill of sale effecting a transfer of a registered ship or a share in a ship under the Ordinance and these Regulations must be in the prescribed form with appropriate attestation and must contain a description of the ship sufficient to identify it.

**Registration of transfer of a ship**

54. (1) If an application under paragraph 2(2) of the Schedule to the Ordinance (Transfers etc of St Helena ships) is granted by the Registrar, the Registrar must—
- (a) register the bill of sale by entering the name of the new owner in the Register as owner of the ship or share in question, and
  - (b) where an original is provided, endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.
- (2) If the Registrar is satisfied with the evidence under regulation 52<sup>78</sup> that—
- (a) the ship or share in a ship has been transferred, and

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<sup>76</sup> Applications for registration: Part I of the Register

<sup>77</sup> Application for registration: Part 2 of the Register

<sup>78</sup> Evidence of title on registration of transfer of ship

- (b) the transfer is in accordance with paragraphs 2 and 3 of the Schedule to the Ordinance,

the Registrar must enter the name of the new owner in the Register as the owner of the ship or share in question and issue a new certificate, which is valid for a period of 5 years.

### **Evidence of title on transmission of a registered ship**

- 55.** (1) An application for registration of a transmission of a registered ship or a share in a registered ship under paragraph 3(1) of the Schedule to the Ordinance (Registration of transfer) must be made in the prescribed form.
- (2) The following evidence must be produced to the Registrar on an application for a transfer of a registered ship or share therein by way of transmission—
- (a) if the transmission was consequent on death, the grant of representation or a copy or an extract of the grant;
  - (b) if the transmission was consequent on bankruptcy such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy;
  - (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of that court.

### **Declaration of eligibility on transfer or transmission**

- 56.** Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship must be accompanied by—
- (a) a declaration of eligibility which complies with regulation 30<sup>79</sup>,
  - (b) confirmation that the ship is not a sanctioned ship, and
  - (c) where the application is made on behalf of a body corporate, the documents mentioned in regulation 26<sup>80</sup>, and
  - (d) proof that a contract of insurance (or other form of security) is maintained which meets the requirements of—
    - (i) regulation 27(4)<sup>81</sup>, in respect of a ship to be registered on Part 1 of the Register, or
    - (ii) regulation 28(8)<sup>82</sup>, in respect of a ship to be registered on Part 2 of the Register.

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<sup>79</sup> Declarations of eligibility

<sup>80</sup> Applications by bodies corporate

<sup>81</sup> Applications for registration: Part 1 of the Register

<sup>82</sup> Application for registration: Part 2 of the Register

**Refusal of registration of transfer or transmission**

- 57. (1)** If, on an application for transfer or transmission of a registered ship or shares in a registered ship, the Registrar is not satisfied that the ship is eligible to be registered—
- (a)* the Registrar must serve a notice under paragraph (2) on the owner of the ship, and
  - (b)* the ship's registration terminates by virtue of this paragraph at the end of the period of 14 days beginning with the date of the service of that notice.
- (2)** A notice under this paragraph must state—
- (a)* that the Registrar is not satisfied that the vessel in question is eligible to be registered, and
  - (b)* that the ship's registration will accordingly terminate by virtue of paragraph (1) at the end of the period referred to in that paragraph.
- (3)** If, on an application for transfer or transmission of a registered ship or shares in a registered ship, the Registrar is satisfied that the ship is a sanctioned ship—
- (a)* the Registrar must serve a notice on the owner of the ship in accordance with paragraph (4), and
  - (b)* the ship's registration terminates at the end of the day on which that notice is served.
- (4)** The notice must state that the ship's registration terminates under paragraph (3) at the end of the day on which the notice is served.

**Notification of changes of ownership etc.**

- 58. (1)** If at any time there occurs, in relation to a registered ship any change affecting the eligibility of the ship to be registered, not being a change which affects the qualification or eligibility of the owner (as prescribed in regulations 11<sup>83</sup> or 14<sup>84</sup>, as the case may be) the owner of the ship must, as soon as practicable after the change occurs, notify the Registrar.

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<sup>83</sup> Persons qualified to own a ship registered on Part 1 of the Register

<sup>84</sup> Persons qualified to own a fishing vessel registered on Part 2 of the Register

(2) The notification referred to in paragraph (1) must be made in writing, be signed by the owner and specify the nature of the change and the name and the official number of the ship.

(3) A person who contravenes paragraph (1) commits an offence.  
Penalty: An unlimited fine.

### **Transfers or transmissions: procedure etc**

59. (1) Where there is any transfer or transmission of a registered ship or share in a registered ship—

- (a) the person ceasing to own the ship or share, or in the event of that person's death, the person's legal personal representative, must notify the Registrar and surrender the certificate of registration, and
- (b) the Registrar must cancel the certificate of registration and freeze the Register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.

(2) Where there is a transfer of a registered ship, the new owners must within 30 days of the transfer make an application in accordance with these Regulations for the transfer to be registered.

(3) If the transfer is of all the shares in the ship, and an application is not made within the 30 days, the Registrar may cancel the registration of the ship and the certificate of registration.

(4) If the transfer is of one or some of the shares in the ship, and an application is not made within the 30 days, the Registrar must serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within 30 days of the date of the notice, the registration of the ship and the certificate of registration may be cancelled.

(5) Where there is a transmission of a registered ship, the new owners must promptly make an application in accordance with these Regulations for the transmission to be registered.

(6) If the transmission is all the shares in the ship, and an application is not made within a reasonable time, the Registrar may cancel the registration of the ship and the certificate of registration.

(7) If the transmission is of one or some of the shares in the ship, and an application is not made within a reasonable time, the Registrar must serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within 30 days of

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the date of the notice, the registration of the ship and the certificate of registration may be cancelled.

**(8)** A person who fails to notify the Registrar, to surrender the certificate of registration, or to make an application as required by paragraph (1), (2) or (3) commits an offence.

Penalty: An unlimited fine.

### **Change in registered particulars of ship**

**60. (1)** Where there is a change—

- (a)* in the registered particulars of a ship other than a change in the tonnage of the ship, or
- (b)* in the name or address of an owner entered in the Register (not being a change of ownership),

an application in the prescribed form must be made as soon as practicable to the Registrar for the change to be recorded in the Register.

**(2)** Such an application must—

- (a)* be in writing, and
- (b)* be accompanied by the certificate of registration and such evidence as to the change as may be required by the Registrar.

**(3)** Where there is a change in the tonnage of a ship—

- (a)* it must be resurveyed or remeasured in accordance with regulation 36<sup>85</sup>, and
- (b)* an application in the prescribed form must subsequently be made as soon as practicable for the change to be recorded in the Register and be accompanied by the certificate of survey or measurement and the certificate of registration.

**(4)** On recording the change in the registered particulars, the Registrar must cancel the existing certificate and issue to the owner a new certificate of registration expiring on the same date as the existing one.

**(5)** A person who fails to make an application as required by paragraph (1) or (3) commits an offence.

Penalty: An unlimited fine.

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<sup>85</sup> Survey and tonnage measurement of ships

### **Change of name**

- 61.** (1) An owner of a registered ship may apply to the Registrar to change the name of the ship.
- (2) The application must—
- (a) be made in the prescribed form, and
  - (b) be accompanied by the certificate of registration.
- (3) If it appears to the Registrar that the name complies with Schedule 3, the Registrar must issue a marking note to the owner.

### **Re-marking of ship**

- 62.** (1) On receipt of the marking note issued under regulation 61(3)<sup>86</sup>, the owner must cause the ship to be marked with the new name and, in respect of ships over 24 metres and fishing vessels, must cause the marking to be inspected in accordance with regulation 42<sup>87</sup>.
- (2) The owner or inspector must, if satisfied that the ship is marked in the manner required by Schedule 4, complete the marking note and return it to the Registrar.

### **Registration of changes of name or port**

- 63.** On receipt of the marking note duly completed, the Registrar must—
- (a) re-register the ship with its new name,
  - (b) cancel the existing certificate, and
  - (c) issue to the owner a new certificate of registration expiring on the same date as the existing one.

### *Termination and removal from the Register*

### **Termination and removal from the Register**

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<sup>86</sup> Change of name

<sup>87</sup> Inspection of marks

**64. (1)** The Registrar may, subject to regulation 109<sup>88</sup>, terminate a ship's registration in the following circumstances—

- (a) on application by the owner,
- (b) if the registered owner has not notified the Registrar that ownership of the ship has changed,
- (c) on determining that, at the time of registration, the ship was not eligible to be registered,
- (d) on the ship no longer being eligible to be registered,
- (e) on receipt of a termination direction relating to the ship,
- (f) on the ship being destroyed (which includes, but is not limited to, shipwreck, demolition, fire and sinking),
- (g) if the Registrar considers that it would be inappropriate for the ship to remain registered, taking into account any requirements of the Ordinance (including any instrument made under it) relating to—
  - (i) the condition of the ship or its equipment so far as relevant to its safety,
  - (ii) any risk of pollution, or
  - (iii) the safety, health and welfare of persons employed or engaged in any capacity on board the ship;
- (h) when a registered fishing vessel which has been licensed to fish ceases to be so licensed for a continuous period of 6 months or more,
- (i) when a fishing vessel, which requires a licence to fish but at the time of registration did not have such a licence, has not acquired such a licence within 6 months of the issue of its certificate of registration,
- (j) when any penalty imposed on the owner of a ship in respect of a contravention of the Ordinance, or of any instrument in force under it, has remained unpaid for a period of more than 3 months (and no appeal against that penalty is pending),
- (k) when any summons for any such contravention has been duly served on the owner of a ship, but the owner has failed to appear at the time and place appointed for the trial of the information or complaint in question and a period of not less than 3 months has elapsed since that time,

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<sup>88</sup> Service of notices

- (l) except in the case of a fishing vessel below 24 metres in length, when the tonnage of a fishing vessel has not been measured in accordance with these Regulations, or though so measured, that information has not been notified to the Registrar,
  - (m) where the owner of a fishing vessel fails to respond to the Registrar within 15 days of a request from the Registrar to supply information concerning details on the Register of a fishing vessel,
  - (n) where the owner of a fishing vessel supplies information requested by the Registrar, but that information is either false or incorrect, or is reasonably considered by the Registrar to be insufficient,
  - (o) where a fishing vessel certificate has expired,
  - (p) where under regulation 59<sup>89</sup> a person is required to notify the Registrar, or make an application, and has not done so, or
  - (q) where under regulation 60<sup>90</sup> a person is required to make an application and has not done so.
- (2) Before terminating a registration, except where paragraph (1)(a) or (f) apply, the Registrar must serve a notice on the owner stating—
- (a) that the Registrar proposes to terminate the registration of the ship,
  - (b) the grounds for termination of the registration, and
  - (c) that the owner may within 30 days (or such longer period as the Registrar may agree) from the date of service of the notice, produce evidence to the Registrar explaining why registration should not be terminated.
- (3) Where the owner does not produce any evidence for the purposes of paragraph (2)(c) within the period of 30 days (or such longer period as the Registrar may agree) or such evidence is produced, but the Registrar is satisfied that a ground for terminating registration listed in paragraph (1) exists, the Registrar must serve a final notice on the owner terminating the ship's registration which takes effect 7 days from the date on which the notice is served on the owner.
- (4) Where the registration of a ship is terminated, the Registrar must—
- (a) forthwith issue a closure transcript to the owner of the ship, and
  - (b) notify any mortgagees of the closure of the registration.
- (5) On receipt of the closure transcript the owner must immediately surrender the ship's certificate of registration to the Registrar for cancellation.

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<sup>89</sup> Transfers or transmissions : procedure etc

<sup>90</sup> Change in registered particulars of a ship

(6) Where the registration of a fishing vessel has been terminated by virtue of paragraph (1)(d), then, without prejudice to the operation of any provision of the Ordinance or these Regulations, the ship must not again be registered as a St Helena ship unless—

- (a) the Registrar consents to the vessel being so registered, or
- (b) the Registrar is satisfied that the vessel has been disposed of by its former registered owner by means of a transaction at arm's length and that no person who for the time being is a relevant owner of the vessel was a relevant owner of it at the time registration was terminated.

(7) For the purposes of paragraph (6), a person is a relevant owner of a vessel at any time if at that time—

- (a) the legal title to the vessel or any share in it is vested in that person,
- (b) the vessel or any share in it is beneficially owned by that person, or
- (c) any share in a body corporate falling within (a) or (b) above are legally or beneficially owned by that person,

whether vested in, or (as the case may be) owned by, that person alone or together with any other person or persons.

(8) Without prejudice to the circumstances listed in paragraph (1), in the case of a pleasure vessel registered on Part 3 of the Register, the Registrar may terminate registration of the pleasure vessel in the event of—

- (a) the pleasure vessel ceasing to be a ship to which Part 3 of the Register applies, or
- (b) a change in the details recorded on the certificate of registration.

(9) Where the registration of a pleasure vessel on Part 3 is terminated under paragraph (8), the certificate of registration—

- (a) ceases to have effect, and
- (b) within one month, must be surrendered to the Registrar by the person registered prior to the termination as the owner of the ship or, if that person has died, by the legal personal representative.

## **PART 8**

### **MORTGAGES**

#### **Form of mortgage**

- 65.** The following documents produced to the Registrar must be in the prescribed form, in each case with appropriate attestation—
- (a) a mortgage produced for registration under the Schedule to the Ordinance,
  - (b) a transfer of a registered mortgage, and
  - (c) a discharge of a registered mortgage.

#### **Registration of mortgage**

- 66.** Where a mortgage executed in accordance with regulation 65<sup>91</sup> is produced to the Registrar for registration, the Registrar must—
- (a) register the mortgage, and
  - (b) where an original is provided, endorse on it the date and time it was registered.

#### **Notices by intending mortgagees: priority notices**

- 67. (1)** Where any person who is an intending mortgagee under a proposed mortgage of—
- (a) a registered ship, or
  - (b) a share in a registered ship,
- notifies the Registrar of the interest which it is intended that the person should have under the proposed mortgage, the Registrar must record that interest.
- (2)** For the purpose of paragraph (1), the notice to the Registrar must—
- (a) be in the prescribed form, and
  - (b) contain—
    - (i) the name and official number of the ship,
    - (ii) the name, address and signature of the intending mortgagor,

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<sup>91</sup> Form of mortgage

- (iii) the number of shares to be mortgaged, and
- (iv) the name and address of the intending mortgagee.

**(3)** Paragraph (4) applies where a person who is an intended mortgagee under a proposed mortgage of—

- (a) a ship which is not for the time being registered, or
- (b) a share in any such ship,

notifies the Registrar in writing of the interest which it is intended that the person should have under the proposed mortgage.

**(4)** Where this paragraph applies, the Registrar must—

- (a) record the intended mortgagee's interest in the Register, and
- (b) if the ship is subsequently registered—
  - (i) register the ship subject to that interest, or
  - (ii) if the mortgage has by then been executed in accordance with regulation 65<sup>92</sup> and produced to the Registrar, register the ship subject to that mortgage.

**(5)** For the purposes of paragraph (3), the notice of the intended mortgage must be in the prescribed form and contain the following information—

- (a) the present name of the ship;
- (b) the intended name of the ship;
- (c) the approximate length of the ship;
- (d) where the ship is registered outside St Helena, a copy of its certificate of registration or other document evidencing its registration and giving its port of registration;
- (e) where the ship is a new ship, the builder's certificate or, if that is not available, the name and address of the builder and the ship's yard number;
- (f) where the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified;
- (g) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

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<sup>92</sup> Form of mortgage

**(6)** In a case where—

- (a)* paragraph 8 of the Schedule to the Ordinance (Priority of registered mortgages) operates to determine the priority between two or more mortgagees, and
- (b)* any of those mortgages gave notification under paragraph (1) or (3) with respect to the mortgage,

paragraph 8 of the Schedule has effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the Register under paragraphs (1) or (3).

**(7)** Any notification given by a person under paragraphs (1) or (3) (and anything done as a result of it) ceases to have effect—

- (a)* if the notification is withdrawn, or
- (b)* at the end of the period of 30 days beginning with the date of the notification, unless the notification is renewed in accordance with paragraph (8).

**(8)** The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar—

- (a)* before the end of the period mentioned in paragraph (7)(b), or
- (b)* before the end of a period of renewal,

as the case may be.

### **Evidence of transmission of mortgage**

**68.** On an application for registration of a transmission of a registered mortgage as mentioned in paragraph 12 of the Schedule to the Ordinance (Transmission of registered mortgage by operation of the law), the applicant must produce to the Registrar a declaration of transmission of mortgage in the prescribed form and—

- (a)* if the transmission was consequent on death, the grant of representation or a copy of, or extract from, the grant;
- (b)* if the transmission was consequent on bankruptcy, such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy;
- (c)* if the transmission was consequent on an order of a court, a copy of the order of that court.

**Transfer or transmission of registered mortgage**

69. Where a transfer of a registered mortgage or evidence of a transmission is produced to the Registrar, the Registrar must—
- (a) enter the name of the transferee, or the name of the person to whom the mortgage has been transmitted, in the Register as mortgagee of the ship or share in question;
  - (b) in respect of a transfer, where an original is provided, endorse on the instrument of transfer the date and time the entry was made.

**Discharge of mortgages**

70. (1) Where a registered mortgage has been discharged, the Registrar must, on production of the mortgage deed and such evidence of the discharge as proves that the mortgage has been discharged, record in the Register that the mortgage has been discharged.
- (2) If for good reason the registered mortgage cannot be produced to the Registrar, the Registrar may, on being satisfied that the mortgage has been properly discharged, record in the Register that the mortgage has been discharged.

**Effect of termination of registration on registered mortgage**

71. Where the registration of a ship terminates by virtue of any of these Regulations, that termination does not affect any entry in the Register of any undischarged registered mortgage of that ship or any share in it.

**PART 9**

**PROVISIONAL REGISTRATION**

**Provisional registration**

72. (1) Where a ship which the owner intends to register on the Register is outside St Helena, the owner may apply to the Registrar for provisional registration of a ship which is eligible for provisional registration.
- (2) In this Part, a ship is “**eligible for provisional registration**” if the owner is—
- (a) in the case of a ship to be registered on Part 1 of the Register, qualified to be the owner of such ship in accordance with regulation 11<sup>93</sup>;

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<sup>93</sup> Persons qualified to own a ship registered on Part 1 of the Register

- (b) in the case of a fishing vessel to be registered on Part 2 of the Register, qualified to be the owner of such ship in accordance with regulation 14<sup>94</sup>;
- (c) in the case of a pleasure vessel to be registered on Part 3 of the Register, qualified to be the owner of such ship in accordance with regulation 18<sup>95</sup>.

### **Application for provisional registration**

73. (1) An application for provisional registration must —
- (a) be in the prescribed form, and
  - (b) be accompanied by the particulars required by regulation 30(1)<sup>96</sup> and, if relevant, regulations 26<sup>97</sup>, 27<sup>98</sup>(2), (3) and (4) and 28<sup>99</sup>(5), (6) and (8).
- (2) The Registrar may request such further information from the owner as the Registrar considers necessary to decide whether the ship is—
- (a) eligible for provisional registration, and
  - (b) seaworthy.

### **Period of provisional registration**

74. (1) The Registrar, on being satisfied that—
- (a) the ship is eligible for provisional registration; and
  - (b) seaworthy,
- may register the ship provisionally for a period of 3 months, by issuing a certificate of provisional registration in the prescribed form to the owner of the ship.
- (2) A certificate of provisional registration has the effect of a certificate of registration until the earlier of—
- (a) the expiration of three months from its date of issue,
  - (b) the ship's arrival in St Helena, or
  - (c) termination by the Registrar on request from the owner.

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<sup>94</sup> Persons qualified to own a fishing vessel registered on Part 2 of the Register

<sup>95</sup> Persons qualified to be the owners of a small ship to be registered on Part 3 of the Register

<sup>96</sup> Declarations of eligibility

<sup>97</sup> Applications by bodies corporate

<sup>98</sup> Applications for registration: Part I of the Register

<sup>99</sup> Applications for registration: Part 2 of the Register

**Provisional registration not to be renewed**

- 75.** Where a ship has been provisionally registered once, it must not be provisionally registered again within one year of the date of the issue of the certificate of provisional registration.

**Conditions of provisional registration**

- 76. (1)** A condition of provisional registration is that the ship—
- (a)* in the case of a fishing vessel, must not fish for profit while so registered, and
  - (b)* in the case of all ships, must not operate commercially while so registered.
- (2)** If a provisionally registered ship—
- (a)* fishes for profit,
  - (b)* operates commercially, or
  - (c)* otherwise is in breach of these Regulations,

its provisional registration terminates immediately and the owner must as soon as practicable surrender the certificate of provisional registration to the Registrar.

**PART 10**

**TRANSFER OF REGISTRATION**

**Transfer of registration to the United Kingdom or a relevant British possession**

- 77. (1)** Subject to paragraph (2), the registration of a ship registered on Part 1 of the Register may be transferred from the Register to the register of a port in the United Kingdom or a relevant British possession.
- (2)** Where an application is made under this regulation for the transfer of a ship's registration under paragraph (1), the Registrar must not proceed to deal with the application unless the Registrar is satisfied that registration of the ship at the intended port of registration is not precluded by—

(a) the Categorisation Order, or

(b) any provision of the law in force in the possession in question,

and any certificate purporting to be signed by the registrar of the intended port of registration and stating that any such provision is in force is conclusive evidence for the purposes of this paragraph of the matters stated in it.

(3) Where the registrar of the intended port of registration issues a certificate of registration following such an application, on notification of the transfer by the registrar of the new port of registration, the Registrar must terminate the registration of the ship.

(4) Where the registration of a ship is transferred under this regulation, the certificate of registration must be surrendered to the Registrar for cancellation.

#### **Transfer of registration from the United Kingdom or a relevant British Possession**

**78. (1)** Subject to paragraph (2), where a ship is registered in the United Kingdom or a relevant British possession, the registration of that ship may be transferred to Part 1, 2 or 3 of the Register, as the case may be, if—

(a) an application to the registrar of the existing port of registration has been made for that purpose by a declaration in writing by all the persons appearing on the register of the existing port of registration to be interested in the ship as owners; and

(b) the following documents have been transmitted to the Registrar—

(i) a copy of the application and declaration required by subparagraph (a) transmitted by the registrar at the existing port of registration,

(ii) a copy transmitted by the registrar at the existing port of registration of all the registered particulars of the ship and the names of all persons appearing on that register to be interested in the ship as owners and mortgagees,

(iii) the ship's certificate of registration, and

(iv) proof that a contract of insurance (or other form of security) is maintained which meets the requirements of—

(aa) regulation 27(4)<sup>100</sup>, in respect of a ship to be registered on Part 1 of the Register, or

(bb) regulation 28(8)<sup>101</sup>, in respect of a ship to be registered on Part 2 of the Register.

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<sup>100</sup> Applications for registration: Part 1 of the Register

<sup>101</sup> Application for registration: Part 2 of the Register

- (2) The registration of a ship may not be transferred if the Registrar is satisfied that the ship is a sanctioned ship.
- (3) Where the ship has not previously been required by the registrar of its existing port of registration to have its name approved, the applicant for the transfer must propose a name which the ship is to be called.
- (4) If satisfied that the name complies with the requirements of Schedule 3 the Registrar must issue a marking note.
- (5) On receipt of a marking note the owner must proceed as provided in regulation 62<sup>102</sup>.
- (6) On receipt of the documents specified in paragraph (1) and the completed marking note the Registrar must—
- (a) enter in the Register all the particulars and names so transmitted, and
  - (b) issue a new certificate of registration.
- (7) Where entitlement of a ship to be registered is by virtue of the owner demonstrating a close economic connection, the registration of the ship must not be transferred to the Register unless it appears to the Registrar that that condition is satisfied.
- (8) A transfer of registration under this regulation does not affect the rights of any person appearing on the register of the existing port of registration to be interested in the ship as owners.
- (9) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if the Registrar considers that it would be inappropriate for the ship to be registered, taking into account any requirements of the Ordinance (including any instrument made under it) relating to—
- (a) the condition of the ship or its equipment so far as relevant to its safety,
  - (b) any risk of pollution, or
  - (c) the safety, health and welfare of persons employed or engaged in any capacity on board the ship.

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<sup>102</sup> Re-marking of ship

### **Transfer within the Register**

- 79. (1)** On an application being made by an owner in the prescribed form, the Registrar may transfer the registration of a ship to a different Part of the Register if—
- (a)* the owner has provided such information and evidence as the Register may require, and
  - (b)* the Registrar is satisfied the ship is eligible to be registered in the new Part.
- (2)** All entries in the Register relating to the ship (including any entries relating to mortgages) must be transferred to the new Part.

## **PART 11**

### **BAREBOAT CHARTER-IN**

#### **Qualification and entitlement for registration of bareboat charter ships**

- 80. (1)** A person qualified to be the owner of a St Helena ship by virtue of regulation 11(1)<sup>103</sup> who charters a ship (other than a fishing vessel) on bareboat charter terms is qualified to register a bareboat charter ship on Part 4 of the Register.
- (2)** A person qualified to be the owner of a St Helena fishing vessel by virtue of regulation 14(1)<sup>104</sup> who charters a fishing vessel on bareboat charter terms is eligible to register it on Part 4 of the Register.

#### **Dispensations for the bareboat charterers of fishing vessels**

- 81.** The charterers of fishing vessels which are, or are to be, registered as bareboat charter ships may apply for dispensation from the eligibility requirements in accordance with regulation 16<sup>105</sup>.

#### **Disapplication of the Schedule to the Ordinance in respect of Part 4 of the Register**

- 82.** The Schedule to the Ordinance relating to the private law provisions (transfers by bill of sale and the registration of mortgages) does not apply to vessels registered on Part 4 of the Register.

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<sup>103</sup> Persons qualifies to own a ship registered on Part 1 of the Register

<sup>104</sup> Persons qualifies to own a fishing vessel registered on Part 2 of the Register

<sup>105</sup> Dispensations

**Appointment of representative person: bareboat charters**

- 83.** Where the charterer is not resident in St Helena, the charterer must appoint a representative person and regulations 21<sup>106</sup> and 23<sup>107</sup> apply as if the charterer were the owner.

**Applications**

- 84. (1)** Every application for registration of a bareboat charter ship must be made to the Registrar in the prescribed form.
- (2)** Regulation 25<sup>108</sup> applies to this Part as if the charterer were the owner.
- (3)** Every application for registration of the ship must be accompanied by—
- (a)** a declaration of eligibility which must include a declaration by every charterer setting out the charterer's qualification to register a bareboat charter ship;
  - (b)** confirmation that the ship is not a sanctioned ship;
  - (c)** a copy of the charter-party showing—
    - (i)** the name of the ship;
    - (ii)** the name of the charterer or charterers and the name of the owner or owners of the ship;
    - (iii)** the date of the charter-party;
    - (iv)** the duration of the charter-party;
  - (d)** the certificate of registration, or other document, issued by the authority responsible for the registration of ships in the State or territory of primary registration showing the ownership of the ship;
  - (e)** where the charterer is a body corporate, the document or documents required by regulation 26<sup>109</sup>;
  - (f)** in the case of a bareboat charter ship which would, if not on bareboat charter, be eligible for registration on Part 1 of the Register—
    - (i)** a certificate of tonnage and measurement which complies with the provisions of regulation 36<sup>110</sup>;

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<sup>106</sup> Duty to appoint representative persons

<sup>107</sup> Service on managing owners or representative persons

<sup>108</sup> The applicant

<sup>109</sup> Applications by bodies corporate

<sup>110</sup> Survey and tonnage measurement of ships

- (ii) a load line or coding certificate which complies with the provisions of regulation 37<sup>111</sup>;
  - (iii) proof that a contract of insurance (or other form of security) which meets the requirements of regulation 27(4)<sup>112</sup> is maintained in respect of the ship;
- (g) in the case of a bareboat charter ship which would, if not on bareboat charter, be eligible for registration on Part 2 of the Register—
  - (i) evidence of measurement of the fishing vessel which complies with the provisions of regulation 36<sup>113</sup>;
  - (ii) a safety certificate which complies with the provisions of regulation 38<sup>114</sup>;
  - (iii) proof that a contract of insurance (or other form of security) which meets the requirements of regulation 28(8)<sup>115</sup> is maintained in respect of the fishing vessel.
- (4) The Registrar may refuse to register a ship as a bareboat charter ship if not satisfied that there is in force in respect of the vessel any certificate required by regulations 37<sup>116</sup> or 38<sup>117</sup>.

## **Names**

- 85.** (1) On making an application for registration of a bareboat charter ship, the applicant must propose a name which the ship is to be called while so registered.
- (2) If the Registrar is satisfied that the name is in compliance with the provisions of Schedule 3<sup>118</sup>, the Registrar must approve the name.

## **Allocation of port and identifying number**

- 86.** (1) On making an application for registration of a bareboat charter ship, the applicant must specify Jamestown as the ship's port.
- (2) Where the application is made in respect of a fishing vessel and the Registrar is satisfied that the vessel is eligible to be registered as a bareboat charter ship, the

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<sup>111</sup> Survey and certification of ships: Part 1 of the Register

<sup>112</sup> Applications for registration: Part I of the Register

<sup>113</sup> Survey and tonnage measurement of ships

<sup>114</sup> Survey and certification of ships: Part 2 of the Register

<sup>115</sup> Application for registration: Part 2 of the Register

<sup>116</sup> Survey and certification of ships: Part 1 of the Register

<sup>117</sup> Survey and certification of ships: Part 2 of the Register

<sup>118</sup> Approval of names

Registrar must allocate an identifying number, whether or not the vessel already has a number allocated by its primary register.

- (3) In the case of any other ship, the Registrar may allocate an identifying number, whether or not the ship already has a number allocated by its primary register.

### **Marking**

87. (1) Subject to paragraph (2), on being satisfied that the ship is eligible for registration and on production of any certificate of tonnage and measurement required under regulation 36<sup>119</sup>, the Registrar must issue a carving and marking note.
- (2) Paragraph (1) does not apply if the Registrar is satisfied that the ship is a sanctioned ship.
- (3) On receipt of a carving and marking note, the charterer must—
- (a) where the ship is not already so marked, cause it to be marked with—
    - (i) its name,
    - (ii) the port of Jamestown, and
  - (b) where the ship is not already so carved, cause it to be carved with its identifying number and the number denoting its tonnage, in accordance with Schedule 4<sup>120</sup>.

### **Inspection of marks etc**

88. Regulations 42<sup>121</sup> and 44<sup>122</sup> apply to this Part as if any reference in them to the owner was a reference to the charterer.

### **Registration**

89. (1) Subject to the relevant provisions of the Sanctions Regulations, where the Registrar is satisfied in respect of an application—
- (a) that the ship has been duly carved and marked,
  - (b) that, where required, the appropriate certificate of survey has been provided, and

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<sup>119</sup> Survey and tonnage measurement of ships

<sup>120</sup> Carving and marking

<sup>121</sup> Inspection of marks

<sup>122</sup> Cancellation of carving and marking note

- (c) that the other requirements preliminary to registration have been complied with,

the Registrar must enter in the Register the details prescribed in Schedule 5.

(2) Upon registering a ship, the Registrar must issue and send to the charterer a certificate of bareboat charter registration containing the particulars set out in Schedule 6.

(3) Upon registering a ship, the Registrar must retain a copy of the charter, a copy of any certificate of survey and copies of all declarations of eligibility, and, if applicable, copies of any declarations required by regulation 26<sup>123</sup>.

(4) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar may refuse to register it if the Registrar considers that it would be inappropriate for the ship to be registered, taking into account any requirements of the Ordinance (including any instrument made under it) relating to—

- (a) the condition of the ship or its equipment so far as relevant to its safety,
- (b) any risk of pollution, or
- (c) the safety, health and welfare of persons employed or engaged in any capacity on board the ship.

### **Period of registration**

90. (1) The registration of a bareboat charter ship expires on whichever is the earlier of—

- (a) on the expiry of the charter period, or
- (b) at the end of a period of 5 years beginning with the date of registration specified in the certificate of bareboat charter registration.

(2) Three months before the expiry of the registration period, the Registrar must issue to the charterer of the ship a renewal notice.

(3) An application for renewal of registration may be made during the last three calendar months of the current registration period.

(4) An application for renewal must—

- (a) be in the prescribed form, and

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<sup>123</sup> Applications by bodies corporate

- (b) be accompanied by a declaration of eligibility and by the certificate of bareboat charter registration.

### **Notification of changes**

- 91. (1)** If at any time there occurs in relation to a bareboat charter ship any change affecting the eligibility of the ship to be registered, the charterer of the ship must, as soon as practicable after the change occurs, notify the Registrar.
- (2)** Notification made under paragraph (1) must—
- (a) be in writing;
  - (b) be signed by the charterer;
  - (c) specify—
    - (i) the nature of the change, and
    - (ii) the name and the identifying number of the ship.
- (3)** A person who contravenes paragraph (1) commits an offence.  
Penalty: An unlimited fine.

### **Application of other regulations to this Part**

- 92.** Regulations 60<sup>124</sup>, 61<sup>125</sup> and 62<sup>126</sup> apply to this Part as if any reference in them to the owner was a reference to the charterer.

### **Notification to foreign registries by Registrar**

- 93.** The Registrar must notify the responsible authority for registration of ships in the State or territory of primary registration when—
- (a) the ship has been registered as a bareboat charter ship on the St Helena Register,
  - (b) the ship's registration has closed by reason of the expiry of the certificate of bareboat charter registration under regulation 90(1)(b)<sup>127</sup>,  
or
  - (c) the ship's registration has been closed by the Registrar by reason of regulation 94<sup>128</sup>.

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<sup>124</sup> Change in registered particulars of ship

<sup>125</sup> Change of name

<sup>126</sup> Re-marking of ship

<sup>127</sup> Period of registration

<sup>128</sup> Closure of bareboat charter ship's registration by the Registrar

**Closure of bareboat charter ship's registration by the Registrar**

- 94. (1)** The Registrar may, subject to regulation 109<sup>129</sup>, close the registration of a bareboat charter ship—
- (a) on application by the charterer;
  - (b) on the ship no longer being eligible to be registered;
  - (c) on determining that, at the time of registration, the ship was not eligible to be registered;
  - (d) on receipt of a termination direction relating to the ship;
  - (e) on the ship being destroyed (which includes, but is not limited to, shipwreck, demolition, fire and sinking);
  - (f) if, taking into account any requirements of the Ordinance (including any instrument made under it) relating to—
    - (i) the condition of the ship or its equipment so far as relevant to its safety,
    - (ii) any risk of pollution, or
    - (iii) the safety, health and welfare of persons employed or engaged in any capacity on board the ship,the Registrar considers that it would be inappropriate for the ship to remain registered;
  - (g) if the bareboat charter ship is a fishing vessel which requires a licence to fish but at the time of registration did not have such a licence and has not acquired such a licence within 6 months of the issue of its certificate of bareboat charter registration;
  - (h) where the charterer of a fishing vessel fails to respond to the Registrar within 15 days of a request from the Registrar to supply information concerning details on the Register;
  - (i) where the charterer of a fishing vessel supplies information requested by the Registrar, but that information is either false or incorrect or is reasonably considered by the Registrar to be insufficient;
  - (j) where under regulation 91<sup>130</sup> the charterer is required to notify the Registrar, and has not done so;

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<sup>129</sup> Service of notices

<sup>130</sup> Notification of changes

(k) where under regulation 60<sup>131</sup> as applied by regulation 92<sup>132</sup> a person is required to make an application, and has not done so;

(l) where the bareboat charter ship is a fishing vessel, if a certificate required under regulation 38<sup>133</sup> has expired.

(2) On closure of a ship's registration under paragraph (1) the charterer must forthwith surrender to the Registrar the certificate of bareboat charter registration for cancellation.

(3) A person who contravenes paragraph (2) commits an offence.  
Penalty: A fine of £1,000.

## **PART 12**

### **BAREBOAT CHARTER-OUT**

#### **Application of Part 12**

95. (1) This Part applies where the owner of a ship registered on Part 1 or 2 of the Register wishes to charter the ship on bareboat terms to another person and the ship is, for the period of that charter, to be registered in a State or territory other than St Helena.

(2) This Part provides for the suspension of the registration of such a ship.

#### **Suspension from the Register**

96. (1) Where the registration of a ship has been suspended in accordance with this Part, the ship is not registered under Part 3 of the Ordinance (Registration requirements).

(2) Where the registration of a ship is suspended, the Registrar must mark the entry in the Register relating to that ship as suspended.

(3) The registration of a ship which is suspended may be restored under regulation 107<sup>134</sup>.

(4) Notwithstanding the suspension of the registration of the ship, the entry relating to a ship in the Register may be removed from the Register under regulation 108<sup>135</sup>.

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<sup>131</sup> Change in registered particulars of ship

<sup>132</sup> Application of other Regulations to this Part

<sup>133</sup> Survey and certification of ships: Part 2 of the Register

<sup>134</sup> Restoration of registration

<sup>135</sup> Removal of an entry relating to a suspended ship from the Register

### **Suspension under a certificate of permission**

97. The registration of a ship is suspended if the Registrar has issued a certificate of permission under regulation 99<sup>136</sup> and has not, after the issue of that certificate of permission, either restored the registration of the ship under regulation 107<sup>137</sup> or removed the entry relating to the ship from the Register under regulation 108<sup>138</sup>.

### **Application for certificate of permission**

98. (1) An owner of a ship who intends to agree, or has agreed, a charter-party that requires the ship to be registered outside St Helena during the period of the charter-party may apply for a certificate of permission.
- (2) An application for a certificate of permission must—
- (a) be in the prescribed form, and
  - (b) include, or be accompanied by—
    - (i) the ship's name and official number,
    - (ii) the written consent of all owners,
    - (iii) the written consent of all mortgagees of mortgages registered in respect of the ship under Part 8,
    - (iv) a copy of the charter-party,
    - (v) the names of the bareboat charterers,
    - (vi) the name of the registry that the ship will be chartered to, and
    - (vii) the certificate of registration.

### **Conditions of certificate of permission**

99. (1) The Registrar must issue a certificate of permission where the Registrar is satisfied that the conditions in paragraph (2) and the marking requirement in paragraph (3) are met.
- (2) The conditions are—
- (a) that the ship is currently registered on Part 1 or 2 of the Register,
  - (b) that all owners consent,

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<sup>136</sup> Conditions of certificate of permission

<sup>137</sup> Restoration of registration

<sup>138</sup> Removal of an entry relating to a suspended ship from the Register

- (c) that all mortgagees of mortgages registered in respect of the ship under Part 8 consent,
- (d) that a charter-party has been agreed in respect of the ship, and
- (e) that the charter-party requires that the ship be registered on an approved register.

(3) The marking requirement is that the marking of the ship has been removed and written confirmation of that removal has been sent to the Registrar pursuant to regulation 121<sup>139</sup>.

(4) For the purposes of paragraph (2), an ‘approved register’ is a register of a State or territory listed in Schedule 1<sup>140</sup>.

### **Removal of marking**

**100. (1)** Where the Registrar is satisfied in respect of an application that the conditions in regulation 99(2)<sup>141</sup> are met, the Registrar must issue a marks removal note.

(2) The effect of a valid marks removal note in respect of a ship is that the ship is not required to be marked under these Regulations.

(3) A marks removal note is valid for a period of six weeks from the date it is issued, unless extended under paragraph (4)(a).

(4) If the Registrar is not satisfied that the marking requirement in regulation 99(3)<sup>142</sup> is met before the end of the period of validity of the marks removal note, the Registrar must either—

- (a) extend, or further extend, the period of validity of the marks removal note, or
- (b) treat the application for a certificate of permission as withdrawn at the end of the period of validity of the marks removal note.

(5) The Registrar may extend the period of validity of a marks removal notice pursuant to paragraph 4(a) notwithstanding that the Registrar has previously extended the period in respect of that marks removal note.

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<sup>139</sup> Removal of marks on cessation of registration

<sup>140</sup> States and territories whose citizens or corporate bodies are eligible to register commercial ships and fishing vessels on the Register

<sup>141</sup> Conditions of certificate of permission

<sup>142</sup> Conditions of certificate of permission

**Format and duration of certificate of permission**

**101. (1)** A certificate of permission must—

- (a) be in the prescribed form, and
- (b) state—
  - (i) the name of the ship,
  - (ii) the names of the owners,
  - (iii) the names of the bareboat charterers,
  - (iv) the date and duration of the charter-party,
  - (v) the name of the register in which the ship is to be registered,
  - (vi) the date of expiry of the certificate of permission, and
  - (vii) that, for the period of the certificate of permission, the ship is not a St Helena ship and has no right to fly the flag of St Helena.

**(2)** Unless renewed under regulation 103<sup>143</sup>, cancelled under regulation 105<sup>144</sup> or revoked under regulation 106<sup>145</sup>, a certificate of permission is valid for a period of 5 years, beginning with the date of issue of that certificate.

**Cancellation of certificate of registration**

**102.** Upon issuing a certificate of permission, the Registrar must—

- (a) record in the Register the period of validity remaining in respect of the certificate of registration, and
- (b) cancel the certificate of registration.

**Renewal of certificate of permission**

**103. (1)** An application for renewal of a certificate of permission must—

- (a) be in the prescribed form, and
- (b) include or be accompanied by the information and documents specified in regulation 98<sup>146</sup>, and the current certificate of permission.

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<sup>143</sup> Renewal of certificate of permission

<sup>144</sup> Cancellation of certificate of permission

<sup>145</sup> Revocation of certificate of permission

<sup>146</sup> Application for certificate of permission

(2) The Registrar must renew a certificate of permission where the Registrar is satisfied that the conditions in sub-paragraphs (b) to (e) of regulation 99(2)<sup>147</sup> are satisfied.

(3) Where the Registrar renews a certificate of permission, the Registrar must—  
(a) issue a new certificate of permission, and  
(b) cancel the previous certificate of permission.

#### **Amendment of certificate of permission**

**104. (1)** An application for amendment of a certificate of permission must—

- (a) be made in writing,
- (b) specify the details on the certificate of permission that are to be amended, and
- (c) be accompanied by the current certificate of permission.

(2) The Registrar must accept an application for amendment if satisfied that the particulars furnished to the Registrar are correct and any relevant conditions in paragraph (3) are met.

(3) The conditions are—

- (a) in respect of an application to amend the ship's name, that the ship's name would comply with Schedule 3 if an application were made to approve the name by a ship registered under Part 3 of the Ordinance (Registration requirements);
- (b) in respect of an application to amend the names of the owners of the ship—
  - (i) that the Registrar is satisfied that the owner of the ship remains qualified to register the ship on the Register; and
  - (ii) that the transfer of ownership—
    - (aa) was effected by a bill of sale in the prescribed form with appropriate attestation, containing a description of the ship sufficient to identify it, and that the bill of sale, or a copy of it, has been provided to the Registrar,

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<sup>147</sup> Conditions of certificate of permission

- (ab)* was consequent on death, and the grant of representation or a copy of, or an extract from, the grant has been provided to the Registrar,
    - (ac)* was consequent on bankruptcy, and evidence of proof of title of persons claiming under bankruptcy has been provided to the Registrar, or
    - (ad)* was consequent on an order of a court, and a copy of the order or judgment of that court has been provided to the Registrar;
  - (c)* in respect of an application to amend the register where the ship may be registered, that that register is a register of a State or territory listed in Schedule 1.
- (4)** Where the Registrar accepts an application to amend a certificate of permission, the Registrar must—
  - (a)* issue an amended certificate of permission with the amended details, and
  - (b)* cancel the previous certificate of permission.
- (5)** Notwithstanding the suspension of the entry, where an amended certificate of permission issued under paragraph (4) contains details which are different from those recorded in the entry in the Register in respect of the ship, the Registrar must amend the Register accordingly.
- (6)** Where the Registrar refuses an application to amend a certificate of permission, the Registrar must consider whether to revoke the certificate of permission.

### **Cancellation of certificate of permission**

- 105. (1)** An application to cancel a certificate of permission must—
- (a)* be in the prescribed form,
  - (b)* include the written consent of all owners, and
  - (c)* be accompanied by the certificate of permission.
- (2)** Upon receipt of a valid application under paragraph (1), the Registrar must cancel the certificate of permission.

### **Revocation of certificate of permission**

**106. (1)** Subject to regulation 109<sup>148</sup>, the Registrar may revoke a certificate of permission where the Registrar is satisfied that—

- (a) if the registration of the ship were not suspended, the Registrar would terminate the ship's registration under regulation 64(1)(a)<sup>149</sup>, (b), (c), (d) or (g),
- (b) the details recorded on the certificate of permission are not correct, and an application to amend the certificate of permission has not been made in a reasonable period,
- (c) the ship has been flying the St Helena flag, or
- (d) the ship has been displaying Jamestown as its port.

**(2)** For the purposes of paragraph (1)(a), when considering whether the ship's registration would be terminated under regulation 64(1)(d)<sup>150</sup>, the Registrar must take into account the requirements of the Ordinance (including any instrument made under it) as they would apply to the ship if the registration of the ship were not suspended.

**(3)** Where the Registrar revokes a certificate of permission, the Registrar must notify the owner.

### **Restoration of Registration**

**107. (1)** The Registrar must issue a carving and marking note where a certificate of permission—

- (a) has expired without being renewed,
- (b) has been cancelled under regulation 105<sup>151</sup>, or
- (c) has been revoked under regulation 106<sup>152</sup>, and the Registrar has not removed the ship from the Register under regulation 108<sup>153</sup>.

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<sup>148</sup> Service of notices

<sup>149</sup> Termination and removal from the Register

<sup>150</sup> Termination and removal from the Register

<sup>151</sup> Cancellation of certificate of permission

<sup>152</sup> Revocation of certificate of permission

<sup>153</sup> Removal of an entry relating to a suspended ship from the Register

(2) On receipt of a carving and marking note, the owner must cause the ship to be carved and marked in accordance with Schedule 4<sup>154</sup>, and, if required under regulation 42<sup>155</sup>, cause the ship's carving and marking to be inspected by an inspector of marks.

(3) If a carving and marking note issued under paragraph (1) is not duly completed and returned to the Registrar within 3 months of its issue, the Registrar may cancel it and proceed to remove the entry relating to the ship from the Register under regulation 108(1)<sup>156</sup>.

(4) Where the Registrar is satisfied that the ship has been duly carved and marked, the Registrar must restore the registration of the ship by removing suspension in respect of the ship in the Register.

(5) Upon restoring the registration of the ship under paragraph (4), the Registrar must issue and send to the owner a certificate of registration.

(6) The registration of a ship restored under paragraph (4) is valid for the period of validity recorded in the Register pursuant to regulation 102<sup>157</sup>, beginning with the date of restoration specified in the certificate of registration, and expires at the end of that period unless it is renewed in accordance with regulation 51<sup>158</sup>.

#### **Removal of an entry relating to a suspended ship from the register**

**108. (1)** The Registrar may remove an entry from the Register where—

- (a) the Registrar has revoked a certificate of permission under regulation 106(1)(a)<sup>159</sup>,
- (b) the Registrar has revoked a certificate of permission under regulation 106(1)(b)<sup>160</sup>, (c) or (d), or
- (c) the Registrar has cancelled a carving and marking note under regulation 107(3)<sup>161</sup>.

(2) Where the Registrar removes the entry relating to the ship from the Register, the Registrar must issue a closure transcript and notify any mortgagees of the removal of the entry from the Register.

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<sup>154</sup> Carving and marking

<sup>155</sup> Inspection of marks

<sup>156</sup> Removal of an entry relating to a suspended ship from the Register

<sup>157</sup> Cancellation of certificate of registration

<sup>158</sup> Application for renewal of registration

<sup>159</sup> Revocation of certificate of permission

<sup>160</sup> Revocation of certificate of permission

<sup>161</sup> Restoration of registration

**PART 13**

**MISCELLANEOUS**

**Service of notices**

**109. (1)** This regulation applies where it appears to the Registrar that—

- (a) regulation 64(1)<sup>162</sup>,
- (b) regulation 94(1)<sup>163</sup>, or
- (c) regulation 106(1)<sup>164</sup>,

applies in respect of a ship.

**(2)** The Registrar may serve notice on the owner of the ship requiring that person to produce, within 30 days, evidence sufficient to satisfy the Registrar that the ship—

- (a) is eligible to remain on the Register, or
- (b) should not have a certificate of permission issued in respect of it revoked.

**(3)** If at the expiry of that period of 30 days the Registrar is not so satisfied, the Registrar may—

- (a) extend the notice and ask for further information or evidence, or
- (b) serve a final notice which—
  - (i) closes the ship's registration, or
  - (ii) revokes its certificate of permission.

**(4)** A closure or revocation under paragraph (3) takes effect 7 days after the service of that notice.

**(5)** Where a ship's registration is terminated under paragraph (3)—

- (a) the Registrar must issue a closure transcript, and
- (b) the owner of the ship must forthwith surrender its certificate of registration.

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<sup>162</sup> Termination and removal from the Register

<sup>163</sup> Closure of bareboat charter ship's registration by the Registrar

<sup>164</sup> Revocation of certificate of permission

**Copy of notice to be sent to mortgagee**

- 110.** Where the Registrar serves a notice under regulation 109<sup>165</sup> on the owner of a vessel in respect of which a mortgage is registered, the Registrar must send a copy of that notice to the mortgagee at the address recorded for the mortgagee in the Register.

**Documents not in English to be accompanied by a translation**

- 111.** Any document which is not in English and is produced in support of any application under these Regulations must be accompanied by a notarised translation of the document in English.

**Witnessing of documents**

- 112.** Where the signature on any document made under these Regulations is required to be witnessed, any witness to the signature must—
- (a) be a person of full age, and
  - (b) not be the spouse of the signatory.

**Dispensing with declarations**

- 113.** When under these Regulations—
- (a) a person is required to make a declaration, but is unable to do so and can satisfy the Registrar that it is due to reasonable cause, the Registrar may on such terms as the Registrar thinks fit, dispense with the declaration, or
  - (b) any evidence is required to be produced to the Registrar, but such evidence is unable to be produced and the Registrar is satisfied that it is due to reasonable cause, the Registrar may on production of such other evidence as the Registrar considers appropriate, dispense with the evidence.

**Copies of documents**

- 114. (1)** Where under these Regulations a document is to be provided by or to the Registrar, the Registrar may provide or receive a copy of that document by means of an electronic communication.
- (2)** For the purposes of paragraph (1), “**electronic communication**” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

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<sup>165</sup> Service of notices

- (a) by means of an electronic communications network, or
- (b) by other means but while in electronic form.

### **Requirement for supplementary information**

- 115.** Where the Registrar is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration or that any of the particulars or other information supplied is correct or sufficient, the Registrar may require such supplementary information or evidence as the Registrar considers appropriate.

### **Duplicate certificates**

- 116. (1)** If it is shown to the satisfaction of the Registrar that a certificate of registration or permission has been lost, stolen or destroyed or has become defaced or illegible, the Registrar may, upon payment of the prescribed fee, issue to the owner a duplicate of that certificate, which must be marked as such, and has the same effect as the original.
- (2)** Where a duplicate certificate of registration or permission is issued the original if then available or if subsequently found or recovered must be forthwith surrendered to the Registrar.

### **Custody of certificate**

- 117. (1)** A certificate of registration—
- (a) must be used only for the lawful navigation of the ship, and
  - (b) must 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)** Any person who refuses to surrender the certificate of registration when in their possession or under their control to the person entitled to its custody for the purposes of the lawful navigation of the ship, or to the Registrar, or an officer of customs or any other person entitled by law to demand such delivery, commits an offence.
- Penalty: A fine of £1,000.

### **Surrender of certificate on termination or expiry of registration**

- 118.** On the termination, whether by expiration of the registration period or otherwise, of a ship's registration the certificate of registration must be returned by the owner or charterer to the Registrar for cancellation.

**Dispensing with production of certificate**

- 119.** Where a certificate of registration or permission is required by these Regulations to accompany any application and it is shown to the satisfaction of the Registrar that for any reasonable cause (which includes, but is not limited to, the ship being in a port outside St Helena, or the certificate being needed for an imminent voyage, at the time the application was made) the certificate cannot be produced, the Registrar may, subject to such conditions as the Registrar thinks fit, dispense with its production.

**Carriage of certificates**

- 120.** A certificate of registration or a certificate of bareboat registration (including a valid temporary registration certificate) must at all times be carried on board a ship.

**Removal of marks on cessation of registration**

- 121.** If a ship's registration is terminated, whether by expiration of the registration period or otherwise, or if a marks removal note has been issued in respect of the ship under regulation 100<sup>166</sup>, the marking prescribed under these Regulations must be removed from the ship and written confirmation of that removal must be sent to the Registrar.

**Transfers etc. where tonnage not in accordance with the Convention on Tonnage Measurement of Ships**

- 122. (1)** Subject to paragraph (2), no transfer of ownership of a ship or shares in a ship, no renewal of registration, nor change of details of the ship or its owners is to be registered in respect of any ship which—
- (a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969, and
  - (b) for which no such measurement has been undertaken and registered,
- until such re-measurement takes place and, where necessary, the certificate of survey has been provided to the Registrar for amendment of the Register.
- (2)** Paragraph (1) above does not apply where the transfer, or change of details, arises by reason of the death of an owner of a ship, or a share in a ship.

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<sup>166</sup> Removal of marking

## **PART 14**

### **OFFENCES**

#### **Offences**

- 123. (1)** A person who, with intent to deceive, uses or lends or allows to be used by another, a certificate of registration whether in force or not, commits an offence.  
Penalty: An unlimited fine.
- (2)** It is an offence on the part of the owner or master of a registered ship if any of the marks required by these Regulations to be marked on a ship is effaced, altered, allowed to become illegible, covered or concealed.  
Penalty: An unlimited fine.
- (3)** It is a defence for a person charged with an offence under paragraph (2) to prove—
- (a)** that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, or
  - (b)** that the effacing, alteration, covering or concealing of the marking was for the purpose of escaping capture by an enemy.
- (4)** A person who fails, without reasonable cause, to surrender a certificate when required to do so by regulation 64(5)<sup>167</sup> or (7), 76(2)<sup>168</sup>, 77(4)<sup>169</sup>, 94(3)<sup>170</sup>, 109(5)<sup>171</sup>, 116(2)<sup>172</sup> or 118<sup>173</sup> commits an offence.  
Penalty: A fine of £1,000.
- (5)** A person who in connection with the registration of a ship knowingly or recklessly furnishes information which is false in a material particular commits an offence.  
Penalty: An unlimited fine.
- (6)** Any person who intentionally alters, suppresses, conceals or destroys a document which the person has been required by these Regulations to produce to the Registrar commits an offence.  
Penalty: An unlimited fine.

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<sup>167</sup> Termination and removal from the Register

<sup>168</sup> Conditions of provisional registration

<sup>169</sup> Transfer of registration to the United Kingdom or a relevant British possession

<sup>170</sup> Closure of bareboat charter ship's registration by Registrar

<sup>171</sup> Service of notices

<sup>172</sup> Duplicate certificates

<sup>173</sup> Surrender of certificate on termination or expiry of registration

**PART 15**  
**TRANSITIONAL PROVISIONS**

**Part 15: interpretation**

**124.** For the purposes of this Part—

“**new certificate**” means a certificate of registration issued in accordance with these Regulations;

“**old certificate**” means any certificate of registration, other than a provisional certificate, issued under legislation relating to registration applying to St Helena before the coming into force of these Regulations;

“**transitional period**” in relation to a ship means the period commencing on the date these Regulations come into force and ending on the date of expiry of an old certificate which is issued in respect of the ship.

**Validity of old certificates**

**125.** Subject to regulation 126<sup>174</sup>, an old certificate remains in force until the earlier of either—

- (a) the issuing of a new certificate under these Regulations, or
- (b) the expiry of the old certificate.

**Continuation in force of old certificates**

**126.** Notwithstanding regulation 125<sup>175</sup>, an old certificate remains in force beyond the transitional period if—

- (a) an application to renew the certificate has been correctly made in accordance with regulation 51<sup>176</sup>, and
- (b) the Registrar has not issued a new certificate by the date of expiry of the old certificate,

but any new certificate must commence on the date of expiry of the old certificate.

**Registered information**

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<sup>174</sup> Continuation in force of old certificates

<sup>175</sup> Validity of old certificates

<sup>176</sup> Application for renewal of registration

127. Schedules 5<sup>177</sup> and 6<sup>178</sup> do not apply to any ship until a new certificate of registration is issued in respect of that ship.

#### **Issue of new certificates of registration**

128. (1) Notwithstanding regulations 60<sup>179</sup> and 63<sup>180</sup>, a certificate of registration of a ship, other than a fishing vessel, which—

- (a) is issued during the transitional period, and
- (b) replaces an old certificate of registration,

is valid for a period of five years from the date of issue.

- (2) A duplicate certificate issued to a ship during the transitional period must be a certificate issued in accordance with these Regulations and—

- (a) for ships, other than ships registered on Part 3 of the Register, must be valid for a period of five years from the date of issue, and
- (b) for ships registered on Part 3 of the Register, must expire on the date that the old certificate would have expired.

- (3) The Registrar may, during the transitional period, replace a ship's old certificate with a new certificate of registration, which is valid for a period of five years from the date of issue.

- (4) A new certificate issued under paragraph (3) in respect of a fishing vessel expires on the date that the old certificate would have expired.

#### **Advertisement rather than renewal notice**

129. Notwithstanding regulation 50<sup>181</sup>, no renewal notice is to be issued by the Registrar when an old certificate of registration is due to expire at the end of the transitional period under regulation 125(b)<sup>182</sup>.

#### **Applications for registration made before commencement of these Regulations**

130. (1) Subject to paragraph (2) an application for registration of a ship which is made, but in respect of which registration was not effected, prior to the commencement of these Regulations is to be completed in accordance with these Regulations.

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<sup>177</sup> Details to go on the Register

<sup>178</sup> Certificate of registration

<sup>179</sup> Change in registered particulars of ship

<sup>180</sup> Registration of changes of name of port

<sup>181</sup> Renewal notices and time limit for renewal

<sup>182</sup> Validity of old certificates

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(2) An application is to be determined in accordance with the relevant legislation under which the application was made where—

- (a) an application for registration of a ship is made, but in respect of which registration was not effected prior to the commencement of these Regulations, and
- (b) the provisions of these Regulations would render the ship ineligible for registration.

(3) An application is deemed to have been made when a properly completed application, accompanied by the prescribed fee, is received by the Registrar.

(4) Where, for any reason the fee tendered is not a proper and valid fee, or where the cheque used to pay a fee is returned by the bank on which it is drawn, then the application is not deemed to have been made.

(5) Any certificate of registration which is issued in accordance with this regulation is valid for a period of five years and must contain the information contained in Schedule 6<sup>183</sup>.

Made this 22<sup>nd</sup> day of September 2026

Belinda Lewis  
Governor

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<sup>183</sup> Certificate of registration

**SCHEDULE 1**

Regulations 11<sup>184</sup>, 14<sup>185</sup> and 99<sup>186</sup>

**STATES AND TERRITORIES WHOSE CITIZENS OR CORPORATE BODIES ARE  
ELIGIBLE TO REGISTER COMMERCIAL SHIPS AND FISHING VESSELS ON  
THE REGISTER**

The United Kingdom

British Overseas Territories

Anguilla;  
Ascension;  
Bermuda;  
British Antarctic Territory;  
British Indian Ocean Territory;  
British Virgin Islands;  
Cayman Islands;  
Falkland Islands;  
Gibraltar;  
Montserrat;  
Pitcairn Islands;  
South Georgia and the South Sandwich Islands;  
Sovereign Base Areas of Akrotiri and Dhekelia;  
Tristan Da Cunha;  
Turks and Caicos Islands.

British Crown Dependencies

The Bailiwicks of Jersey and Guernsey and the Isle of Man.

Other States

|                     |              |
|---------------------|--------------|
| Austria;            | Italy;       |
| Belgium;            | Latvia;      |
| Bulgaria;           | Lithuania;   |
| Croatia;            | Luxembourg;  |
| Republic of Cyprus; | Malta;       |
| Czech Republic;     | Netherlands; |
| Denmark;            | Norway;      |
| Estonia;            | Poland       |
| Finland;            | Portugal;    |
| France;             | Romania;     |
| Germany;            | Slovakia;    |
| Greece;             | Slovenia;    |

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<sup>184</sup> Persons qualified to own a ship registered on Part 1 of the Register

<sup>185</sup> Persons qualified to own a fishing vessel registered on Part 2 of the Register

<sup>186</sup> Conditions of certificate of registration

Hungary;  
Iceland;  
Ireland;

Spain;  
Sweden.

**SCHEDULE 2**  
Regulation 18<sup>187</sup>

**STATES AND TERRITORIES WHOSE CITIZENS OR CORPORATE BODIES ARE  
ELIGIBLE TO REGISTER PLEASURE VESSELS ON THE REGISTER**

The United Kingdom

British Overseas Territories

Anguilla;  
Ascension;  
Bermuda;  
British Antarctic Territory;  
British Indian Ocean Territory;  
British Virgin Islands;  
Cayman Islands;  
Falkland Islands;  
Gibraltar;  
Montserrat;  
Pitcairn Islands;  
South Georgia and the South Sandwich Islands;  
Sovereign Base Areas of Akrotiri and Dhekelia;  
Tristan Da Cunha;  
Turks and Caicos Islands.

British Crown Dependencies

The Bailiwicks of Jersey and Guernsey and the Isle of Man.

Other States

|                     |                    |               |
|---------------------|--------------------|---------------|
| Australia;          | Greece;            | Norway;       |
| Austria;            | Hong Kong (China); | Poland;       |
| Belgium;            | Hungary;           | Portugal;     |
| Brazil;             | Iceland;           | Romania;      |
| Bulgaria;           | India;             | Singapore;    |
| Canada;             | Ireland;           | Slovakia;     |
| China;              | Italy;             | Slovenia;     |
| Croatia;            | Japan;             | South Africa; |
| Republic of Cyprus; | Latvia;            | Spain;        |
| Czech Republic;     | Lithuania          | Sweden;       |
| Denmark;            | Luxembourg;        | Switzerland;  |

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<sup>187</sup> Persons qualified to be the owners of a shall ship to be registered on Part 3 of the Register

Estonia;  
Finland;  
France;  
Germany;

Malaysia;  
Malta;  
Netherlands;  
New Zealand;

United States of America.

**SCHEDULE 3**

Regulations 39<sup>188</sup>, 61<sup>189</sup>, 85<sup>190</sup> and 104<sup>191</sup>

**APPROVAL OF NAMES**

1. Every application to the Registrar to approve a name must specify a name which is in Roman letters; any numerals must be in Roman or Arabic numerals.
2. In respect of an application to register a ship, other than a fishing vessel, on Parts 1 or 4 of the Register, the Registrar must not approve the proposed name if it is—
  - (a) already the name of a registered St Helena ship,
  - (b) a name so similar to that of a registered St Helena ship as to be calculated to deceive or likely to confuse,
  - (c) a name which may be confused with a distress signal, or
  - (d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.
3. In respect of an application to register a fishing vessel on Part 2 or 4 of the Register, the Registrar must not approve the proposed name if it is—
  - (a) already the name of a fishing vessel in Jamestown,
  - (b) a name so similar to that of a registered St Helena fishing vessel in Jamestown as to be calculated to deceive or likely to confuse,
  - (c) a name which may be confused with a distress signal, or
  - (d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.
4. In respect of an application to register a pleasure vessel on Part 3 of the Register, the Registrar must not approve the proposed name if it is—
  - (a) a name which may be confused with a distress signal, or

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<sup>188</sup> Names

<sup>189</sup> Change of name

<sup>190</sup> Names

<sup>191</sup> Amendment of certificate of permission

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- (b) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.
- 5. Subject to paragraph 6, if the Registrar is satisfied that a name does not fall within paragraphs 2(a) to (d), 3(a) to (d) or 4(a) and (b), the Registrar must notify the applicant in writing that the name is approved and the ship may be registered with that name.
- 6. Notwithstanding that the Registrar is satisfied as to paragraphs 2, 3 or 4, the Registrar may refuse to approve a name—
  - (a) which might cause offence or embarrassment, or
  - (b) which has a clear and direct connection with the Royal family.
- 7. Any approval given under paragraph 5 is valid only for the period of 3 months beginning with the date it is notified to the applicant.
- 8. If the Registrar is not satisfied that a name does not fall within paragraphs 2(a) to (d), 3(a) to (d) or 4(a) and (b) or approval of the name is refused under paragraph 6, the Registrar must notify the applicant accordingly.
- 9. Notwithstanding paragraph 7, the Registrar may allow the reservation of a ship's name or designation for a period of 10 years if satisfied—
  - (a) that—
    - (i) the ship is intended to replace another of the same name which is to be registered within 10 years of the date of the application, and
    - (ii) the applicant is the owner of a registered ship with the same name as that which is to be reserved and its registration will be closed before the registration of the new vessel, or
  - (b) the applicant is the owner of a registered ship with the same name as that which is to be reserved and it will be sold before the registration of the new vessel on condition that it changes its name and that its name is so changed.

- 10.** Applications for a reservation under paragraph 9 must be accompanied by a full statement of the circumstances of the case.
- 11.** Where a ship having once been registered has ceased to be registered, no person unless ignorant of the previous registration, (proof of which will lie on that person) may apply for registration of the ship other than by the name by which it was previously registered except with the written permission of the Registrar.

**SCHEDULE 4**

Regulations 41<sup>192</sup>, 42<sup>193</sup>, 43<sup>194</sup>, 62<sup>195</sup>, 87<sup>196</sup> and 107<sup>197</sup>

**CARVING AND MARKING**

1. Every ship must, before it may be registered, be marked permanently and conspicuously to the satisfaction of the Registrar in accordance with this Schedule.
2. The Registrar may exempt any class of ship from all or any of the requirements of this Schedule, subject to such conditions, if any, as the Registrar thinks fit.
3. This paragraph applies to any exemption in respect of a class of ship, other than—

- (a) a fishing vessel;
- (b) a pleasure vessel which is under 24 metres.

A ship to which this paragraph applies, must be marked as follows—

- (a) its name must be marked on each of its bows, and its name and the port of Jamestown must be marked on its stern,
  - (b) the marking is to be on a dark ground in white or yellow letters, or on a light ground in black letters, the letters being not less than 10 centimetres high and of proportional breadth, and
  - (c) its official number and the number denoting its registered tonnage must be cut on its main beam or if that is not possible, marked or fixed on the beam in the manner prescribed in paragraph 4(a).
4. A pleasure vessel which is under 24 metres in length must be marked as follows—
    - (a) the official number and registered tonnage are to be—
      - (i) marked on the main beam or, if there is no main beam, on a readily accessible visible permanent part of the structure of the pleasure vessel either by cutting in, centre punching or raised lettering, or

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<sup>192</sup> Marking

<sup>193</sup> Inspection of marks

<sup>194</sup> Verification of measurement and carving and marking

<sup>195</sup> Re-marking of ship

<sup>196</sup> Marking

<sup>197</sup> Restoration of registration

- (ii) engraved on plates of metal, wood or plastic, secured to the main beam (or, if there is no main beam, to a readily accessible visible permanent part of the structure) with rivets, through bolts with the ends clenched), or screws with the slots removed;
  - (b) the name and the ship's port (unless an exempted ship) are to be marked on a conspicuous and permanent part of the stern on a dark ground in white or yellow letters, or on a light ground in black letters, the letters being not less than 5 centimetres high and of proportionate breadth, or, where this is not possible by the alternative methods given below—
    - (i) by engraving on plates of metal or of plastic or by cutting in on a shaped wooden chock and where a shaped wooden chock is used it must be secured to the hull through bolts, the ends being clenched, or
    - (ii) by individual glass reinforced plastic letters and numbers approximately 2mm in thickness which must be fixed to the hull with epoxy adhesive, and painted with suitable paint and coated with translucent epoxy resin;
    - (iii) where metal or plastic plates have been used these must be fixed by the use of epoxy adhesives and metal or plastic plates secured by adhesives must be coated with translucent epoxy resin after they have been fixed in position.
- 5. A fishing vessel is to be marked as follows—
  - (a) the name of the vessel and its port must be painted in white on a black background or in black on a white background outside the stern of the boat in letters which must not be less than 8 centimetres in height and 1.5 centimetres in breadth;
  - (b) the vessel's official number must be carved into the main beam of the vessel or, if that is not possible, marked or fixed on the beam in the manner prescribed in paragraph 4(a).
- 6. A scale of decimetres, or metres and decimetres, denoting a draught of water must be marked on a ship, other than an exempted ship, on each side of its stem and its stern post, as follows—

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- (a) in figures in two-decimetre intervals, if the scale is in decimetres, and
- (b) in figures at each metre interval and at intervening two-decimetre intervals, if the scale is in metres and decimetres,

the capital letter 'M' being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of the figures, or figures and letters (as the case may be), coinciding with the draught line which it denotes; the figures and letters being not less than one decimetre in length and being marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Registrar approves.

7. The name of a ship must be marked in Roman letters and any numerals must be in Roman or Arabic numerals.

**SCHEDULE 5**  
Regulations 45<sup>198</sup> and 89<sup>199</sup>

**DETAILS TO GO ON THE REGISTER**

1. The following must be registered about each owner who is an individual—
  - (a) surname, forename and title;
  - (b) address;
  - (c) nationality;
  - (d) number of shares owned by the owner, and if held jointly, with whom the shares are held;
  - (e) the name of the managing owner.
2. The following must be registered about each owner which is a body corporate—
  - (a) name of owner;
  - (b) address of its registered office;
  - (c) State or territory of incorporation;
  - (d) where it is a body corporate incorporated in St Helena, the United Kingdom or a relevant British possession, its principal place of business;
  - (e) number of shares owned by the company, and if held jointly, with whom the shares are held.
3. The following must be registered in respect of a representative person and any charterer—
  - (a) the full name of the individual or body corporate;
  - (b) the address of the individual, or the place of business in St Helena of the body corporate.

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<sup>198</sup> Registration and refusal of registration of a ship

<sup>199</sup> Registration

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4. The following must be registered about ships registered or to be registered on Part 1 of the Register—
  - (a) name of the ship;
  - (b) either the IMO number or the International Standards Organisation Hull Identification Number (HIN), as appropriate;
  - (c) radio call sign;
  - (d) that Jamestown is its port;
  - (e) official number;
  - (f) year of build;
  - (g) method of propulsion e.g. whether sail, steam, motor or dumb;
  - (h) where built;
  - (i) name and address of builders;
  - (j) date keel laid/when built;
  - (k) length-metric units;
  - (l) breadth-metric units;
  - (m) depth-metric units;
  - (n) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier;
  - (o) material used to construct hull;
  - (p) such of the following tonnages as are specified in the certificate of survey: gross, net and registered;
  - (q) make and model of engine(s);
  - (r) total power of engines in kilowatts.
5. The following must be registered about fishing vessels registered or to be registered on Part 2 of the Register—

- (a) official number;
- (b) IMO number;
- (c) name;
- (d) radio call sign;
- (e) whether full or simple registration;
- (f) material used to construct hull;
- (g) name of builder;
- (h) year of build;
- (i) place and State or territory of build;
- (j) date of entry into service;
- (k) overall length-metric units;
- (l) registered length-metric units;
- (m) breadth-metric units;
- (n) depth-metric units;
- (o) gross tonnage;
- (p) net tonnage;
- (q) maximum continuous engine power in kilowatts, or, if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts;
- (r) make and model of engine;
- (s) number of cylinders;
- (t) number of engines;
- (u) number of revolutions per minute;
- (v) modification explanation.

6. The following must be registered about pleasure vessels registered or to be registered on Part 3 of the Register—
- (a) the registration number of the ship;
  - (b) the date of registration;
  - (c) the date of expiry of registration; and
  - (d) the details specified in regulation 29(1)(b)<sup>200</sup>.
7. In addition to the information in either paragraph 4 or 5 the following must be registered in respect of bareboat charter ships registered on Part 4 of the Register—
- (a) the name and address of the owner;
  - (b) the name and address of the charterer;
  - (c) the name and address of any representative person;
  - (d) the unique number allocated to the ship for identification purposes by its primary register;
  - (e) its State or territory of original registration;
  - (f) commencement date of the charter period and its expiry date;
  - (g) the name by which the ship is known on the primary register (or a translation of that name).

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<sup>200</sup> Applications for registration: Part 3 of the Register

**SCHEDULE 6**  
Regulations 46<sup>201</sup>, 89<sup>202</sup> and 130<sup>203</sup>

**CERTIFICATE OF REGISTRATION**

2. A certificate of registration for a ship registered or to be registered on Part 1 of the Register must contain—
- (a) the full name and address of the owner(s);
  - (b) the number of shares owned by each owner and if any are jointly owned, with whom they are owned;
  - (c) the following information about the ship—
    - (i) name;
    - (ii) either the IMO number or HIN number, as appropriate;
    - (iii) radio call sign;
    - (iv) confirmation that Jamestown is the ship's port;
    - (v) official number;
    - (vi) year of build;
    - (vii) method of propulsion e.g. whether sail, steam, motor or dumb;
    - (viii) length-metric units;
    - (ix) breadth-metric units;
    - (x) depth-metric units;
    - (xi) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier;
    - (xii) such of the following tonnages as are specified in the certificate of survey: gross, net and registered;

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<sup>201</sup> Issue of certificate of registration

<sup>202</sup> Registration

<sup>203</sup> Applications for registration made before commencement of these Regulations

- (xiii) engine make and model;
  - (xiv) engine power in kilowatts;
  - (d) the date of issue of the certificate;
  - (e) the date the certificate expires.
3. A certificate of registration for a fishing vessel registered or to be registered on Part 2 of the Register must contain—
  - (a) the name and address of each owner;
  - (b) the name and address of any charterer;
  - (c) the number of shares and, if any are jointly owned, with whom they are owned;
  - (d) the following details about the vessel—
    - (i) name;
    - (ii) that the fishing vessel's port is Jamestown;
    - (iii) official number;
    - (iv) IMO number;
    - (v) radio call sign;
    - (vi) registered length;
    - (vii) overall length;
    - (viii) breadth;
    - (ix) depth;
    - (x) net tonnage;
    - (xi) gross tonnage;
    - (xii) engine make and model;

- (xiii) maximum continuous engine power, in kilowatts, or if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts;
    - (xiv) year of build;
    - (xv) date of entry into service;
    - (xvi) modification explanation;
  - (e) the date and time of the issue of the certificate;
  - (f) the date of expiry of the certificate.
4. A certificate of bareboat charter registration for ships registered or to be registered on Part 4 of the Register must contain the details prescribed by either paragraph 1(a), (c), (d) and (e) (for ships other than fishing vessels) or paragraph 2(a), (b), (d), (e) and (f) (for fishing vessels) and the following—
- (a) the name and address of the charterer;
  - (b) the unique number allocated to the ship for identification purposes by its primary register;
  - (c) State or territory of primary registration;
  - (d) original name (or a translation) if different from its registered name.

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### SCHEDULE 7 Regulation 5<sup>204</sup>

#### FEES

|                                                                                                                                                                              |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Initial Registry/Registry Renewal/Transfer of Port to St. Helena/Registry Anew:                                                                                              |      |
| ~Up to 150GRT Commercial or over 150GT Pleasure vessel owned by person(s) qualified to be the owner(s) in accordance with regulation 11(2), 11(3)(a), 14(2), 14(3)(a) or 18  | £400 |
| ~Under 100GRT Commercial or under 150GT Pleasure vessel owned by person(s) qualified to be the owner(s) in accordance with regulation 11(2), 11(3)(a), 14(2), 14(3)(a) or 18 | £250 |
| ~Small vessels Commercial or any Pleasure vessel owned by person(s) qualified to be the owner(s) in accordance with regulation 11(2), 11(3)(a), 14(2), 14(3)(a) or 18        | £50  |
| ~Up to 150GRT Commercial or any Pleasure Vessel owned by person(s) qualified to be the owner(s) in accordance with regulation 11(3)(b), 11(3)(c), 14(3)(b) or 14(3)(c)       | £600 |
| Provisional registration                                                                                                                                                     | £200 |
| Transfer of ownership by bill of sale                                                                                                                                        | £120 |
| Transfer of ownership by transmission on death of owner                                                                                                                      | £120 |
| Registration of priority notice by intending mortgagee                                                                                                                       | £50  |
| Renewal of priority notice by intending mortgagee                                                                                                                            | £45  |
| Registration of mortgage                                                                                                                                                     | £120 |
| Transfer or transmission of mortgage                                                                                                                                         | £120 |
| Discharge of mortgage                                                                                                                                                        | £120 |
| Renewal of registration                                                                                                                                                      | £100 |
| Change in particulars, including change of engine, authorised officer, representative person                                                                                 | £50  |
| Change of vessel name                                                                                                                                                        | £50  |
| Issue of duplicate certificate                                                                                                                                               | £50  |
| Transcript of a Register                                                                                                                                                     | £50  |
| Request for closure by owner                                                                                                                                                 | £50  |
| Transcript of a closed Register                                                                                                                                              | £50  |
| Transcript of a Register at other than current date                                                                                                                          | £50  |

<sup>204</sup> Fees

|                                                                               |     |
|-------------------------------------------------------------------------------|-----|
| Transfer of Port of Registry from St Helena, including transcript and closure | £80 |
| Inspecting a Register Book                                                    | £15 |
| Certified copy of Document                                                    | £5  |

**SCHEDULE 8**  
Regulation 30<sup>205</sup>

**FORM OF DECLARATION OF ELIGIBILITY**

**DECLARATION OF ELIGIBILITY TO REGISTER A VESSEL ON THE ST HELENA REGISTER**

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**1. DETAILS OF THE VESSEL**

This application is to register a: *Please tick one of the following:*

- [ ] Commercial vessel  
[ ] Fishing vessel  
[ ] Pleasure vessel

|                                   |  |
|-----------------------------------|--|
| Name/proposed name of vessel      |  |
| Official number ( <i>if any</i> ) |  |
| Length ( <i>metres</i> )          |  |

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**2. ELIGIBILITY**

**Pleasure vessels**

The following persons may register a pleasure vessel on the St Helena Ship Register.

- Persons with St Helena status.
- Persons who have a long-term entry permit, a permission to stay and work permit, or are otherwise permitted to enter and work in St Helena, and are:
  - British citizens;
  - persons who under the British Nationality Act 1981 are British subjects;
  - persons who under the Hong Kong (British Nationality) Order 1986 are British Nationals (Overseas); and
  - Citizens of any of the States or territories listed below:
    - The United Kingdom
    - British Overseas Territories: Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Ascension; Tristan Da Cunha; Pitcairn Islands; South Georgia; South Sandwich Islands; Sovereign base areas of Akrotiri and Dhekelia; or Turks and Caicos Islands.
    - British Crown Dependencies of the Channel Island bailiwicks of

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<sup>205</sup> Declarations of eligibility

Jersey and Guernsey and the Isle of Man;

- Australia; Austria; Belgium; Brazil; Bulgaria; Canada; China; Croatia; Republic of Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hong Kong (China); Hungary; Iceland; Ireland; Italy; India; Japan; Latvia; Lithuania; Luxembourg; Malaysia; Malta; Netherlands; New Zealand; Norway; Poland; Portugal; Romania; Singapore; Slovakia; Slovenia; South Africa; Spain; Sweden Switzerland; United States of America.

**Commercial and fishing vessels**

The following persons (natural or legal) may register a commercial, or fishing vessel on the St Helena Ship Register.

- Persons with St Helena status.
- Persons who have a long-term entry permit, a permission to stay and work permit, or are otherwise permitted to enter and work in St Helena, and are:
  - British citizens;
  - persons who under the British Nationality Act 1981 are British subjects;
  - persons who under the Hong Kong (British Nationality) Order 1986 are British Nationals (Overseas); and
  - Citizens of any of the States or territories listed below:
    - The United Kingdom
    - British Overseas Territories
    - British Crown Dependencies
    - Austria; Belgium; Bulgaria; Croatia; Republic of Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Italy; Latvia; Lithuania Luxembourg; Malta; Netherlands; Norway; Poland Portugal; Romania; Slovakia; Slovenia; Spain; Sweden.
- Corporate bodies incorporated in St Helena.
- Corporate bodies incorporated in a State or territory listed in the Schedule 2.
- Limited partnerships registered in a State or territory listed in Schedule 2, which—
  - have their principal place of business in any such State or territory or in St Helena; and
  - have a general partner which is either an individual who is resident in any such State or territory or in St Helena, or a body corporate which has its principal place of business in any such State or territory or in St Helena.

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**3. LEGAL OWNERSHIP**

**Details of all eligible owners** *(continue on an additional sheet if required)*

**Owner 1**

|                               |  |
|-------------------------------|--|
| Title <i>(not compulsory)</i> |  |
|-------------------------------|--|

|                                                 |  |
|-------------------------------------------------|--|
| Full Name(s) / Company Name / LLP Name          |  |
| Address/Registered office address               |  |
| Company's principal place of business           |  |
| Nationality/State or territory of Incorporation |  |
| St Helena Status                                |  |
| Number of shares held outright                  |  |
| Number of shares held jointly                   |  |
| Owner number with whom shares are held jointly  |  |

## Owner 2

|                                                 |  |
|-------------------------------------------------|--|
| Title <i>(not compulsory)</i>                   |  |
| Full Name(s) / Company Name / LLP Name          |  |
| Address/Registered office address               |  |
| Company's principal place of business           |  |
| Nationality/State or territory of Incorporation |  |
| St Helena Status                                |  |
| Number of shares held outright                  |  |
| Number of shares held jointly                   |  |
| Owner number with whom shares are held jointly  |  |

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## 4. REPRESENTATIVE PERSON/MANAGING OWNER

If more than one owner is resident in St Helena, one of them may be appointed as the managing owner.

If none of the owners are resident in St Helena, they must appoint a representative person. A representative person is either an individual resident in St Helena, or a body corporate incorporated in St Helena which had a place of business in St Helena.

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***Either:***

I/we\* appoint the following person to be the vessel's representative person:

|                                          |  |
|------------------------------------------|--|
| Full name / Company Name                 |  |
| Address / Place of business in St Helena |  |

***Or:***

I/we\* appoint the following to be the vessel's managing owner:

|           |  |
|-----------|--|
| Full name |  |
|-----------|--|

*(\*Please delete as appropriate)*

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### 4. DECLARATION

I/we\* declare that:

I/we\* understand that the Register is a public Register from which any person can obtain a transcript of the entries in the Register.

The information given by me/us in this form is true to the best of my/our knowledge and belief.

I am/we are\* the legal owner/owners of the shares as set out in section 2B of this form.

To the best of my/our\* knowledge and belief, a majority interest in the vessel is owned by persons qualified to be owners of vessels registered in St Helena, and the vessel is otherwise entitled to be registered in Part I.

OR

to the best of my/our\* knowledge and belief, the vessel is wholly owned by persons qualified to be owners of vessels registered in St Helena, and the vessel is otherwise entitled to be registered in Part II or III of the St Helena Ship Register.

I/we\* understand that it is an offence to knowingly make a false statement to obtain registration and hereby declare that, to the best of my knowledge, the details given in this application form are correct.

*Merchant Shipping (Registration of Ships) Regulations 2026 No. 17* **HB 153**

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**Owner 1**

|                                           |  |
|-------------------------------------------|--|
| Full Name(s) / Company Name /<br>LLP Name |  |
| Address                                   |  |
| Postcode                                  |  |
| Telephone number                          |  |
| Email address                             |  |

**Owner 2**

|                                           |  |
|-------------------------------------------|--|
| Full Name(s) / Company Name /<br>LLP Name |  |
| Address                                   |  |
| Postcode                                  |  |
| Telephone number                          |  |
| Email address                             |  |

All owners are required to sign and date the application form. If there are more than two owners, then they must provide their details on a separate sheet.

*(\*Please delete as appropriate)*

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