

from its date, or until ten days after the vessel's arrival at a port of Liberia, whichever first happens. [Effective 28 February 1949. Amended 29 June 1949.]

37. Libya

MARITIME CODE OF 28 NOVEMBER 1953.¹

PART 1. SHIPS

Section 1. General

Article 1. Definition of a ship. A ship is any vessel of any tonnage or description suitable for navigation, whether or not such navigation is for purposes of gain.

Article 2. Nationality of ships. Whatever its tonnage, a ship shall be deemed to be Libyan if its home port is a Libyan port and if it is owned to the extent of fifty per cent by Libyan nationals or Libyan companies.

If it is in the national interest to do so, the Minister of Communications may, after consultation with the Minister of Finance, place aliens and foreign companies on the same footing as Libyans and Libyan companies, provided that the aliens are domiciled or resident in Libya and that the foreign companies are established in Libya or have their principal place of business or activity in Libya.

Article 3. Ships treated as Libyan ships. The following shall be treated as Libyan ships:

1. Ships abandoned at sea and found by ships flying the Libyan flag;
2. Ships confiscated for having committed an offence under Libyan law.

All the ships specified in this article and in article 2 shall hoist the Libyan flag during a voyage, subject to the provisions of the second paragraph of article 15.

Section 2. Registration of ships

Article 8. The register book. A register book shall be opened in each of the Libyan ports which the competent authorities shall designate and delimit.

Each page of the said register book shall be initialled and numbered and shall be used for one ship only. Its number shall be the registration number of the ship.

A ship shall be deemed to belong to the port in which its owner has his real or elected domicile.

Ships belonging to public authorities, such as the customs, police or quarantine services, shall be registered at their usual port of anchorage.

Article 11. Registration procedure. Registration shall be effected at one of the ports specified in article 8 on the basis of a declaration to be submitted in writing by the owner of the ship to the Port Captain in the presence of not less than two witnesses, indicating his share of the ship and the circumstances of his acquisition thereof.

¹ *Libyan Maritime Code* (in Arabic), pp. 345 *et seq.* Translation by the Secretariat of the United Nations.

If the ship is the property of a company, the company's representative shall in his capacity as such make the declaration relating to the ship. In support of his declaration of ownership, the declarant shall produce all documents in proof and shall offer to bring witnesses to testify before the Port Captain.

A report of the foregoing proceedings shall be drawn up and shall be signed by the declarant, the witnesses and the Port Captain. The report shall include the particulars referred to in the preceding article.

Article 15. Time-limits for registration. Transfer of registry. A ship shall be registered within the fifteen days following the date on which it is built or acquired or, if built or acquired abroad, within the fifteen days following the date of its entry into Libyan waters.

Pending its registration, a ship built or acquired abroad may navigate under the Libyan flag by authorization of the representative of the Libyan State at the place in which the ship was acquired or built, such authorization to be given after verification of the ship's ownership.

If the ship is acquired in Libya from an owner domiciled in a port other than the port of the new owner, the latter shall apply to the ship's port of registry to have the registration transferred to his port of domicile. Such transfer shall be effected after the transfer of ownership has been entered on the page pertaining to the ship in the register book. A copy of the said page shall then be sent to the new port of registry, accompanied by a declaration by the Captain of the former port of registry that the transfer is necessary owing to change of domicile. A page shall be opened for the ship in the register book of the new port of registry and numbered according to its place in the book, and the particulars given on the page transmitted shall be entered on it.

The ship shall be removed from the register book of the former port.

Article 17. Cancellation of registration. If a ship is purchased by an alien or is taken by the enemy, destroyed by fire or lost in whatever manner, the owner in whose name the ship is registered shall return his certificate of ownership to the office of the port of registry for cancellation together with the page of the register book reserved for the ship.

The said certificate shall be returned within fifteen days if the loss or sale of the ship occurred in Libyan waters, and within three months if it occurred abroad.

Article 18. Arrest of unregistered Libyan ships. Any unregistered Libyan ship navigating otherwise than in transit from the port at which it was built or acquired to its port of registry shall be detained at the first Libyan port at which it calls or, if arrested at sea, shall be taken to the nearest Libyan port and seized by the Port Captain. The Port Captain shall draw up a report of the seizure.

The report shall be forwarded to the competent courts.

Article 19. Evasion of registration. If intent to evade registration for criminal purposes is proved, the court shall order the confiscation and sale of the seized ship.

Article 139. Engagement of Libyan seamen and technicians. The ship's operator of a Libyan ship shall engage Libyan nationals as his seamen and technical crew, unless he is unable to do so owing to the lack of Libyan nationals possessing the necessary qualifications.

38. Mexico

(a) GENERAL MEANS OF COMMUNICATION ACT OF 30 DECEMBER 1939.¹

CHAPTER XIII

Registration: grant of flag

Article 275. A vessel shall have Mexican nationality if—

- I. It is granted the flag of the Republic under the present Act;
- II. It is abandoned in territorial waters;
- III. It is forfeited to the nation for a breach of the law of the Republic;
- IV. It is captured from the enemy and declared lawful prize;
- V. It is built in Mexico for the service of the Republic.

Article 276. A Mexican vessel may wear the Mexican flag if it has been registered with the port authority of any coastal port on its route at the request of the owner, who shall have a representative at the port of registry.

Vessels of the classes referred to in sub-paragraphs III, IV, and V of the preceding article shall be registered administratively.

Article 277. An alien engaging in industry in the Republic may acquire a vessel for his own use, but shall obtain grant of the Mexican flag therefor and execute a formal bond in the amount of twenty-five per cent of the value of the vessel as security for the proper use of the Mexican flag. The vessel shall be valued at the owner's expense by experts appointed by the Ministry of Communications.

The amount of the security shall be decreased each year by five per cent if in the opinion of the Ministry of Communications the Mexican flag has not been improperly used.

Article 278. Vessels abroad for which grant of the Mexican flag is to be sought shall be registered with the competent Mexican consul. The consular authority shall issue a pass for a voyage to the port designated as the vessel's port of registry, and shall notify the Ministry of Communications accordingly.

Article 279. A sea-going vessel engaged in any of the branches of trade defined in the present Act shall be provided with a ship's certificate (*suprema patente de navegación*) issued by the Ministry of Communications.

Shipping authorities may issue to such vessels passes permitting them to sail pending issue of a ship's certificate.

Article 280. Previous permission of the Ministry of Communications shall be required for any change in the tonnage or other principal characteristics of a vessel. New certificates of registration and seaworthiness listing the new specifications of the vessel shall be issued after the register has been amended accordingly. The changes shall be endorsed on the ship's certificate.

¹ *Diario Oficial*, vol. 118 No. 41, 19 February 1940, pp. 1-54. Translation by the Secretariat of the United Nations.