

15. Denmark

(a) SHIPPING ACT NO. 319 OF 7 MAY 1937.¹

CHAPTER I. SHIPS

Article 1. A ship may wear the Danish flag only if not less than two-thirds of the shares in it are held by persons of Danish nationality who have not become citizens of a foreign State or by persons who have resided in the Danish State for not less than five years and continue to be resident therein, or if it is owned by a joint-stock corporation having its head office in the Danish State and consisting of shareholding members who satisfy the afore-mentioned requirements.

Article 2. A public register shall be maintained in which shall be registered all ships of twenty tons or over gross register tonnage having their home port in the Kingdom of Denmark. . . .

Article 5. A ship registered in the Kingdom of Denmark which is transferred to alien ownership shall be erased from the Shipping Register. Where, however, a share in a ship is transferred to alien ownership because the holder becomes an alien or by devolution or marriage and the ship ceases thereby to be entitled to wear the Danish flag in accordance with article 1, the ship shall not be erased from the Register if within four months thereafter notice is received that the ratio of shareholdings has been so adjusted that the ship does not cease to be entitled to wear the Danish flag or that arrangements have been made for the sale of the share outright by auction within one month. In the latter case the result of the sale shall be awaited.

(b) SHIPPING REGISTRATION ACT OF 1 APRIL 1892, AS AMENDED 4 MAY 1927 AND 28 MARCH 1951.²

CHAPTER I. MARKS OF NATIONALITY OF DANISH SHIPS

Article 1. A Danish ship may bear no mark of nationality other than the Danish flag, which shall be the general Danish merchant flag as defined in article 1 of the Decree of 11 July 1748.

Article 2. Ships sailing to ports overseas may be authorized by Royal Resolution to fly as their mark of nationality the Danish pennant bearing a prescribed special sign. Such authorization may be revoked at any time. Ships carrying mail for the State may also be authorized, subject to special regulations promulgated by Royal Resolution, to fly a special mail flag.

CHAPTER II. AUTHORITIES COMPETENT TO REGISTER SHIPS; SHIP'S REGISTERS AND CERTIFICATES

Article 7.

A ship shall be deemed to have its home port in Denmark and shall therefore be registered in the General Shipping Register only if its owner

¹ *Danmarks Love*, 1665-1946, p. 1737. Translation by the Secretariat of the United Nations.

² *Danmarks Love*, 1665-1946, p. 886; Lovtidende for Kongeriget Danmark, 1951, Afdeling A, p. 330 (Nr. 121). Translation by the Secretariat of the United Nations.

or owners satisfy the conditions prescribed in article 1 of the Shipping Act under which the ship is authorized to wear the Danish flag. A single owner shall either be domiciled in Denmark or have an agent domiciled in Denmark, nominated to the registration authorities and authorized to act before them on his behalf. If the ship has joint owners, at least one shall be domiciled in Denmark or be represented as aforesaid by an agent domiciled in Denmark.

A manager (*reder*) appointed by, and all the members of a managing board elected for, a shipping undertaking, whether a shipping partnership or a joint-stock company, shall in all circumstances be domiciled in Denmark; provided that the Minister of Industry, Trade and Shipping may authorize a ship owned by a joint-stock company to be registered in the Shipping Register if the majority of the members of the governing board are domiciled in Denmark.

The home port designated for the ship shall be situated in Denmark (article 4, Shipping Act).

A ship registered in the General Shipping Register shall receive a certificate of nationality and registration entitling it to wear the Danish flag.

. . .
Article 8.
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A ship which has been surveyed and registered in the list of vessels shall receive a certificate of nationality (tonnage certificate) entitling it to wear the Danish flag. . . .

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Article 10. Certificates of nationality and registration shall be issued by the Shipping Registry at Copenhagen. Provisional certificates of nationality may, however, be issued by Danish consuls, and in the Faroe Islands by the chief officer of police, in accordance with the provisions of chapter III, articles 12 and 31, cf. article 45, and subject to such conditions as may be further prescribed by the Minister of Industry, Trade and Shipping in special circumstances.

Certificates of nationality shall be issued by district registry offices and, for the Copenhagen district, by the Copenhagen Shipping Registry.

Certificates of special registration shall be issued by the authorities designated for that purpose by the Minister of Industry, Trade and Shipping.

For voyages in Danish waters and single voyages between a Danish port and a close foreign port the Minister of Industry, Trade and Shipping may in special circumstances issue to a ship a pass or permit which, for a period of not more than three months or for the particular voyage, as the case may be, shall have the same effect as a certificate of nationality and registration. The Minister may also in special circumstances empower a custom house to furnish a ship with a customs certificate which, for a single voyage in Danish waters, shall have the same effect as a certificate of nationality.

CHAPTER III. FURTHER PROVISIONS CONCERNING THE GENERAL REGISTER OF SHIPPING

Article 12. A ship built or bought abroad for use in Denmark may likewise be registered provisionally before it arrives in a Danish registration

district if a Danish consul abroad has issued a provisional certificate of nationality entitling the ship to wear the Danish flag until it can be provisionally registered but not beyond the period of validity of the certificate as hereinafter specified.

The certificate may ordinarily be issued by the competent consul on receipt of the documents enumerated in article 14, paragraphs I, II and III and of a Danish navigational certificate as provided in the Supervision of Shipping Act, or of any other certificate of seaworthiness prescribed by the Minister of Industry, Trade and Shipping.

The certificate shall state—

- (i) The name and category of the ship;
- (ii) The most accurate particulars which in the circumstances are available respecting its type, build and register tonnage;
- (iii) The place and time of purchase or construction and the name or names of its Danish owner or owners as recorded in the builder's certificate or title deed presented;
- (iv) The name of the master;
- (v) The period of validity of the certificate.

Such a provisional certificate, if not previously invalidated by a refusal of the Shipping Registry at Copenhagen to register it, shall be valid until the ship's first arrival in a Danish port, on which occasion it shall be surrendered to the local registry office; but in no circumstances shall it remain valid for more than two years from the date of issue except by special leave of the Minister of Industry, Trade and Shipping.

A copy of the aforesaid certificate together with attested copies of the aforesaid supporting documents shall, when the certificate is issued, be forwarded through the appropriate Ministry to the Shipping Registry at Copenhagen, which, if it considers that the certificate has not been issued in due form, shall refuse to register the ship and shall require the shipping undertaking to surrender the certificate as soon as possible.

If, however, the documents are in order, the ship shall be provisionally registered and shall in consequence thereof be entitled to wear the Danish flag during the period of validity of the registered certificate as aforesaid, and the provisions concerning the acquisition of interests in Danish registered ships shall apply.

CHAPTER IV. ERASURE FROM REGISTER OF SHIPPING; SURRENDER OF CERTIFICATE

Article 57. If a ship registered in Denmark is transferred to the ownership of a person who does not satisfy the requirements prescribed in article 7 of this Act for registration of a ship in the General Shipping Register, or if the former owner ceases to satisfy those requirements, the ship shall forthwith be erased from the Shipping Register.

Where, however, the joint owner of a ship wearing the Danish flag ceases to be entitled to own a share therein, or a share passes by devolution or marriage to a person not qualified to own it, and the ship ceases thereby to be entitled to wear the Danish flag in accordance with article 1 of the Shipping Act, the ship shall not be erased from the Register if the Shipping Registry at Copenhagen receives notice, within four months after the event causing the disqualification or after the devolution or marriage, either that the share has been so disposed of that the ship does not cease to be

entitled to wear the Danish flag, or that arrangements have been made for the sale of the share outright by auction within one month. In the latter case the result of the sale shall be awaited.

16. Dominican Republic

(a) PORT AUTHORITIES ACT NO. 1084 OF 12 JANUARY 1946.¹

NATIONALITY OF SHIPS

Article 69. A ship shall be a national ship if—

(a) It is so registered in a port office;

(b) It has been captured from an enemy in wartime or confiscated by judicial order.

Article 70. A ship may not be granted Dominican nationality unless its foreign registration has been cancelled.

Article 71. A Dominican consul may, in case of need, issue a provisional ship's certificate in respect of a vessel which has been acquired abroad by a Dominican national and for which grant of the flag is desired. For this purpose the consul shall require compliance with the following conditions:

(a) The owner shall submit a written application for grant of the flag and shall append thereto a certified declaration that the ship is in Dominican ownership;

(b) The application shall specify the route which it is proposed that the ship shall take and which must end at an approved port of the Republic for the purpose of survey, registration and enrolment.

Article 72. The Secretary of State for War and Shipping shall keep a register of all ships which have acquired nationality and shall record therein the name of the owner, the tonnage, the particulars required by the later provisions of this chapter, and the date on which the certificate was issued. On the entry into force of this Act all registers at present kept by other departments shall be delivered up to the Secretary of State for War and Shipping.

Article 73. The provisional ship's certificate shall indicate the port of destination of the vessel and the contract concluded by the owner, and shall state that it is valid only for the voyage specified.

(b) CONTROL OF PORTS AND COASTS ACT, NO. 3003 OF 12 JULY 1951.²

Article 56. All tugs, launches, boats and other vessels, irrespective of class and tonnage, intended for towing, carriage of passengers, loading and discharging ships in port, or river traffic within the Republic shall be national vessels.

Paragraph 1. Only national vessels may engage in the coastwise trade.

¹ Text from *Gaceta Oficial*, No. 6387, 26 January 1946, pp. 3-34. Translation by the Secretariat of the United Nations.

² Text of Act provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.