

l'ancien au Département du commerce à défaut de quoi le navire ne peut voyager sous pavillon haïtien.

Le droit de voyage sous pavillon haïtien sera suspendu: s'agissant de tout navire, naturalisé ou non, qui ne se sera pas rendu dans un port haïtien dans un délai s'étendant du 1^{er} octobre au 15 janvier de chaque exercice pour le renouvellement de sa patente.

Article 145. Le Président de la République pourra, par arrêté, définir la proportion des officiers et marins haïtiens devant faire partie de l'équipage des navires haïtiens.

26. Honduras

ORGANIC ACT OF THE NATIONAL MERCHANT MARINE No. 55 OF
2 MARCH 1943.¹

SECTION I. NATIONAL MERCHANT MARINE

Article 1. Merchant ships registered in the shipping register shall be part of the National Merchant Marine.

Only ships duly registered in the shipping register and carrying a proper certificate of registry may use and wear the Honduran flag and sail under its protection. . .

Article 2. The provisions of this Act shall apply only to ships of more than one ton net register, including pontoons, boats, launches, dredgers, floating docks and other floating structures of more than one ton net register employed for maritime transport or for any other use or service connected with maritime commerce.

Article 3. The home port of a national merchant ship shall be its port of register.

SECTION II. SHIPPING REGISTER

Article 4. Port officers of approved ports of the Republic shall keep under their care and direction a register book to be known as the shipping register in which shall be entered the particulars specified in article 7 of this Act regarding privately owned ships for which it is necessary or desired to obtain Honduran nationality. This register shall consist of the following sections:

1. Large ships;
2. Small ships.

Large ships are ships of gross burden twenty tons or more, and small ships are ships of gross burden less than twenty tons. All ships, irrespective of tonnage, belonging to individuals or bodies corporate resident in Honduras, whether of Honduran or alien nationality, shall be required to obtain Honduran nationality and to be registered in the shipping register if they ply regularly in Honduran waters or if it is desired that they should have their home port in any place, port or roads in Honduras.

¹ Text of Act provided by the Secretariat of External Relations of Honduras. Translation by the Secretariat of the United Nations.

SECTION III. ACQUISITION OF NATIONALITY BY SHIPS

Article 5. Any person, whether a Honduran national or an alien, who owns a merchant ship and wishes to register it as a Honduran ship under the Honduran flag shall apply in writing to the Executive through the Department of War, Marine and Aviation and shall forward the following documents with his application:

(a) The document of title to the ship, duly certified by a consul of the Republic if issued abroad;

(b) The survey certificate, or record of the measurements of the ship; or, if the ship was built or surveyed abroad, the survey certificate issued by the authorities of the foreign country. In the absence thereof the ship shall be gauged by a surveyor appointed in accordance with article 8;

(c) The written authority of the agent if the owner does not appear in person; such authority may be conferred by power of attorney.

Article 6. If the application is in order, the Executive shall make an order authorizing the particular officer, on payment of the registration fee, to register the ship in the shipping register and to issue a final registry certificate.

Article 8. If the ship has no survey certificate the captain of the port shall appoint a surveyor to gauge the ship at the expense of the owner. . .

Article 9. After registration has been completed the port officer shall issue to the ship its final registry certificate in the form laid down by the Department of War, Marine and Aviation; a certified copy of the certificate shall be retained in the files of the port office and a copy of the registration entry shall be sent to the Departments of the Treasury, Public Credit and Commerce and of War, Marine and Aviation.

Where the ship registered is of burden under one ton and may therefore be employed only in local waters, the port officer shall issue a certified copy of the registration entry on ordinary paper instead of a registry certificate.

If the ownership or name of the ship is changed after the certificate has been issued or there is any substantial modification or transformation of its capacity or structure, re-registration shall be unnecessary but a new final registry certificate shall be obtained. When the changes have been verified and the original certificate has been presented for cancellation, the port officer shall make the necessary annotations in the original entry in the shipping register and shall issue to the ship another final registry certificate. . .

Article 10. Registry certificates issued under this Act shall remain in force indefinitely or until cancelled for one of the reasons set forth in articles 14, 16 and 17.

SECTION V. CANCELLATION OF REGISTRATION AND REGISTRY CERTIFICATE

Article 14. The registration and certificate of registry of a national merchant ship may be cancelled summarily if—

1. The ship enters the naval service of a belligerent nation or a nation with which the Republic of Honduras is at war; or

2. The ship is regularly engaged in smuggling, illicit or clandestine traffic, or piracy; or

3. The ship acquires the nationality of another country.

Any person having knowledge of the existence of any of such grounds may make a report thereof, supported by adequate evidence, to the Department of War, Marine and Aviation. The Department shall inform the owner, agent or master of the ship of the charges, in order to permit him to refute them within a period of sixty days. If he is unable or unwilling to refute them, the Executive shall declare that the ship has lost its Honduran nationality and shall cause its registration and registry certificate to be cancelled. The Department shall send one copy of the declaration to the owner, agent or master of the ship and another to the port officer of the port of register for entry in the shipping register.

Article 15. Any owner of a national merchant ship may at any time sell it to any other person, whether of Honduran or alien nationality, or transfer it to the flag and registration of another country; provided that if Honduras is at war it shall be necessary to obtain the prior consent of the Executive.

Article 16. The owner of a national merchant ship desiring to cancel its Honduran registration shall present to the port officer of the port of register the registry certificate, a certificate attesting that no money is owing to the National Treasury in respect of the ship, a written application for cancellation, and the cancellation fees prescribed in article 19 (b) of the present Act.

On presentation of these documents the port officer shall cancel the certificate and place it in the archives of the port office, and shall enter the cancellation of registration in the shipping register, and shall provide the owner of the ship with a certified copy of the cancellation entry; he shall report his action to the Departments of the Treasury, of Public Credit and Commerce, and of War, Marine and Aviation with a view to the extinction of the ship's liabilities.

Article 17. If a national merchant ship is permanently withdrawn from service, sold for scrap, or lost by foundering or otherwise, its owner, agent or master shall record the fact in a notarized deed and shall request the port officer to cancel the registration and certificate with a view to the extinction of the ship's liabilities at law.

27. Hungary

(a) MERCHANT SHIPS REGISTRATION DECREE, 1922.¹

Article 1. A ship shall be recognized as a Hungarian merchant ship, that is to say as a ship entitled and obliged to wear the flag prescribed for Hungarian merchant ships, if it is registered in accordance with the provisions of this Order or provided with a temporary pass in the circumstances referred to in article 16.

The said flag is that defined in Order No. 8397 M.E. of 13 October 1921 of this Ministry.

¹ Text of Decree provided by the Ministry of Foreign Affairs of Hungary. Translation by the Secretariat of the United Nations.