

**STATE OF ANJOUAN**  
**REGISTRATION OF MERCHANT SHIPS**  
**ACT 009 OF 2005**

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**REGISTRATION OF MERCHANT SHIPS ACT**  
**009 OF 2005**

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# ***REGISTRATION OF MERCHANT SHIPS***

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## REGISTRATION OF MERCHANT SHIPS

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FIRST SCHEDULE

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### Registration of Merchant Ships

#### Preliminary

1. This act may be cited as the Registration of Merchant Ships Act
2. In this act, unless the context otherwise requires-

"Certificate of registry" means the certificate granted under section 9 of this act;

"Deputy Registrar" means a Deputy Registrar of Merchant Shipping appointed under section 4 of this Act;

"Designated office" means any office designated by the Attorney-general for the operation of IMMRA whether within or outside Anjouan;

"Dollar" or \$ means a Dollar in the currency of the United States of America  
"Euro" or "€" means a Euro in the currency of Europe

"gross tonnage" is the gross tonnage stated in the certificate of registry of a ship, or, where a ship is not registered, the figure found in accordance with the rules for the time being in force for the measurement of ships in respects to tonnage;

"Head Office" means the office designated by the Registrar from time to time under section 3 of this act to house the main operations of IMMRA;

"IMMRA" means the International Merchant Marine Registry of Anjouan established under section 3 of this act.

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“Register” means the International Merchant Marine Register of Anjouan maintained under section 9 of this act;

“Registrar” means the Registrar of Merchant Shipping designated under section 4 of this act;

“Senior Deputy Registrar” means Senior Deputy Registrar of Merchant Shipping appointed under section 4 of this act;

“Shipping Agent” means the person who acts as intermediary between the ship owner or his representative and IMMRA

“ship” means and includes every description of vessel, boat or other craft used in navigation;

“shipowner” as applied to an unregistered ship, means the actual owner, and as applied to a registered ship, means the registered owner;

“vessel” includes any ship or boat, or any other description of vessel used in navigation;

“year” in relation to the compulsory inspection of a ship, means a period of twelve calendar months from the date of the latest certificate of inspection, and in relation to all other matters means the calendar year.

### *Establishment of IMMRA*

3. –(1) There is hereby established an “International Marine Registry of Anjouan” (hereinafter called “IMMRA”) FOR THE REGISTRATION UNDER THE FLAG OF Anjouan of vessels of any type, class, size or weight engaged in any kind of trade, service or international maritime activity, including pleasure vessels.

(2) The Registrar shall designate a head office for IMMRA

4. –(1) The Solicitor-General, for the time being, shall be the Registrar of Merchant Shipping for the purposes of this act

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- (2) The Registrar may appoint Deputy Registrars of Merchant Shipping to facilitate the operation of IMMRA both within and outside Anjouan.
- (3) The Registrar may appoint a Senior Deputy Registrar of Merchant Shipping to assume responsibility for the operations of the Head Office.
- (4) The Senior Deputy Registrar shall have all the powers of the Registrar except the powers contained in this section or in section 3 (2)
- (5) A Deputy Registrar shall have such powers as may be assigned in the instrument of appointment or as may from time to time be delegated to him by the Senior Deputy Registrar.
- (6) The day to day operations of IMMRA shall be conducted by the Head Office and the Senior Deputy Registrar, who shall have authority to pass resolutions and issue circular letters to facilitate the implementation of the provisions of this act and any regulations made thereunder.
- (7) All Deputy Registrars shall comply with and assist in the implementation of the resolutions and circular letters referred to in subsection (6) above and follow all instructions and directives given to them by the Registrar or by the Senior Deputy Registrar.

### Registration of Ships

5. –(1) Any person of the age of majority or the duly authorised representative of such person, or a body corporate (whether established in Anjouan or else-where), may apply to register a vessel in IMMRA by submitting an application in the prescribed form to any of the offices of IMMRA whether within or outside Anjouan.
  - (2) Every such application as is referred to in subsection (1) shall be accompanied by the appropriate fee as set out in the First Schedule and the documents as specified in section 7.
6. – (1) Every vessel accepted for registration in IMMRA shall first be granted a provisional registration which shall be valid for six months.

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- (2) Notwithstanding subsection (1) above, an applicant may apply immediately for permanent registration of a vessel in accordance with section 7 (3)
- (3) Prior to the expiration of the period of provisional registration, an applicant shall apply for the permanent registration of the vessel in accordance with the provisions of this Act or any regulations made thereunder.
- (4) Notwithstanding subsection (2) above, an applicant may apply for up to two quarterly extensions of the period of provisional registration upon payment of the prescribed fees.

7.-(01) Every application for provisional registration of a vessel in IMMRA shall be submitted to the Head Office or a designated office in the prescribed form which shall be duly completed and signed by the shipowner or his authorised representative or the shipping agent of the vessel. Such application shall be accompanied by a duly notarized power of attorney in favour of the vessels agent.

- (2) Every application for permanent registration of a vessel in IMMRA shall be preceded by the permanent registration of the title thereto at the Head Office
- (3) Subject to subsection (2) above, every application for permanent registration shall be submitted to the Head Office, and shall be accompanied, where applicable, by the following documents:-
  - A) a duly notarised bill of sale, or a duly notarised builder's certificate, if the vessel is a new building.
  - B) an original deletion certificate or a certified copy of the extract of registry from the previous flag administration.
  - C) A duly notarised power of attorney in favour of the shipping agent of the vessel; and
  - D) In the case of a vessel which is over twenty years old, and inspection report prepared by an authorised Government Safety Inspection (GSI) Surveyor stating that the vessel has passed an inspection to determine seaworthiness

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- E) an original or a certified true copy of a tonnage certificate issued by a survey company authorised by IMMRA

8. –(01) There shall be paid to IMMRA the several fees set out in the First Schedule to this Act for the registration of vessels and for the maintenance of such vessels in good standing under the flag of Anjouan.

Provided that an applicant for the registration of yachts, pleasure craft or any non profit vessels exclusively for private use shall only be required to pay an initial registration fee of five hundred dollars and an annual tax of one thousand dollars. Such craft shall be exempt from the payment of annual service tax and the annual inspection tax specified in the said Schedule.

- (2) The Attorney General may from time to time by Order published in the *Gazette* or on the *official Anjouan web site* ( [www.anjouan.gouv.km](http://www.anjouan.gouv.km) ) amend the First Schedule,

9. –(1) There shall be maintained in the Head Office of IMMRA a register to be known as the “International Merchant Marine Register of Anjouan” containing information containing all vessels registered in IMMRA and such particulars as the Registrar may specify from time to time.

- (2) All Deputy Registrars operating in designated offices shall maintain a record comprising of information concerning the vessels registered in IMMRA through them and such particulars as the Registrar may specify from time to time.

- (3) On the completion of the registration of a vessel and upon payment of the prescribed fees, the Registrar, the Senior Deputy Registrar, or the Deputy Registrar, as the case may be, shall grant a certificate of registry (provisional or permanent) comprising the particulars respecting the vessel entered in the register.

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- (4) Where registration is effected by a Deputy Registrar, he shall forthwith transmit a copy of the certificate of registration and of all official receipts to the Head Office.

### *Transfers and Transmissions*

10. –(1) The ownership of a registered vessel shall be transferred by bill of sale followed by the delivery of the vessel to the purchaser.
- (2) The execution by the purchaser of a protocol of delivery and acceptance shall be deemed sufficient evidence that the vessel has been delivered to the purchaser.
- (3) The signatures on the bill of sale and protocol of delivery and acceptance shall be authenticated by a notary public or a Deputy Registrar of IMMRA in the place where such documents are issued before they can be registered at the Head Office.
- (4) The registration of the title to the vessel at the Head Office shall be necessary to complete the vessel's registration and the permanent registration of a mortgage thereon.
11. –(1) The owner of a vessel may execute a mortgage as security for a loan or other valuable consideration or to meet any lawful obligation, present or future.
- (2) The mortgage, duly executed by the owner or his authorised representative shall be registered at IMMRA Head Office in order to create *in rem* rights against the vessel.
- (3) The deed of mortgage may be executed in the form prescribed by regulations made hereunder and shall be signed by the owner as a mortgagor and shall contain the following information :-

- (a) names and addresses of the mortgagor and the mortgagee;
- (b) maximum amount secured by the mortgage, including

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(in addition to the capital) all interest accrued, costs, collection expenses, and amounts resulting from currency fluctuations and other sums agreed between the parties.

- (c) maturity dates of both capital and interest or the manner of determining these dates, unless the mortgage has been executed as security for obligations repayable on demand or as security for future obligations or for obligations which have not arisen at the date of execution of the mortgage;
  - (d) rate of interest payable (in cases where the parties have agreed on the payment of interest), or the manner of determining such rate of interest;
  - (e) full description of the vessel, including its tonnage, dimensions, registration number and radio call sign;
  - (f) any other provisions that may be agreed between the parties.
- (4) The signature(s) on the deed mortgage shall be authenticated in like manner as prescribed in section 10 (3) of this Act before the deed can be registered at the Head Office.
  - (5) The mortgage deed may stipulate that the mortgagee may proceed to the private sale of the vessel in the event of default by the mortgagor.
12. -(1) The vessels which are subject to a registered mortgage in there previous registry shall deliver the mortgagee's written consent to the transfer of flag not later than sixty calendar days after their provisional registration at IMMRA. Every such document shall be notarised by a notary public.
- (2) The mortgagee's written consent, duly notarised, shall also be required for the issue of new navigation licenses due to transfer of

ownership, or the change of name of the vessel or the shipowner, as well as for the vessel's deregistration.

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13. – (1) The registration of titles, mortgages, assignments and other documents relating to vessels which are governed by this Act shall be one of the following kinds:-
- (a) preliminary registration; and
  - (b) permanent registration
- (2) The preliminary registration of documents shall be valid for six calendar months and shall have the same legal effect as permanent registration, provided that permanent registration is effected within the six months validity period of preliminary registration failing which the preliminary registration shall lapse.
14. - (1) The preliminary registration of documents shall be effected at the Head Office through IMMRA Deputy Registrars and their designated offices on the basis of the applications submitted to them for that purpose.
- (2) The applications for preliminary registration shall be in the prescribed form and shall contain all the requisite information.
  - (3) Where any such application is received and processed at one of IMMRA designated offices abroad, it shall be promptly transmitted to IMMRA head office by telex or facsimile service.
  - (4) With every application for preliminary registration, the applicant shall deliver, in duplicate and duly authenticated in like manner as provided in section 10 (3) and 11 (4) of this act, the documents desired to be so registered.
  - (5) Upon verification that the applicant complies with all the necessary requirements, and upon payment of the prescribed fees, the Head Office shall effect the preliminary registration and shall issue or authorise the corresponding designated office to issue the certificate of preliminary registration.

- (6) After the completion of the preliminary registration, one set of documents delivered by the applicants under subsection (4) above shall be filed at the designated office through

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Which the preliminary registration was effected, and the other set shall be returned to the applicant with a special seal affixed thereto confirming that preliminary registration was effected by the said documents.

15. – (1) The permanent registration of titles, mortgages, assignments of mortgages, discharge of mortgages, supplements or addenda thereto, or any other documents relating to vessels which are subject to this Act shall be effected at the Head Office, provided that such documents are in the prescribed form and comply with the requirements of this Act or any regulations made thereunder.
- (2) If the documents presented for the permanent registration have been preliminary registered at IMMRA in accordance with section 14 of this act, the applicant shall resubmit the same set of documents returned to him pursuant to subsection (6) of that section.
- (3) Where a document for permanent registration is in a language other than the English language, it shall be translated in to the English language, by a competent and qualified translator.
- (4) The documents shall then be officially filed at the Head Office and shall be permanently registered in the corresponding record book, provided that they are in the prescribed form and comply with all the requirements of this Act or any regulations made thereunder.
- (5) After permanent registration has been completed, one registered certified true copy of the filed documents, duly sealed, together with a certificate of permanent registration containing the official date and time of permanent registration, shall be delivered to the applicant, and the original documents used for permanent registration shall be kept on the vessel's file at Head Office.

16. –(1) There shall be paid to IMMRA the several fees set out in the Second Schedule to this Act for the preliminary and permanent registration of every document pursuant to section 14 and 15 above.

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- (2) The Attorney – General made from time to time by Order published in the Gazette amend the Second Schedule.

*Shipping Agents*

17. – (01) Every vessel registers in AMMRA shall have at all times a shipping agent in Anjouan appointed by the shipowner.

(2) Only :-

- a. an attorney-at-law who hold a current practicing certificate issued in accordance with section 11 of the Legal Profession Act;
  - b. an accountant who possesses a current practising certificate in accordance with section 9 of the Accountancy Profession Act;
  - c. a company registered under the Companies Act which is a licensed bank or a financial institution within the meaning of the Banks and financial Institution Act;
  - d. a person designated for the purpose by the Attorney General may act as a shipping agent.
- (3) The Attorney General shall, after consultation with such persons and interest groups as he may consider appropriate, prescribed qualifications for persons who may be designated as shipping agents under paragraph (d) of subsection (2) above.
- (4) Notwithstanding the provisions of subsection (2) above, the Attorney General may, after consultation with any such persons and interest groups as he may consider appropriate, disqualify and

person or company from acting or continuing to act as a shipping agent if he is satisfied that such person or company is engaged in undesirable or unscrupulous activities or is otherwise not a fit and proper person or company to act as a shipping agent.

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- (5) Every formal application submitted to IMMRA shall be signed by the shipping agent of the vessel as well as by the shipowner or his duly authorised representative.

#### *Dual Registration*

18. –(1) The vessels registered in IMMRA may, in order to comply with the terms of a charter contract, obtain a second registration at the registry of another country without affecting their registration at IMMRA
- (2) For the purpose of subsection (1) above, that applicant shall submit a formal application to IMMRA giving full details of the contract, including the name and address of the charterer and date of expiration of the said contract. If the vessel has a mortgage recorded on it, a notarised letter of consent from the mortgagee shall also be submitted.
- (3) IMMRA shall, if satisfied that all formalities have been complied with by the applicant, authorise the vessel's dual registration for a period of two years in the first instance, which period may be extended with reasonable cause being shown to IMMRA.
- (4) In every case of dual registration, it shall be the responsibility of applicant to obtain the necessary approval of the competent authority of the country in which second registration is being sought.
19. –(1) For the duration of the dual registration provided for in section 18, the vessel shall continue to make all the relevant annual payments and other dues, and its title or any mortgage or other documents shall be registered exclusively at the Head Office.

- (2) Notwithstanding subsection (1) above, the applicant may deliver certified true copies of the documents registered at the Head Office to the authorities of

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The second Registry in order to render such documents a matter of public record at such Registry.

20. –(1) Foreign vessels may be registered in IMMRA under the terms of a charter contract.
- (2) IMMRA shall, upon payment of the fees specified in the First Schedule, issue a special navigation and radio license to the vessel which shall be valid for two years, but may be extended from time to time for like periods as and when necessary.
- (3) In every case of registration under this section, a notarised copy of the charter contract and a certificate of freedom from registered encumbrances or a registered lienholder's letter of consent shall be delivered by the applicant to IMMRA designated offices for record.
- (4) During the period of dual registration of a vessel at IMMRA under this section, no title, deed, mortgage or any other document relating to the said vessel shall be registered at IMMRA, and all such documents shall be registered at the vessel mother registry.

#### *Maritime Liens*

21. The several sums and credits set out below shall, in the order of priority shown herein, constitute maritime liens against the vessel-
- a. judicial costs and other similar collection expenses
  - b. salaries and any other labour payments owed to the captain and other crew members for the last voyage of the vessel.

- c. All amounts owed for the docking of the vessel and for its loading and unloading
- d. Indemnifications owed by reason of damages caused during the operation of the vessel due to negligence or other causes attributable to the captain or any member of the crew

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- e. The registered ship mortgage
  - f. Amounts owed by reason of obligations incurred to supply, maintain and operate the vessel.
  - g. Amounts owed under the terms of any charter or cargo contracts
  - h. The unpaid price of the last purchase of the vessel and interest owed thereon during the last two years.
22. -(1) Notwithstanding the admiralty jurisdiction of the Supreme Court under the Supreme Court of Judicature Act, all maritime liens against a vessel shall be extinguished:-
- a. by the judicial sale of the vessel; or
  - b. after three calendar months following the permanent registration of a change of ownership of the vessel.
- (2) For the purpose of paragraph (b) of subsection (1) above, the period of three calendar months shall commence from the date on which the title of ownership is registered at IMMRA designated offices.
- (3) Notwithstanding subsection (1) above, the registered ship mortgage shall continue in full force and effect until such a time as the discharge has been duly executed by the mortgage and registered at the Head Office or the mortgage is cancelled as a result of the sale of the vessel pursuant to a court order.
23. -(1) For the more efficient operation of IMMRA the Attorney General may, if he thinks fit, engage the services of a person or a body corporate possessing the qualifications and the expertise necessary for IMMRA business abroad.

- (2) Any such contract as is referred to above may authorise the person or body corporate with whom it is made to do all things necessary for IMMRA's operations including the designation of world-wide representatives of

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IMMRA approval of classifications societies and radio accounting authorities, appointment and approval of word-wide inspectors and establishment of iMMRA offices abroad.

- (3) Every such contract as is referred to in this section shall contain a provision that the Auditor-General shall be entitled to audit the accounts of the person or body corporate who is contracted to manage IMMRA's operations.
24. -(1) The Attorney General may make regulations for the better carrying out of the provisions of this Act, including the prescribing of forms and other things that need to be prescribed.
- (2) Such regulations may provide that any contravention or breach thereof shall be punishable by order of the registrar to a fine not exceeding tern thousand dollars, or on summery conviction before a magistrate to a fine not exceeding twenty thousand dollars or to imprisonment for a terms not exceeding two years, or to both such a fine and term of imprisonment.
- 25 Where a vessel registered in IMMRA infringes, violates or engages in an activity in breach of this Act, for any regulations, resolutions or circular notes or letters made or issued thereunder, or any international convention to which Anjouan is a party, or any United Nations sanctions, the registrar may revoke the registration of such vessel from IMMRA or impose a fine not exceeding fifty thousand dollars.
- 26 Every person who, with intent to invade the provisions of this Act or any other law, forges any certificate of registry or other documents relating to a ship, or with like intent flies the flag of Anjouan on a ship, permits an offence and shall be liable on summery conviction to imprisonment for a term not exceeding five

years or to a fine not exceeding fifty thousand dollars, or to both such fine and term of imprisonment, in every such case the ship in respect of which the offence was committed shall be forfeited.

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### FIRST SCHEDULE {Sections 5 (2), 8 (1) and 20 (1)}

1. **REGISTRATION FEES :**

- (a) Vessels of up to 500 G.T .....
- (b) Vessels of 501 to 1000 G.T .....
- (c) Vessels of 1,001 to 2,000 G.T .....
- (d) Vessels of 2,001 to 5,000 G.T .....
- (e) Vessels of 5,001 to 10,000 G.T .....
- (f) Vessels of 10,001 to 20,000 G.T .....
- (g) Vessels of more than 20,000 G.T .....

2. **ANNUAL TAX**

There is no Annual Tax in Anjouan.

3. **ANNUAL SERVICE TAX**

- (a) Vessels of up to 500 G.T .....
- (b) Vessels of 501 to 1000 G.T .....

- (c) Vessels of 1,001 to 2,000 G.T .....
- (d) Vessels of 2,001 to 5,000 G.T .....
- (e) Vessels of 5,001 to 10,000 G.T .....
- (f) Vessels of 10,001 to 20,000 G.T .....

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- (g) Vessels of more than 20,000 G.T .....

**4. ANNUAL INSPECTION TAX**

- (a) Vessels of 0 to 1,500 G.T .....
- (b) Vessels of 1,501 to 8,000 G.T .....
- (c) More than 8,000 G.T .....

**5. DOCUMENTARY FEES AND OTHER TAXES**

- (a) New licenses due to transfer of Ownership .....
- (b) New licenses for amendment in vessel's  
Structure or particulars, other than simple  
Corrections .....
- (c) Deregistration .....
- (d) Issuance of duplicate navigation license  
due to loss or destruction of the original(s) .....
- (e) Dual registration Fee .....
- (f) Extension of navigation licenses .....
- (g) Reservation of vessels name .....

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6. INCENTIVE FOR REGISTRATION OF SEVEREL VESSELS BY THE SAME OWNER

Upon application by the same owner or his agent to register more than one vessel at the same time or within a specified period determined by the Registrar, an incentive rate reduction of the registration fee and/or first year's annual service tax may be approved by the registrar on the recommendations of the IMMRA Head Office.

7. PENALTY FOR LATE PAYMENT OR FILING

7.1 If a few or tax is not paid on the due date, a penalty of 10% shall be charged on all outstanding payments.

7.2 A penalty of US\$500.00 shall be charged for non-submission of vessel's documents

8. REGISTRATION OF SPORTING, RECREATIONAL AND NON-COMMERCIAL VESSELS

8.1 Registration fee (including first year's annual tax) .....

8.2 Annual tax (for second and subsequent years) .....

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N.B. "G.T" means gross tonnage

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SECOND SCHEDULE

{Section 16 (1)}

- 1. Preliminary registration of each document .....
- 2. Permanent registration of each document:
  - (a) Ownership documents .....
  - (b) Ship mortgages .....
  - (c) Mortgage supplements, addenda  
or assignments .....
  - (d) Discharge deeds .....

