

Modified procedures for Registration of Vessels under the Merchant Shipping Act, 1958 amended.

MSL Branch Circular 2 of 2008

No: MSI-10(3)/2008

August 28, 2008

Sub: Modified procedures for Registration of Vessels under the Merchant Shipping Act, 1958 amended.

IN ADHERENCE TO the fundamental tenet of Merchant Shipping Act 1958 as amended, and considering the reservations expressed by the shipping industry with regard to certain prevailing guidelines / practices; the Directorate General of Shipping (DGS) has identified areas to be addressed for expanding maritime sector and encouraging the growth of "quality" Indian tonnage.

REALISING the need of Shipping industry for detailed and modified guidelines on registration of vessels and regarding procedures on matters including technical clearance, survey prior registration, provisional registration, and mortgage entry.

UNDERSTANDING the difficulties that ship owners face, due to the delay in processing the registration and other proceedings thereof, which extends from acquisition till registration formalities are completed.

NOTING THAT Part V of the Merchant Shipping Act, 1958 and the Merchant Shipping (Registration of Indian Ships) Rules, 1960 as amended in 1966, 1970, 1994 and 1997, by the Central Government provide for and prescribe the procedure for registration and provisional registration of Indian Ships.

WITH A VIEW to codify the existing guidelines on registration of ships and REVIEWING therefore the procedures, current practices of survey and certification related thereto.

The Director-General of Shipping in exercise of the powers vested in her vide, the Ministry of Shipping, O.M. No. SD-11018/1/97-MD dated 05.03.2002 and Section 456 of the Merchant Shipping Act 1958, read along with the notification issued by the GOI vide S.O. No. 3144 dated 17.12.1960; makes amendments in the following orders;

- a. O.M.No.SD-11018/1/97-MD dated 15/06/2001
- b. O.M.No.SD-11018/1/97-MD dated 05/03/2002 in respect to Sub paragraphs 1.1 and 1.2
- c. [DGS Order No. 2 of 2002](#), SD-13/POL(5)/2001 DATED 02.5.2002 in respect to Sub paragraphs 4 and 11
- d. [SD CIRCULAR-04/2003](#) DATED 13.2.2003
- e. REGISTRATION OF INDIAN SHIPS) RULES, 1960, (as by amended rules 1966, 1970, 1994, 1997) in respect to Rule 5 (Survey and Measurement), Rule 10 (Marking of ship) and Rule 12 (Acquisition of Ships abroad)
- f. SD-2/ ACQ (14)/05 dated 10.8.2006 in respect of technical clearance;

1. The procedures below shall henceforth be applicable to all vessels regardless of age.

2. Procedures Pertaining to Issues of Certificate of Survey and Tonnage Certificate for Technical Clearance / Survey Prior to Registration:

- i. Application for allotment of name, Official number and Call Sign combined with the application for allotment of MMSI number will be made by the owner through the Registrar to DGS by fax and approval by DGS would be made by return fax within 24 hours.
- ii. After applying for registration / name-approval of his vessel with a Registrar in the prescribed format, the prospective ship-owner, shall put up the vessel for survey as required vide Section 27(1) of the M.S. Act and Rule 5 of the M.S. (Registration of Indian Ships) Rules, 1960, either by the Mercantile Marine Department (MMD) or the Indian Register of Shipping (IRS).
- iii. The survey as referred to in para. "2.1" above, shall be carried out for the purpose of verifying the particulars to be included in the Certificate of Survey as mentioned in Section 27(2) of the M.S. Act and not principally for assessing the compliance of the applicable statutory rules.

The attending Surveyor may issue a Certificate of Survey and a Provisional Certificate of Registry irrespective of the location of the vessel, if duly authorized by a Registrar of Ships.

- iv. Issuance of the Certificate of Survey as stated in para. "2.2" above and / or the Certificate of Registry as stated in Section 34 of M.S. Act and Rule 11 of the Merchant Shipping (Registration of Indian Ships) Rules, 1960, does not entitle the vessel to ply, unless she has in her possession, the required statutory certificates and valid documents.
- v. If at the time of applying for the registration, the vessel was classed for a period of at least 2 continuous preceding years or built / maintained under IACS Class if less than two years old with any one or more of the members of the International Association of Classification Societies (IACS) including the IRS, the tonnage figures mentioned in the Tonnage Certificate (1969) in possession of the vessel at the time of registration may be accepted by the registrar. On the basis of these figures, the registrar may issue the Certificate of Survey and a fresh permanent Tonnage Certificate.
- vi. If at the time of applying for the registration, the vessel was not classed for a period of at least 2 continuous preceding years with any of the members of the International Association of Classification Societies (IACS), the tonnage figures mentioned in the Tonnage Certificate (1969) in possession of the vessel at the time of registration, may however be accepted provisionally by the registrar, only for the purposes of issuing the Certificate of Survey. In such cases, a provisional Certificate of Registry valid for six months and a provisional Tonnage Certificate shall be issued to the vessel by the registrar. During this period of six months and not beyond, the owner shall ensure that the tonnage is re-measured by the IRS and the figures as approved by the IRS, are forwarded to the registrar. On receipt of these approved tonnage figures, the permanent Tonnage Certificate will be issued to the vessel by the Registrar.

3. Procedures in regard to Surveys for issuance of Statutory Certificates:

Thereafter, the administration and IRS shall deal with subsequent inspection / survey of vessels for issuance of statutory certificates as follows:-

- i. In case the vessel was classed with any of the members of the IACS for a period of at least 2 continuous preceding years or if less as mentioned in para. "2.4" above, an inspection equivalent to an Annual Survey as applicable for IRS requirements, shall be carried out by the IRS.
- ii. Vessels, which were not classed with any members of IACS, shall be subjected to an inspection equivalent to a Special Survey as applicable for IRS requirements, and shall be carried out by the IRS. Dry docking requirements pertaining to such Special Surveys shall adhere to extant IMO regulations.
- iii. On successful completion of above mentioned surveys under sub paras 3.1 or 3.2 the attending surveyor, if duly authorized, will issue the relevant interim certificates as per rules. A report of the same would be transmitted expeditiously to the Registrar, who shall then issue the full-term / short-term certificates in consideration of the recommendations made by the concerned Surveyor.

- iv. Deficiencies, if any noted under MS Act, which are over and above the previous Flag and IACS Class requirements, would be sent to the Registrar with a special report, with a copy to the owner.
- v. As soon as the ship-owner receives the report from the IRS, he shall take all steps to have the deficiencies rectified without any delay. Only in rare and unavoidable cases a distinction shall be made between deficiencies that are "readily solvable" and those that are "not readily solvable". Readily solvable deficiencies pertaining to servicing of equipment / appliances; supply-items; items requiring minor repairs must be rectified by the ship owner at the earliest and in any case within a period of three months from the date of receipt of the report from the IRS as stated in sub-para. "3.4" above. The IRS shall then, after re-inspection or other means of verification, confirm to the Registrar that such deficiencies have been rectified to their satisfaction, for further necessary action by the registrar.

Deficiencies not readily solvable and posing practical difficulties in rectification on account of their requiring major / extensive repairs / modification, shall be brought to the notice of the concerned Registrar, and the Director-General through the concerned technical branch of Directorate General of Shipping, for acceptance of Director General. Such deficiencies shall be rectified by the ship owner at the earliest and in any case within a period of one year from the date of receipt of the report from the IRS as stated in sub-para. "3.4" above, unless such changes / repairs entail imperative dry-docking of the vessel, which is due beyond the said period of one year. Wherever it is justifiable that such major / extensive repairs / modification require dry-docking of the vessel, these shall be completed at the first dry-docking of the vessel, since entry into the Indian flag, subject to the Director-General permitting such deferment till the said first dry-docking, based on the recommendations of the IRS, which shall be included in the report submitted by IRS as stated at in sub-para "3.3" above. The IRS shall subsequently and only after re-inspection, confirm to the Registrar that such deficiencies have been rectified to their satisfaction and within the stipulated period.

- vi. Under rare and unforeseen circumstances, in case the ship owner / manager is able to justify his inability to have the deficiencies rectified before proceeding to a foreign port, a written application stating the reason(s) shall be submitted to the concerned Registrar well in advance for "one-time" waiver / exemption that is applicable not more than a period of six months; who shall then take up the issue with his recommendations, to the DG through the concerned technical branch of the Directorate General of Shipping.

In exceptionally pressing and deserving circumstances and merely in order to enable the plying of a vessel uninterrupted or at short-notice, the Registrar may grant a temporary waiver / exemption valid for a period not more than 30 days and approach the concerned technical branch of the Directorate for ex-post-facto approval and with recommendations for approval of the remnant period, or otherwise. The Director-General may thereafter consider the grant of the remaining five months of exemption / waiver, or for lesser periods, if the case so merits.

- vii. All drawings / plans / manuals (except such drawings / plans / manuals which are mandatory requirements as prescribed under the statutes to be approved by the administration; e.g. those pertaining to passenger ships) shall be got approved by the ship owner / manager from the IRS, expeditiously, and in any case within a period of the one year of procurement / delivery of the vessel.

At the time of delivery the attending Surveyor may provisionally endorse the Plans / manuals which were approved by the previous flag or IACS Class.

- viii. It shall be the responsibility of the ship-owner as mentioned in "3.5" above, to ensure that, any COC, exemption or extension granted as stated in sub-paras. "3.5", "3.6" or "3.7" above, is shown rectified to the IRS within the stipulated period. The IRS shall then forward a report of verification of such rectification, to the concerned technical branch of the Directorate and the Registrar.
- ix. Unless there are specific material complaints of un-seaworthiness from identifiable and reliable sources, after the IRS has submitted such report as stated in sub-para "3.4" above, the MMDs may not subject a vessel to inspection under Flag State Implementation and suitably intervene if required, provided that a

period of one year has elapsed from the date from which the vessel was in possession of any Certificate of Registry under the M.S. Act, i.e. permanent or temporary

4. Issues pertaining to provisional registration, carving and marking etc

1. The ship owner, shall in his own interest make every endeavour to have his vessel registered on provisional or permanent basis at the very outset.
2. The name of the vessel, her port of registry and other markings need only be painted as per specifications at the time of change of flag in line with global maritime practices. However, the IMO Number (Ship Identification Number) has to be permanently marked as per Regulation 3(4) of Chapter XI-1: Special measures to enhance maritime safety, of SOLAS, 1974 as amended. The Official Registration No. and registered net tonnage shall continue to be affixed on bridge as mentioned in Rule 10 of the Merchant Shipping (Registration of Indian Ships) Rules, 1960, as amended.
3. The age of the vessel is to be computed from her date of delivery from the shipyard as may be established by the ship owner, with documentary evidence.
4. A provisional certificate of registry shall continue to remain valid till the date of its expiry, regardless of the location of the vessel.

5. These guidelines shall come into effect from their date of issue and shall supersede all earlier guidelines/instructions in this regard.

This issues with the approval of the Director General of Shipping and ex-Officio Additional Secretary to the Govt. of India.

Sd/-

(Samuel Darse)

Dy. Director General of Shipping