

4.—A ship which is not an Irish ship and which is taken on time or voyage charter by a charterer in the State may, if the Minister so approves, be registered in the State under the Principal Act and shall remain so registered during the period or voyage for which the ship is so taken on charter and no longer.

### 31. Israel

SHIPS (NATIONALITY AND FLAG) ORDINANCE, No. 3 OF 5708-1948.<sup>1</sup>

An Ordinance determining what ships shall have the nationality of the State of Israel and what shall be the flag of such ships.

#### NATIONALITY

2. The nationality of every ship registered in the State of Israel shall be that of the State of Israel.

#### FLAG

3. (a) Every ship registered in the State of Israel shall have the right and the duty to fly the flag of the Merchant Marine of the State of Israel.

#### CONFIRMATION OF REGISTRATION

4. Every ship which is registered in any Palestinian port situated in the area of the State of Israel and the registration of which was in force on the 5th Iyar, 5708 (14th May, 1948) shall, with effect from that date, be deemed to be a ship registered in the State of Israel.

### 32. Italy

(a) SHIPPING CODE OF 30 MARCH 1942.<sup>2</sup>

#### SECTION II. NATIONALITY QUALIFICATIONS

*Article 143. (Nationality of owners of Italian ships).* The nationality qualifications requisite for enrolment in the registers or lists referred to in articles 146 and 148 shall be deemed to be fulfilled by a ship in which not less than 16 shares are owned by Italian citizens or public bodies or by authorized companies.

A company is authorized to own Italian ships if it is constituted and has its seat of management in Italy and can prove in conformity with regulation that Italian interests are predominant in its capital and in its executive board and board of directors.

Authorization shall be granted by the Minister of Communications, in agreement with the Minister of Finance and the Minister of Corporations, by entering the company in the appropriate list, one list being kept in the form prescribed by regulations for sea-going ships and another for ships engaged in inland water transport.

<sup>1</sup> Text provided by the Permanent Delegation of Israel to the United Nations.

<sup>2</sup> *Raccolta Ufficiale delle Leggi e dei Decreti del Regno d'Italia* (Official Collection of the Laws and Decrees of the Kingdom of Italy); 1942, vol. I, pp. 389-787. Translation by the Secretariat of the United Nations.

*Article 144. (Assimilated aliens and companies)* The Minister of Communications may, if to do so is in the national interest, issue a decree jointly with the Minister of Finance and the Minister of Corporations to treat on an equal footing with the citizens and companies referred to in the foregoing article aliens who have been domiciled or resident in Italy for not less than five years, companies which are constituted in Italy but which do not satisfy the requirements of the foregoing article, and companies which are constituted abroad but have their seat of management or principal business in Italy.

*Article 145. (Ships in foreign registers)* Ships registered in foreign registers may not be registered in Italian registers or lists.

### SECTION III. REGISTRATION OF SHIPS; AUTHORIZATION TO NAVIGATE

*Article 147. (Designation of representatives)* The owner of a large ship who is not domiciled in the place in which the office of registration of the ship is situated shall designate a representative resident in that place, and the owner shall be deemed for the purposes of the shipping authorities to have the same domicile as the representative.

The shipping authorities and the inland navigation authorities may in similar circumstances order the owner of a small ship or vessel to designate a representative.

*Article 148. (Registration of ships and vessels intended to ply in foreign waters)* Ships and vessels fitted out abroad and intended to ply permanently in foreign waters shall be entered in the registers or lists kept by the consular authorities.

*Article 149. (Authorization to navigate)* Ships entered in the registers and ships and vessels entered in the lists shall be entitled to navigate if they hold respectively a certificate of nationality or a licence.

The certificate of nationality may for this purpose be temporarily replaced by a provisional pass and the licence by a provisional licence.

*Article 150. (Certificate of nationality)* The certificate of nationality shall be issued in the name of the King Emperor by the shipping director in whose district the large ship is registered, or, in the case referred to in article 148, by the consul with whom the ship is registered.

The certificate of nationality shall state the ship's name, class, principal characteristics and gross and net tonnage, the name of the owner and the office of registration.

*Article 151. (Issue of new certificate of nationality)* A new certificate of nationality shall be issued whenever the ship's name, tonnage, class or principal characteristics are changed.

*Article 152. (Issue of provisional passes)* Provisional passes shall be issued in case of emergency to newly built ships registered in Italy or abroad, or, before such registration, to ships formerly wearing a foreign flag, if such ships satisfy the nationality requirements for entry in registers. A pass shall likewise be issued to any vessel whose certificate of nationality has been lost or destroyed.

Provisional passes shall be issued in Italy by the shipping offices in which the registers are kept, and abroad by consular offices.

The aforesaid authorities shall specify the period of validity of each pass, which shall be determined according to the time necessary for issue of a

certificate of nationality, and may in no circumstances be longer than one year.

*Article 153. (Licences for small ships and vessels)* The licence shall be issued by the authority responsible for keeping the list in which the small ship or vessel is entered.

The licence must state the number, class, principal characteristics and gross and net tonnage of the small ship or vessel, the name of the owner and the office of registration, and in the case referred to in article 141, the ship's name.

In the circumstances described in the first paragraph of the foregoing article an interim licence shall be issued to small ships in accordance with the rules prescribed by the relevant regulations.

*Article 154. (Replacement of licence)* In any case of change in ownership, number, tonnage, class or principal characteristics of the ship or vessel a new licence shall be issued. Similarly a new licence shall be issued in case of change of name as described in article 141.

*Article 155. (Use of flag)* Ships authorized to navigate in conformity with the provisions of article 149 shall fly the Italian flag.

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#### SECTION IV. MASTERS OF SHIPS

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*Article 294. (Engagement abroad of foreign master)* In foreign ports, with the authorization of the consular authority, the command of a vessel may be entrusted, until the vessel reaches a port where replacement by an Italian citizen is possible, to a foreigner in possession of a qualification corresponding to that of the master to be replaced.

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#### SECTION V. CREW

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*Article 318. (Nationality of members of crew)* The crew of an Italian ship commissioned in a port of the Realm shall be composed exclusively of Italian citizens.

In cases of special necessity the Minister of Communications may give authorization for foreigners to form part of the crew below the rank of officers up to a number not exceeding one-third of the whole crew.

*Article 319. (Engagement abroad of foreign personnel)* In foreign sea or inland navigation ports where seamen or navigating personnel of Italian nationality are not available, foreigners may also be engaged up to a number not exceeding one-quarter of the whole crew and for no longer than the time required by the proposed voyage.

In cases of special urgency the consular authority may authorize the engagement of foreigners in number exceeding that laid down in the preceding paragraph.

(b) REGULATIONS NO. 328 OF 15 FEBRUARY 1952. <sup>1</sup>

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#### CHAPTER II. NATIONALITY QUALIFICATIONS

*Article 310. (Companies authorized to own Italian ships)* For the purposes of article 143, second paragraph, of the Code Italian interests shall be deemed

<sup>1</sup> *Official Gazette*, Ordinary Supplement No. 94, 21 April 1952, p. 77. Translation by the Secretariat of the United Nations.

to be predominant in the registered capital of a company if three-quarters of the shares are owned by Italian citizens.

Italian interests shall, for the purposes aforesaid, be deemed to be predominant in the management of a general partnership if the majority of the partners are Italian citizens, of a commandite partnership if the majority of the active and liable partners are Italian citizens, and of a joint-stock company, a limited-liability company or a co-operative or any private corporation as referred to in article 312 if the majority of the officers, including the president and the managing director, the majority of the directors (*sindaci*) and the general managers are Italian citizens.

CHAPTER III. REGISTRATION OF SHIPS AND AUTHORIZATION TO NAVIGATE

*Article 324. (Application for the issue of a certificate of nationality)* To obtain a certificate of nationality the owner of a ship shall submit an application to the office of registration, which shall transmit the same to the appropriate shipping department together with the documents referred to in article 315, an engine-power certificate issued by the proper authority as specifically provided by law, and a receipt for the payment of the fee required for the issue of a certificate of nationality.

*Article 325. (Issue and delivery of certificate of nationality)* The maritime directorate shall draw up the certificate of nationality as provided in article 150 of the Code and transmit the same to the office of registration of the ship.

The office of registration shall record the date and number of the certificate of nationality in the register, shall note on the certificate the number of the entry in the register and any particulars subsequently entered in the register, and shall then deliver the certificate of nationality together with the certificate of tonnage to the owner, manager or master of the ship.

Where a certificate of nationality relates to a ship formerly flying a foreign flag, the mercantile marine authority issuing the certificate shall notify such issue to the customs authority of the place of registration.

*Article 333. (Contents of provisional passes)* An interim pass shall be in the form approved by the Minister of Mercantile Marine and shall contain particulars concerning—

- (1) Authorization to wear the Italian flag;
- (2) Name, class and tonnage of the ship, and office of registration;
- (3) Name of owner and manager;
- (4) Period of validity;
- (5) Reason for issue.

If the ship does not carry a crew list, the provisional pass shall also contain a list of the crew showing for each crew member the type of hiring contract, his rating, qualifications and shipboard duties, and the wages stipulated in the contract.

*Article 334. (Contents of provisional licence)* The provisional licence shall be in the form approved by the Minister of Mercantile Marine and shall contain the particulars mentioned in sub-paragraphs (2), (3), (4) and (5) of the foregoing article together with a list of the crew showing the qualifications and wages of each crew member.

## CHAPTER V. CHANGE OF FLAG AND CANCELLATION OF REGISTRATION

*Article 342. (Sale by court order of ships and shares therein owned by aliens)* Participation in the sale by court order of shares in a ship as provided in article 158, last paragraph, and article 159, last paragraph, of the Code shall be limited to Italian citizens, Italian public bodies, Italian companies or bodies authorized under article 143 of the Code, and aliens or companies granted equal status under article 144 of the Code.

*Article 345. (Cancellation of registration)* The registration of a large ship in a register or of a small ship or a vessel in a list shall be cancelled in a case of—

- (1) Actual or presumed loss, evidenced by a report drawn up by the mercantile marine authority or the consular authority;
- (2) Dismantling, evidenced by a report thereof;
- (3) Loss of the qualifications for nationality, confirmed by a change of flag certificate;
- (4) Transfer to another register or list, evidenced by a communication from the competent authority that a new registration has been effected.

### 33. Japan

#### (a) SHIPPING ACT OF 1899, AMENDED TO 1954.<sup>1</sup>

*Article 1.* The following ships are Japanese ships:

- (1) Ships owned by the Japanese Government or a public office;
- (2) Ships owned by Japanese subjects;
- (3) Ships owned by commercial corporations with their head offices in Japan, where all the partners in the case of an unlimited partnership (Gomei-Kaisha), all the partners with unlimited liability in the case of a commandite partnership (Goshi-Kaisha), and all the directors in the case of a joint-stock company (Kabushiki-Kaisha) or a limited liability company (Yugen-Kaisha) are Japanese subjects;
- (4) Ships owned by a corporate body which has its head office in Japan and of which all representatives are Japanese subjects.

*Article 2.* Only a Japanese ship may wear the Japanese national flag.

*Article 3.* Only a Japanese ship may call at a non-open port or transport goods or passengers between Japanese ports, except as otherwise provided by statute or treaty, or to avoid shipwreck or capture, or by leave of the competent Minister.

*Article 4.* The owner of a Japanese ship shall designate its port of register in Japan and apply to the shipping authority for that port of register to gauge the ship.

3. An owner intending to navigate a ship acquired in a foreign port may apply to the Japanese consular or commercial authority to gauge the ship.

*Article 5.* The owner of a Japanese ship shall, after registering title to the ship, have an entry thereof made in the shipping register kept at the office of the shipping authority for its port of register.

<sup>1</sup> Act No. 46, 8 March 1899, as amended by successive Acts. Based on consolidated English text received from the Ministry of Transport of the Japanese Government, 1954.