

CHECK LIST No. 5 – TRANSMISSION OF SHIPS, SHARES Etc. BY COURT ORDER etc. U/S 44 OF MS ACT (Page 1 of 1)

No	Requirements	Y/N	Remarks
1	An authorised person of the transferor company (Original owner) , <u>not below the rank of company secretary</u> , shall advise the Registrar of Ships on the developments by a clear letter in simple language giving appropriate references to clauses (or quoting the related clause itself, if practicable) of the applicable lawful means (e.g. Court Order) by which the ownership is transmitted to the transferee company (new owner) .		
2	The authorised person of the transferee company (new owner) , shall advise the registrar on the developments by a clear letter as above.		
3	Declaration Form No. 5 OR 6 (available at this office) is to be duly filled up as appropriate and signed by the authorised person of the transferee company (new owner) before the Registrar of Ships.		
4	Notarised copies of the relevant Court Order(s) are to be provided.		
5	The following parts of the Court Order are to be highlighted. (1). details of transmission of the subject ship from the transferor to the transferee and (2). transfer of liabilities, debts, mortgages & outstanding payments from transferor to transferee		
6	* Original Board Resolution signed by the Company Secretary (or two directors) - is required from the new owner clearly authorising the person to sign the Declaration (Form No. 5 OR 6) on behalf of the company.		
NOTE : Common Seal is <u>not</u> insisted on the board resolution. However, instruments for executing deeds such as Mortgage (Form 11), Power of Attorney, Bill of Sale etc as applicable shall be affixed with Common Seal.			
8	Copy of the updated (incorporating the modifications effected by the Court Order) Memorandum and Articles of Association of the transferee (new owner) to be submitted.		
9	Notarised copy of ROC Form No. 21 duly registered is to be submitted by transferor and transferee		
10	Original Certificate of Registry with the latest change of command is to be submitted for endorsing the change of ownership. If this is not practical, (e.g. the vessel may be plying overseas) then the authorised person of the new owner shall give an undertaking that the previous certificate would be returned immediately after placing the (to be issued) new registry on board.		
11	The vessel shall not have any outstanding mortgages at the time of transmission of ownership. The existing mortgages, if any, are to be discharged prior to transmission. After transmission, the same mortgage can be recreated as per the bank's advice.		
12	Fees of Rs. 500 by Demand Draft in favour of 'Principal Officer, MMD, Mumbai' payable at Mumbai The authorised person of the new owner is expected to clarify related issues of the said transmission.		
13	Evidence of the last command change duly endorsed by MMD.		
NOTE: This check list is for vessels acquired by lawful means other than transfer. (<i>e.g. MERGER / AMALGAMATION of two companies by a court order.</i>) For Office Use only : (i). In case the ship, by virtue of such transfer, ceases to be an Indian Ship, DG Shipping is to be informed <i>immediately</i> for further necessary action such as approaching the High Court within 60 days etc. (ii). Change of Name & Address of owner is to be effected on the Certificate of Registry OR (iii). NEW Registration Certificate is to be issued as applicable. (iv). Register to be updated and endorsed by Registrar. (5). Transcript of the register to be sent to DGS with any outstanding mortgages duly transmitted to new owner / as per directives of the Court Order.			

Note: - Photocopy of any documents enclosed / attached as per the checklist should be duly signed and stamped by the company authorised person only. Without aforesaid attestation and stamp no documents shall be accepted by this office.