

provisions of the present article, having proper jurisdiction of the estate of the decedent.

#### F. FINAL PROVISIONS

101. All maritime laws, rules and regulations heretofore in force in Our Empire or in any part thereof, including the rules and regulations referred to in Article 4 of Our Proclamation No. 129 of 1952, are hereby revoked. This article is not to be construed as being inconsistent with the continuance of existing obligations under international law or under any international treaty or convention to which We are a party.

102. The present law shall not be construed to exclude the application within the territorial waters or maritime domain of Our Empire or upon Ethiopian ships on the high seas, of any other federal laws including federal laws made in execution of international treaties or obligations or concerning foreign and interstate commerce or external and interstate communications.

### 20. Finland

#### (a) SHIPPING ACT NO. 167 OF 9 JUNE 1939.<sup>1</sup>

##### CHAPTER 1. GENERAL PROVISIONS

*Article 1.* A vessel shall be Finnish if the owner or, where more than one person has a share therein, all the owners are Finnish citizens, or if it is owned by a general or limited partnership in which all the partners or all the partners with personal liability are Finnish citizens, or by a Finnish joint-stock company or co-operative or other association.

*Article 2.* A Finnish vessel which is used for commercial navigation shall be registered in the shipping register in accordance with the procedure specifically provided.

The expression "commercial navigation" includes the transport of goods and persons and also towing, ice-breaking, fishing, salvaging and any similar activity which for gain or payment is carried on by means of vessels.

*Article 3.* A merchant vessel shall when at sea carry a nationality certificate, if one has been issued, and such other certificates and ship's papers as are expressly prescribed for the particular class of vessel and voyage.

*Article 4.* The home port of a registered vessel shall be the port in Finland so designated in the shipping register in accordance with information furnished by the owner.

The home port of an unregistered vessel shall be the place of residence of the owner or, if he is not resident in Finland, the town of Helsinki.

##### CHAPTER 3. THE MASTER

*Article 41.* Except in cases to which article 47 applies, only a Finnish citizen may be engaged as master of a Finnish merchant vessel.

The other qualifications of a master or first mate shall be those prescribed by regulation.

<sup>1</sup> Text of Act provided by the Permanent Observer of Finland. Translation by the Secretariat of the United Nations.

*Article 47.* If the master is unable through sickness or any other urgent cause to perform his duties during a voyage, the owner shall be notified immediately. If instructions from the owner cannot be obtained without delay or loss, the master, if in a foreign port, shall, so far as possible after consultation with the owner's agent or a Finnish consul, give temporary command of the vessel to the first mate or some other capable and reliable person. If the master abandons the ship or if he is unable to perform his duties and cannot make arrangements for the continuation of the voyage, the owner's representative or the Finnish consul in a foreign port shall designate a master.

(b) SHIPPING REGISTER ACT, No. 211 OF 29 JULY 1927.<sup>1</sup>

CHAPTER 1. KEEPING OF THE REGISTER AND ENTRIES THEREIN

*Article 1.* A register of shipping shall be kept for Finnish vessels used for commercial navigation and having a net tonnage of 19 or more register tons.

*Article 2.* A merchant vessel smaller than the limit prescribed in article 1 but not less than 10 register tons net may, if the owner so desires, likewise be entered in the register.

*Article 3.* The register of shipping shall be kept by a town or police court in respect of each register district.

In a town where a custom house is situated, the register district shall be coterminous with the customs district of the town, and in other towns it shall be determined by the Council of State.

The register and documents appertaining thereto shall be public and open to inspection. Extracts from the register and copies of documents appertaining thereto shall be issued on payment of a prescribed fee.

*Article 4.* A vessel shall be registered in the register of the district in which its home port is situated.

The home port shall be determined in accordance with the provisions of the Shipping Act.<sup>2</sup>

*Article 6.* The person obliged to register a vessel shall be the owner, or on behalf of a shipping firm the principal owner or, if no such principal owner has been designated, than any part-owner, or on behalf of the estate of a deceased person the administrator of the estate, or on behalf of a company or a co-operative or other association the person or persons authorized otherwise than by power of attorney to sign for the firm.

A notice for the purpose of registering a vessel shall be in writing and be signed. A signature not made before the registrar shall be attested by a notary public, a court clerk, a police clerk, or two trustworthy persons.

Unless otherwise hereinafter provided, the provisions of the first and second paragraphs shall also apply where the particulars in the register have undergone any change which ought to be notified to the registrar or, where any other notice ought to be given to the registrar.

<sup>1</sup> Text of Act provided by the Permanent Observer of Finland. Translation by the Secretariat of the United Nations.

<sup>2</sup> *Supra.*

*Article 8.* When a vessel has been registered in the register, the registrar shall issue for the vessel a nationality certificate identical in content with the entry in the register.

The certificate shall be produced to the proper authority on request.

No annotation shall be made on the certificate by the owner or master of the vessel or by any other private person.

*Article 9.* A vessel with a net tonnage of 19 or more register tons may not be used for commercial navigation until it has been registered and a nationality certificate issued.

If a vessel as referred to in the first paragraph has been built abroad, or has been transferred abroad from alien to Finnish ownership, it shall be notified for registration as soon as it arrives at a Finnish port. If before that time the vessel is to be used for commercial navigation without touching at a Finnish port, it shall be notified for registration as soon as possible and in any event before the expiry of the provisional nationality certificate issued for the vessel.

*Article 10.* If a vessel as referred to in article 9 has been built abroad for a Finnish shipping company or has been transferred abroad to Finnish ownership, the consular authority, after ascertaining that the new owner has a legal title to the vessel, shall issue a provisional nationality certificate according to the procedure prescribed for such cases.

For special reasons a provisional nationality certificate may, for such time and subject to such conditions as may be prescribed by the registrar in each case, be issued for a vessel abroad by the registrar himself or, even in cases to which the first paragraph does not apply, by a Finnish consular authority acting on the orders of the registrar.

For urgent reasons a provisional nationality certificate may, on conditions prescribed by the registrar, be likewise issued by him for a vessel in Finland which should have been but has not yet been registered.

A provisional nationality certificate shall during its period of validity confer the same rights as an ordinary nationality certificate.

*Article 20.* A registered vessel that founders, disappears or is wrecked or declared unseaworthy shall, unless it is the subject of a charge, be erased from the register. Such event shall be reported to the registrar by the owner of the vessel and be properly attested within 30 days after it has become known or, if no news of the vessel has been received, then within 30 days from the end of the period prescribed for special cases by article 224 of the Shipping Act.<sup>1</sup> If the vessel is the subject of a charge, the event shall merely be recorded in the register, and the vessel shall not be erased from the register until the charge has ceased to be effective.

If the registrar receives otherwise than from the owner of the vessel reliable information concerning an event referred to in the first paragraph, the vessel shall be erased from the register as provided in that paragraph, and the owner of the vessel shall be so notified.

If a registered vessel is transferred to an alien owner, or if the owner becomes a citizen of a foreign country, or if any other change occurs whereby the vessel ceases to be Finnish, the provisions of the first and second paragraphs shall likewise apply; provided that where a share in a vessel passes to an alien the vessel may remain registered for a period

<sup>1</sup> *Supra.*

of six months and may continue to be registered thereafter if the share is shown to have passed within that period to a Finnish citizen.

If a vessel is transferred to alien ownership, the former owner shall be obliged so to notify the registrar.

*Article 21.* Before a vessel is erased from the register, the nationality certificate issued for the vessel shall be delivered up to the registrar. If the certificate has been lost or for some other reason cannot be recovered, the registrar shall determine whether and to what extent the matter should be investigated before the vessel is erased from the register.

*Article 22.* The owner of a registered vessel shall during the month of January in each year notify the registrar whether the vessel is still in service and whether during the preceding year the particulars in the register have undergone any change that has not been notified. If no such notice in respect of a vessel is received for five consecutive years, the registrar may erase the vessel from the register in conformity with the provisions of article 20, first and second paragraphs.

The notice referred to in the first paragraph may, at the sender's risk, be sent to the registrar by prepaid post.

## 21. France

### a) CODE DES DOUANES DU 8 DÉCEMBRE 1948 <sup>1</sup>.

#### TITRE IX. NAVIGATION

##### *Chapitre 1<sup>er</sup>. Régime administratif des navires*

##### *Section I. Francisation des navires*

###### § 1. — *Généralités*

*Article 216.* La francisation est l'acte administratif qui confère au navire le droit de porter le pavillon français, avec les privilèges qui s'y attachent.

*Article 217.* Tout navire français qui prend la mer doit avoir à bord son acte de francisation.

*Article 218.* Les navires frétés pour le compte de l'Etat sont dispensés de l'acte de francisation.

###### § 2. — *Conditions requises pour obtenir la francisation*

*Article 219.* 1) Pour obtenir la francisation les navires doivent:

a) Appartenir pour moitié au moins à des Français;

b) Avoir été construits dans le territoire de l'Union française dans lequel ils doivent être francisés ou y avoir acquitté les droits et taxes d'importation exigibles, à moins qu'ils n'aient été déclarés de bonne prise faite sur l'ennemi, ou confisqués pour infraction aux lois françaises.

2) Les navires étrangers peuvent être également francisés dans un territoire de l'Union française lorsque, à la suite d'un naufrage sur les côtes de ce territoire, ils sont devenus entièrement propriété française et sont montés par des Français, après réparations s'élevant au quadruple au moins de leur prix d'achat.

<sup>1</sup> *Journal officiel*, 1949, n° 1, pp. 30-60.