

1982/75



**THE SHIPPING REGISTRATION (PRESCRIBED FORMS)  
ORDER 1982**

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DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 5th day of April 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 456 (3) of the Shipping and Seamen Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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ORDER

**1. Title and commencement**—(1) This order may be cited as the Shipping Registration (Prescribed Forms) Order 1982.

(2) This order shall come into force on the 18th day of July 1982.

**2. New forms substituted in Fifth Schedule to principal Act**—The Fifth Schedule to the Shipping and Seamen Act 1952 is hereby amended by revoking forms A, B, C, and D, and substituting the forms set out in the Schedule to these regulations.

**3. Revocations**—The following orders are hereby revoked:

(a) The Shipping (Certificate of Registry) Order 1969\*:

(b) The Shipping (Certificate of Registry) Order 1969, Amendment No. 1†.

\*S.R. 1969/221  
†S.R. 1979/79

**SCHEDULE**  
**NEW FORMS SUBSTITUTED IN FIFTH SCHEDULE TO THE SHIPPING AND SEAMEN ACT 1952**



Section 394 (1)

**FORM A—CERTIFICATE OF NEW ZEALAND REGISTRY**

**PARTICULARS OF SHIP**

Official Number	Name of Ship	Number, Year, and Port of Registry	Number, Year, and Port of Previous Registry (if any)	Signal Letters (if any)	
Whether a Sailing, Steam, or Motor ship; if Steam or Motor, how propelled		Where Built	When Built	Name and Address of Builders	
Descriptive Particulars		Register Dimensions			Metres
Number of decks ... ..		Length ... ..			
Number of masts ... ..		Breadth ... ..			
Rigged ... ..		Depth ... ..			
Stem ... ..		Main Dimensions as shown on the Tonnage Certificate			Metres
Stern ... ..					
Build ... ..		Length ... ..			
Framework and description of vessel ... ..		Maximum Breadth ... ..			
		Depth, or ... ..			
		Moulded Depth ... ..			
Number of bulkheads ... ..		Moulded Draught* ... ..			

\*[If applicable]

PARTICULARS OF PROPELLING ENGINES, ETC., (IF ANY) AS SUPPLIED BY BUILDERS, OWNERS, OR ENGINE MAKERS

No. of Sets of Engines	Description of Engines	When Made	Name and Address of Makers	Reciprocating Engines		Rotary Engines No. of Cylinders in each set	Combined Power
				No. of Cylinders in each set	Diameter of Cylinders		
Number of Shafts		Engines	Engines				Brake kW
	<hr/> Particulars of Boilers Description ... Number ... Loaded Pressure ...	Boilers	Boilers	Length of Stroke			Indicated kW
							Estimated Speed of Ship Knots

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Shipping Registration (Prescribed Forms)  
Order 1982



SCHEDULE—continued



FORM B—BILL OF SALE

Section 412 (2)

Name of Ship and Official Number	No., Year, and Port of Registry	Whether a Sailing, Steam, or Motor Ship

Register Dimensions	No. of Tons	Combined Power of Engines (if any)
Length ..... Metres	Gross .....	Brake kW
Breadth ..... Metres	Net .....	Indicated kW
Depth ..... Metres		

and as described in more detail in the Register Book.

I/We <sup>(a)</sup> ..... (hereinafter called “the transferor/s”), in consideration of the sum of ..... paid to me/us by <sup>(b)</sup> ..... (hereinafter called “the transferee/s”) the receipt whereof is hereby acknowledged, transfer ..... shares in the ship above particularly described, and in her boats and other equipments to the said transferee/s.

Further, I/we, the said transferor/s <sup>(c)</sup> ..... covenant with the said transferee/s and <sup>(d)</sup> ..... assigns, that I/we have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from encumbrances <sup>(e)</sup> .....

In witness whereof <sup>(f)</sup> ..... on the ..... day of ..... 19.....

<sup>(g)</sup> .....  
.....

<sup>(gg)</sup>

Executed by the above-named transferor/s in the presence of .....

The Common Seal of the transferor was affixed hereunto in the presence of

[Name, address, and description of witness]

(Description of Witnesses; Directors, Secretary, etc.—as the case may be.)

.....  
Signature of Witness

<sup>(a)</sup> Full name/s and address/es of transferor/s, adding in the case of a Body Corporate the country of the principal place of business of that body, and adding “as joint owners” where such is the case.

<sup>(b)</sup> Full name/s and address/es of transferee/s, adding in the case of a Body Corporate the country of the principal place of business of that body, and adding “as joint purchasers” where such is the case.

SCHEDULE—*continued*

- (c) In the case of individuals “for myself and my heirs, executors, or administrators” or “for ourselves and our heirs, executors, or administrators”. In the case of a Body Corporate “for ourselves and our successors”.
- (d) “his”, “her”, “their” or “its”.
- (e) If any subsisting encumbrances add “save as appears by the registry of the said ship”.
- (f) In the case of individuals “I/we have hereunto subscribed my/our name/s”. In the case of a Body Corporate “we have hereunto affixed our common seal”.
- (g) To be completed where the transferors are individuals by the witnessed signature of each person.
- (g<sup>88</sup>) Applicable only where the transferor is a Body Corporate.

NOTE: The sale of a registered ship, or share therein, may require the prior consent of the Minister of Transport, and, in the absence of such consent, the transaction shall be void and the ship or share liable to forfeiture.

A purchaser of a registered ship, or share therein, does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the ship, and neglect of this precaution may have serious consequences.

Registered owners are reminded of the importance of informing the Registrar of Ships of any change of address.



Section 418 (1)

## FORM C—MORTGAGE

(1) *To Secure Principal Sum and Interest*

Name of Ship and Official Number	No., Year, and Port of Registry	Whether a Sailing, Steam, or Motor Ship

Register Dimensions	No. of Tons	Combined Power of Engines (if any)
Length ..... Metres	Gross .....	Brake kW
Breadth ..... Metres	Net .....	Indicated kW
Depth ..... Metres		

and as described in more detail in the Register Book.

I/We <sup>(a)</sup> ..... (hereinafter called the mortgagor/s) in consideration of ..... this day lent to me/us by <sup>(b)</sup> ..... (hereinafter called the mortgagee/s), do hereby <sup>(c)</sup> ..... covenant with the mortgagee/s and <sup>(d)</sup> ..... assigns firstly that I/we or <sup>(e)</sup> ..... will pay to the mortgagee/s or <sup>(d)</sup> ..... assigns the said sum of ..... together with interest thereon at the rate of ..... percent, per annum on the <sup>(f)</sup>

SCHEDULE—continued

..... day of ..... next; and secondly, that if the said principal sum is not paid on the said day I/we or (c) ....., will, during such time as the same or any part thereof remains unpaid, pay to the mortgagee/s or (d) ..... assigns interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of ..... percent per annum, by equal half-yearly payments on the ..... day of ..... and ..... day of ..... in every year; and for better securing to the mortgagee/s the repayment in manner aforesaid of the said principal sum and interest I/we hereby mortgage to the mortgagee/s ..... shares, of which I am/we are the Owner/s in the Ship above particularly described, and in her boats and other equipments. Lastly I/we (c) ..... covenant with the mortgagee/s and (d) ..... assigns that I/we have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from encumbrances (g) .....

In witness whereof (h) ..... on the ..... day of ..... 19.....

(i) .....  
.....  
.....

(ii)

Executed by the above-named mortgageor/s in the presence of .....

The Common Seal of the mortgageor was affixed hereunto in the presence of

[Name, address, and description of witness]

(Description of Witnesses; Directors, Secretary, etc.—as the case may be.)

.....  
Signature of Witness



(2) To Secure Account Current, etc.

Name of Ship and Official Number	No., Year, and Port of Registry	Whether a Sailing, Steam, or Motor Ship

Register Dimensions

No. of Tons

Combined Power of Engines (if any)

Length ..... Metres

Gross .....

Brake kW

Breadth ..... Metres

Net .....

Indicated kW

Depth ..... Metres

and as described in more detail in the Register Book.

SCHEDULE—continued

Whereas <sup>(i)</sup> .....

Now I/we <sup>(h)</sup> ..... (hereinafter called the mortgagor/s) in consideration of the premises <sup>(c)</sup> ..... covenant with the said <sup>(l)</sup> ..... (hereinafter called the mortgagee/s) and <sup>(d)</sup> ..... assigns, to pay to him/her/them/it the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid; and for the purpose of better securing to the mortgagee/s the payment of such sums as last aforesaid, I/we do hereby mortgage to the mortgagee/s ..... shares of which I am/we are the Owner/s in the Ship above particularly described and in her boats and other equipments. Lastly, I/we <sup>(c)</sup> ..... covenant with the mortgagee/s and <sup>(d)</sup> ..... assigns that I/we have power to mortgage in manner aforesaid the above-mentioned shares and that the same are free from encumbrance <sup>(g)</sup> .....

In witness whereof <sup>(h)</sup> ..... on the ..... day of ..... 19.....

<sup>(i)</sup> .....

<sup>(ii)</sup>

Executed by the above-named mortgagor/s in the presence of .....

The Common Seal of the mortgage was affixed hereunto in the presence of

[Name, address, and description of witness]

(Description of Witnesses; Directors, Secretary, etc.—as the case may be.)

.....  
Signature of Witness

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- (a) Full name/s and address/es of mortgagor/s, adding in the case of a Body Corporate the country of the principal place of business of that body.
  - (b) Full name/s and address/es of mortgagee/s, adding in the case of a Body Corporate the country of the principal place of business of that body, and adding "as joint mortgagees" where such is the case.
  - (c) In the case of individuals "for myself and my heirs, executors, or administrators" or "for ourselves and our heirs, executors, or administrators". In the case of a Body Corporate, "for ourselves and our successors".
  - (d) "his", "her", "their" or "its".
  - (e) In the case of individuals "my/our heirs, executors, or administrators". In the case of a Body Corporate, "our successors".
  - (f) Insert the day fixed for payment of principal above.
  - (g) If any subsisting encumbrances add "save as appears by the registry of the said ship".
  - (h) In the case of individuals "I/we have hereunto subscribed my/our name/s". In the case of a Body Corporate "we have hereunto affixed our common seal."
  - (i) To be completed where the mortgagors are individuals by the witnessed signature of each person.
  - (ii) Applicable only where the mortgagor is a Body Corporate.



SCHEDULE—continued

(j) Here state by way of recital that there is an account current between the mortgagor/s and the mortgagee/s, adding "as joint-mortgagees" where such is the case and giving the full name/s and address/es of both mortgagor/s and mortgagee/s, including, in the case of a Body Corporate, the country of the principal place of business of that body, and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained and the manner and time of payment.

(k) Full name/s of mortgagor/s.

(l) Full name/s of mortgagee/s.

NOTE: The mortgage of a registered ship, or share therein, and the transfer of such a mortgage, may require the prior consent of the Minister of Transport and in the absence of such consent the transaction shall be void and the ship or share liable to forfeiture.

The prompt registration of a mortgage at the Port of Registry of the ship is essential to the security of the mortgagee, as a mortgage takes its priority from the date of production for registry, not from the date of the instrument.

Registered mortgagees are reminded of the importance of informing the Registrar of Ships of any change of address.

FORM D—TRANSFER OF MORTGAGE

Section 422 (1)

[To be endorsed on the original mortgage]

I/We the within mentioned ..... in consideration of ..... this day paid to me/us by ..... hereby transfer/s to him/her/them/it the benefit of the within-written security.

In witness whereof (a) ..... on the ..... day of ..... 19.....

(b) .....

(bb)

Executed by the above-named transferor/s in the presence of .....

The Common Seal of the transferor was affixed hereunto in the presence of

[Name, address, and description of witness]

(Description of Witnesses; Directors; Secretary; etc.—as the case may be.)

.....  
(Signature of Witness)

(\*) In the case of individuals, "I/we have hereunto subscribed my/our name/s." In the case of a Body Corporate, "we have hereunto affixed our common seal".

**SCHEDULE—continued**

- (<sup>b</sup>) To be completed where the transferors are individuals by the witnessed signature of each person.
- (<sup>bb</sup>) Applicable only where the transferor is a Body Corporate.

P. G. MILLEN,  
Clerk of the Executive Council.

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**EXPLANATORY NOTE**

*This note is not part of the order, but is intended to indicate its general effect.*

This order substitutes in the Fifth Schedule to the Shipping and Seamen Act 1952 new forms relating to the registration, selling, and mortgaging of ships and interests in ships.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 7 April 1982.  
This order is administered in the Ministry of Transport.