

CHAPTER IV. CANCELLATION OF REGISTRATION

Article 60. Application for cancellation of temporary registration shall be made by the person who obtained the registration; provided that any interested party may make such an application if he attaches thereto the written consent of the person who obtained the temporary registration, or other documentary evidence.

(d) REGULATIONS OF 25 NOVEMBER 1930.¹

Article 3. Until the certificate of nationality referred to in article 4 of the Maritime Commerce Act² is issued, the licence issued to the vessel by the Ministry of Communications shall be carried in lieu thereof.

II. Colombia

(a) MARITIME COMMERCIAL CODE, 1870-1887.³

SECTION II. MERCHANT SHIPS; THEIR OWNERS AND JOINT OWNERS

Chapter I. Merchant ships

Article 5. The word "ship" includes the hull, keel, rigging and equipment of every independent vessel, of whatever category and size and whether propelled by sail, oars or steam.

Article 9. No ship shall have Colombian nationality unless registered under the statute relating to national merchant shipping.⁴

Article 15. Title to a Colombian ship sold outside the territory of the Union shall be transferred in accordance with the laws or usages in force in the place of contract.

Chapter II. Owners and co-owners of ships

Article 37. An alien domiciled in the territory of the Union in accordance with the Act of 21 June 1866 may own a Colombian ship.

Article 38. An alien owner of a Colombian ship shall be subject to the law governing shipping and to any security measures which the President of the Union may adopt in the event of war with the nation of which the alien is a national.

¹ Text of Regulations provided by the Permanent Delegation of China. Translation by the Secretariat of the United Nations.

² *Supra.*

³ A. J. Uribe, *Derecho Mercantil Colombiano, Edición Especial*, p. 129. Passed on 11 July 1870, amended by Act No. 10 of 1873, and adopted by Act No. 57 of 1887. Translation by the Secretariat of the United Nations.

⁴ Fiscal Code, 1873-1905, *infra*.

(b) FISCAL CODE, 1873-1905. ¹

GRANT OF NATIONALITY TO AND TONNAGE OF MERCHANT SHIPS

Section I. Register

Article 361. A large vessel in respect of which its owner desires to have the rights and duties applying in respect of national merchant ships in virtue of statute or treaty shall be required—

- (1) To be registered in a port of the Republic having power to register;
- (2) To hold a certificate or other document attesting its nationality;
- (3) To wear the Colombian flag.

Article 362. There shall be kept in the custom house of each seaport empowered to carry on foreign trade a register of the grant of nationality to large ships whose owners desire that they shall belong to the merchant marine of the Republic.

Article 363. There shall be annexed to this Code a specimen or form of register for ships built in the territory of Colombia and making their first voyage and also for ships of other nationalities whose owners desire instead the grant to them of Colombian nationality.

Article 364. ² Before recording in the register mentioned in article 362 a grant of nationality to a ship, the collector of customs of the registering custom house shall ascertain—

- (1) That the ship belongs wholly or in part to one or more Colombian nationals resident in the national territory or resident abroad in the national service;
- (2) That it has been acquired lawfully; and
- (3) Its dimensions, tonnage, class, name, place of construction, the country to which it has belonged (unless it is making its first voyage), and the names of the owner and the master.

Section II. Ship's certificates (patentes)

Article 370. A ship's certificate in the form of the specimen annexed to this chapter shall be issued to every ship granted Colombian nationality. The Minister of the Interior and Foreign Affairs shall prepare and transmit to each collector of customs a sufficient supply of ship's certificate forms sealed with the seal of his department. Ship's certificates shall be completed, signed and sealed by registrars.

Article 371. Collectors of customs and other persons bound to register ships shall keep a register of ship's certificates and shall place therein a certified true copy of every ship's certificate issued by them.

Article 372. The Ministry of the Interior and Foreign Affairs shall be notified of the issue of each ship's certificate.

¹ A. J. Uribe, *Derecho Mercantil Colombiano, Edición Especial, Código de Comercio Marítimo, Leyes Complementarias*, section 4, p. 294. Act No. 106 of 1873, as amended to 1905. Translation by the Secretariat of the United Nations.

² *Act No. 79 of 1880.*

Article 1. In addition to the requirements laid down in article 364 of the Fiscal Code for the grant of nationality to a ship, the purser or supercargo and at least one-half of the crew shall be required to be Colombian nationals.

Article 2. No vessel to which nationality has been granted may leave port unless it complies with the requirement laid down in the preceding article.

Article 373. Each ship shall be registered at the registry nearest to the owner's place of residence or, if there is more than one owner, then to the place of residence of the operator (*armador*) or of the owner's agent.

Article 374. Any ship title to which is acquired by one or more Colombian citizens and which is registrable as a national vessel may, if it is at a port other than that where the owner or owners usually reside, be registered by the registrar of the port where it is at the time of acquisition; provided that, on the vessel's arrival at the port where the owner or owners reside, the certificate shall be delivered to the registrar, in default whereof the owner or owners and the master shall be liable to pay a fine of one hundred pesos. When the requirements for registration of the vessel have been complied with, the registrar shall issue a fresh certificate in lieu of that delivered to him, which shall be cancelled and returned without delay to the issuing officer.

(c) LEGISLATIVE DECREE NO. 3183, 1952, CONCERNING COLOMBIAN MERCHANT SHIPPING.¹

PART THREE

Chapter II. Vessels

Article 43. No vessel shall benefit by the rights and privileges of Colombian nationality unless registered (*matriculada*) in a Colombian port.

Article 44. A vessel which has been duly registered and to which a ship's certificate has been issued accordingly shall be entered in the Colombian Merchant Shipping Register (*registro*).

Paragraph 1. A vessel may not be entered in the register of the Colombian Merchant Shipping Department until security has been given for the proper use of the Colombian flag.

Paragraph 2. The security referred to in the preceding paragraph shall be determined by the Director of Colombian Merchant Shipping in an order stating the grounds on which it was made.

Article 45. "Certificate of registration" (*certificado de matrícula*) means a certificate evidencing the Colombian nationality of a vessel.

Article 46. "Ship's certificate" (*patente de navegación*) means a certificate authorizing a vessel to wear the Colombian flag for a period of five years.

Paragraph. The ship's certificate of any vessel exceeding five hundred tons shall be issued by the President of the Republic, and of any vessel of five hundred tons or less by the Colombian Merchant Shipping Department.

Article 47. Vessels not exceeding ten tons intended for fishing or recreation in Colombian bays, lakes or rivers, auxiliary craft of vessels carrying a ship's certificate, and naval craft need not carry the ship's certificate referred to in the foregoing articles but shall be required to obtain from the competent port office a certificate of registration and a special permit valid for one year.

Article 48. A vessel acquired abroad shall be provisionally registered with the competent Colombian consul, who shall issue a temporary pass

¹ Text of Decree provided by the Ministry of External Relations of Colombia. Translation by the Secretariat of the United Nations.

(*pasanave*) having the effect of a ship's certificate until the vessel arrives at the Colombian port of register. A vessel proceeding under a valid pass from the country of issue to Colombia shall wear the Colombian flag; the pass shall not entitle it to return abroad, and the provisions of this Decree shall be complied with upon arrival at the Colombian port of register.

Article 49. Registration and the ship's certificate shall cease to be valid in the following circumstances:

(a) *Registration:*

- (1) Transfer of ownership to an alien or to a Colombian national not resident in Colombia;
- (2) Change of nationality of the owner;
- (3) Destruction of the vessel, even if it is rebuilt with the same materials;
- (4) Seizure or confiscation of the vessel abroad; or
- (5) Total loss of the vessel.

(b) *Ship's certificate:*

- (1) Any circumstance invalidating registration;
- (2) Expiry of the period for which the certificate was issued;
- (3) Change in the name, class, dimensions or tonnage of the vessel;
- (4) Declaration of absolute unseaworthiness; or
- (5) Use of the vessel for unlawful traffic.

A special permit shall cease to be valid in the circumstances listed in paragraph (a) (2, 5) and in paragraph (b) (2, 3, 4, 5).

Article 58. Any vessel other than a Colombian or foreign warship traversing waters within Colombian jurisdiction shall be subject to the provisions concerning inspection.

Paragraph. "Inspection" means the act of ascertaining, on board a vessel, whether sanitary and safety conditions are strictly observed.

Article 59. Every vessel registered in Colombia shall display its name on each side of the bow and on the stern and in conspicuous places on each side of the bridge. The name of the port of register shall also be displayed on the stern.

12. Costa Rica

ACT NO. 12 OF 21 OCTOBER 1941 GOVERNING THE OPERATION OF NATIONAL SHIPS.¹

Article 1. National ships shall be classed as foreign-going or international-duty ships, or as home-trade or coasting ships, according to the class of traffic in which they are employed. The former class shall be governed by this Act and the latter shall continue to be governed by the existing regulations. A coasting ship used on international duty shall, however, be governed by this Act in respect of such duty, and if used on both duties shall also be subject to coastal shipping registration.

Article 2. There shall be set up under the Department of Finance and Trade a merchant shipping register to be used exclusively for the registration of foreign-going or international-duty merchant ships.

¹ Costa Rica, *Colección de las leyes y decretos*, 1941, pp. 656-663. Translation by the Secretariat of the United Nations.