



[ L.S. ]

I Assent,

James B. Carlisle,  
*Governor-General.*

17th December, 1996.

ANTIGUA AND BARBUDA

**No. 5 of 1996**

AN ACT to amend the Antigua and Barbuda Merchant Shipping  
Act (Cap 28).

[ 19th December, 1996 ]

ENACTED by the Parliament of Antigua and Barbuda as  
follows —

1. This Act may be cited as the Antigua and Barbuda Merchant Shipping (Amendment) Act 1996. Short title.

2. Section 9 (1) of the Antigua and Barbuda Merchant Shipping Act (hereinafter called the principal Act) is amended — Amendment of section 9 (1) of Cap. 28.

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(1) in paragraph (a), by adding the following —

“(iv) a corporation registered under the International Business Corporation Act.” and

(2) by deleting paragraph (b).

Insertion of new sections in principal Act.

3. The principal Act is amended by inserting after section 33 the following sections —

Registration as Chartered Bareboats in a Foreign Register

33A (1) Notwithstanding any other provision of this Act, an Antigua and Barbudan ship may be registered as a chartered bareboat in a foreign register and may use the colours of the country of such foreign register.

(2) Registration as a chartered bareboat within the meaning of this Chapter is the registration in a foreign register for such period of time as the Registrar may approve and under fixed legal conditions of a ship which continues to be registered in the Antigua and Barbudan register.

(3) Bareboat chartering within the meaning of this Chapter is the same as under section 25 (4).

Conditions of Permission for Registration of Chartered Bareboats in a Foreign Register

33B (1) A chartered bareboat may be registered under this Chapter in a foreign register on the application of the registered owner for such period as the Registrar may approve if —

(a) the ship is registered as an Antigua and Barbudan ship under Chapter 1,

(b) the law of the country of the foreign register allows the registration of chartered bareboats in its register,

- (c) the ship is chartered as a bareboat to a foreign individual or corporation; and
  
- (d) the following documents' are submitted —
  - (i) the written application of the shipowner for permission for the registration of the ship as a chartered bareboat in a foreign register,
  
  - (ii) a copy of the charter agreement,
  
  - (iii) the written consent of the appropriate maritime authorities of the country of the foreign registry,
  
  - (iv) the written consent of the mortgagees,
  
  - (v) the written undertaking by the shipowner to surrender the Certificate of Antigua and Barbuda Registration issued under Chapter 1 within fifteen days from the date of the Registrar's consent under this Chapter.

(2) The shipowners shall produce to the Registrar any amendments or modifications to the charter agreement within thirty days of such amendments or modifications being effected.

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Name of Chartered Bareboats registered in a Foreign Register.

33C. (1) A ship registered under Chapter 1 when being registered in a foreign register under this Chapter shall keep the name under which it is registered in Antigua and Barbuda.

(2) ~~The name~~ of a ship registered in Antigua and Barbuda and registered as a chartered bareboat in a foreign register may be changed with the written permission of the Registrar only if such ~~change~~ is being effected ~~also in~~ the foreign register; but such ~~name may not be the same as that of a ship registered in the Antigua and Barbudan register.~~

Flag.

33D. ~~During the time an Antigua and Barbudan ship is registered as a chartered bareboat in a foreign register under the provisions of this Chapter such ship shall hoist the flag of the country of the foreign register and shall not hoist the Antigua and Barbudan Flag.~~

Exclusive Application of Antigua and Barbudan Law in respect of ownership and encumbrances.

33E. (1) Notwithstanding ~~that an Antigua and Barbudan ship may be registered~~ as a bareboat in a foreign register, ~~all matters with respect to~~ title over the ship, mortgages and other ~~encumbrances~~ shall continue to be governed by Antigua and Barbudan law.

(2) Any transaction affecting ~~the~~ title over the ship ~~or~~ relating to ~~the~~ registration, amendment, transfer and transmission and discharge of mortgages shall ~~be made and~~ registered in ~~accordance with the provisions of this Act and only by the person or legal entities specified therein.~~

(3) Where a chartered bareboat is granted permission to be registered in a foreign register under this Chapter, mortgages and othea ~~encumbrances~~ under Antigua and Barbudan Law which ~~are~~ a charge on the ship at the time of registration in the foreign register shall continue to exist and ~~be~~ a charge on the ship.

(4) Mortgages and encumbrances referred to in subsection (3) continue to be governed by Antigua and Barbudan law and are not affected by the fact of the registration of the ship as a chartered bareboat in a foreign register; and such mortgages and other encumbrances may only be recorded in the foreign register for purpose of information.

(5) Notwithstanding the registration of a ship as a chartered bareboat in a foreign register under this Chapter a mortgage or encumbrance may be created over the ship only by the shipowner and in accordance with Antigua and Barbudan law.

(6) The shipowner shall immediately notify the Registrar of the closure or lapse of the registration as a chartered bareboat in the foreign register.

**Withdrawal of  
Permission.**

33F. (1) The Registrar may withdraw the permission to the registration of the ship as a chartered bareboat in a foreign register if —

- (a) any of the conditions of subsection (1) of section 33 of this Act has not been fulfilled or ceases to be fulfilled, or
- (b) the shipowner fails to comply with any other applicable provision of this Act, or
- (c) the charter agreement terminates or is terminated by any of the parties to it; or
- (d) a mortgagee request so in writing.

(2) Upon the withdrawal of the permission of the Registrar under subsection (1) —

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(a) **the Registrar shall endeavour** to inform the appropriate authorities of the **foreign register**, the shipowner, the charterer and the mortgagees of such withdrawal, and

(b) the shipowner **shall** forthwith cause **the registration as a chartered bareboat** in the foreign register to be **terminated**.

(3) Upon termination of the permission to the registration of the ship as a **chartered bareboat** in a foreign register the Registrar shall make an entry thereof in the register, and the ship shall thereupon be again subject to all the provisions of this Act and other **Antiguan and Barbudan** law applying on ships registered in Antigua and Barbuda and the Registrar shall again issue to the shipowner a **Certificate** of Antigua and Barbuda **Registration** unless the shipowner shall **fail** to comply with any requirement under this Act for the issuance of such **certificate**.

Repeal and  
substitution of  
section 61 of  
principal Act.

4. Section 61 of the principal Act is repealed and the following is substituted —

61. In this **Part**—

"home trade area" means an area between the following **limits**:

North: the parallel latitude of 31 degrees

South: **the** Equator

West : the Coastline of **Continental** America **lying** between the Northern **and** Southern limits **given** above.

**East** : the Meridian of 50 degrees west.

"Foreign going ship" means a ship registered in Antigua and Barbuda not being a home trade ship employed in **trading** between any **port or** place in Antigua and Barbuda and any other port or place or between **ports** or places outside Antigua **and Barbuda**.

