

28. Iceland

SHIPPING REGISTRATION ACT NO. 17 OF 18 MARCH 1948.¹

Article 1. A ship may not be registered in Iceland or wear the Icelandic flag unless the following requirements are satisfied:

1. If the ship is owned by an individual, he shall either have Icelandic nationality and have been continuously domiciled in Iceland for at least the preceding year, or have been domiciled in Iceland for at least the preceding five years.

2. If the ship is the property of a company for the debts of which each partner is liable in full, two-thirds of the partners shall satisfy the requirements of paragraph 1 regarding domicile and nationality.

3. If the ship is the property of a company for the debts of which some partners are liable in full, those partners shall satisfy the requirements of paragraph 2, and the domicile of the company and of the court having jurisdiction over it shall be in Iceland, and each of the company's directors shall hold shares in the company and satisfy the requirements of paragraph 1 regarding domicile and nationality.

4. If the ship is the property of a company with limited liability or of an institution, the domicile of that company or institution and of the court having jurisdiction over it shall be in Iceland, and the directors shall satisfy the requirements of paragraph 1 regarding domicile and nationality and, in the case of a company, shall each hold a share therein.

Article 7. The chief constable shall register each ship in his register. Ships of more than 30 tons burden shall be registered in the district in which the port of register chosen by the owner is situated; a smaller ship shall be registered in the district in which the owner resides. If there is more than one owner (paragraphs 2 and 3 of article 1) and they are not all resident in the same district, the ship shall be registered in the district of residence of that owner whom they shall designate for the purpose.

Article 9. If, after the investigation referred to in article 8, the chief constable is satisfied that in the circumstances the applicant satisfies all the requirements of law, he shall register the ship. . .

Article 10. When the chief constable registers a ship he shall forthwith send to the Registry all the documents which he has received in accordance with articles 8 and 9, and also the survey report of the ship and any other material information thereon which he may lawfully give.

Article 12. If the Registry is satisfied that the ship is duly registered, it shall enter the ship in the main shipping register. The Shipping Registrar shall issue a nationality and registration certificate for a ship of burden over 30 tons gross and for a smaller ship a survey certificate. If a ship of burden less than 30 tons gross sails between Iceland and another country, a nationality and registration certificate shall be issued for it.

¹ Iceland, *Stjórnartíðindi*, Part A, p. 21. Translation by the Secretariat of the United Nations.

In the nationality certificate shall be entered the survey certificate and all particulars required by article 6 to be specified in the shipping register. The certificate shall then be sent immediately, together with the accompanying documents, to the chief constable, who shall make the necessary entry in the shipping register, correct the figure of the ship's tonnage, if necessary, enter the name of the ship's master, with particulars of his qualifications for command, in the nationality certificate, and deliver the certificate to the applicant.

. . .

Article 14. A ship built or otherwise acquired abroad for a person entitled to have the ship registered in Iceland may not be registered in Iceland before it has entered an Iceland registration district.

In such circumstances a representative of Iceland abroad shall, if he has received the documents mentioned in article 8, issue a temporary nationality certificate which shall have the effect of an ordinary nationality certificate, but only until the ship first enters an Iceland port, where the certificate shall be surrendered to the chief constable for the district, and never, except with the consent of the Shipping Registrar, for longer than two years.

. . .

As soon as a representative of Iceland abroad has issued a nationality certificate, he shall send to the Registry a copy thereof and certified copies of the documents which the applicant for registration has exhibited to him in accordance with article 8. The Registry shall examine those documents and, if the temporary nationality certificate appears to have been unlawfully issued, order the managing owner of the ship to return it.

. . .

Article 15. A nationality and registration certificate or a survey certificate shall always accompany a ship and shall be produced for the customs clearance of the ship as required by the authorities or by the masters of coast-guard vessels or by representatives of Iceland abroad. Nothing may be written or altered in the certificate except by the Registry, or by the chief constable at the place where the ship is registered, or by a representative of Iceland abroad.

. . .

Article 18. A ship shall be erased from the register and its nationality certificate returned forthwith, if possible, to the chief constable together with a written report of the occurrence if—

1. The ship is lost, broken up or otherwise rendered unseaworthy. If the ship is abroad its nationality or survey certificate shall be delivered to the local representative of Iceland, who shall send the same to the Registry with a report of the occurrence;

2. The ship, through transfer of the whole or part thereof to an individual, a company or an institution, ceases to be entitled to wear the Icelandic flag. . . ;

3. The ship is declared beyond repair abroad.

If the nationality certificate is not returned and the ship is still in existence, the certificate shall be cancelled by a notice published in the Official Gazette.

. . .

Article 20. If the owner for a special reason so desires, the Shipping Registrar may issue to a ship domiciled in Iceland a pass to ply between Icelandic ports before registration, and such a pass shall have in Iceland the effect of a nationality and registration certificate.

Where the Registry has received documents submitted for the registration of a ship required to proceed abroad immediately but, because of some defect therein, the ship cannot be registered immediately, the Shipping Registrar may issue for the ship a provisional nationality certificate which shall contain all the particulars mentioned in article 4, paragraphs 1-5. Such a certificate shall be valid for a period not exceeding two years, which the Registrar may extend if special circumstances prevent registration of the ship. . .

29. India

(a) MERCHANT SHIPPING ACT, 1894.¹

(b) ACT NO. X OF 5 JULY 1841.²

An Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories [of India], may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Victoria, Ch. 56.

[As modified up to the *1st January, 1951.*]

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Ships to be registered. It is hereby enacted that no ship or vessel shall be deemed a British ship under [the Proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Victoria, Ch. 56] (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof) unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned * * * and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed, the form of which certificate shall be as follows—

2. *Ports of registry.* * * * The ports at which registration shall be made shall be the ports of Calcutta, Madras, Bombay and such other places [in (India) as the Central Government] may, from time to time, declare to be registering ports under this Act:

Provided that ships or vessels built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the [officer authorised by the Central Government in this behalf] at the place where the ship is built, or if there be no [such

¹ Part I of this Act is applicable in India, according to information received by the Secretariat in a letter from the Ministry for External Affairs of India dated 11 October 1954. For the text of this Act see *infra* under United Kingdom.

² Text of Act provided by the Ministry for External Affairs of India.