

the application to the Ministry of Marine together with the proper covering documents in due form.

Certificate of nationality or navigation

Article 201. The owner of the ship shall exhibit the title deed and survey certificate, and give security in the amount and on the conditions determined by the collector of customs for proper use of the flag, to the Ministry of Marine, which shall then deliver the required certificate.

Article 202. Before delivering a certificate of nationality for a ship, the Ministry of Marine shall ascertain—

1. The name and nationality of the owner;
2. That the ship has been acquired in accordance with law;
3. The measurements, tonnage, class, name and place of construction of the ship, the flag under which it has sailed if not sailing for the first time, and the names of the owner and the master.

Article 203. If after the certificate has been issued any change takes place in any particular mentioned in the certificate or in the register as relating to the ship, the collector of customs shall amend either or both of those documents accordingly.

Article 207. Where it appears to the Government on a report from a port officer or collector of customs that the flag has been wrongfully used, the certificate shall be revoked and proceedings shall be taken against the master or his deputy in accordance with law, and the order shall be published in the official gazette.

Article 211. If the ship is wrecked, destroyed by fire or captured, the certificate shall (if recovered) be surrendered, as hereinbefore stipulated, within a reasonable period which shall be fixed by the collector of customs; if the certificate is not recovered, evidence of its loss shall be produced.

Article 217. The master of a ship required to carry a certificate issued in accordance with these laws shall be a person who, in the opinion of the port officer, is of good repute, able to speak, read and write Spanish, and adequately qualified to discharge his duties; . . .

43. Norway

(a) SHIPPING ACT OF 20 JULY 1893.¹

Article 1. (1) A ship is Norwegian if owned exclusively by Norwegian nationals. The competent department may also recognize as Norwegian a ship owned as to at least six-tenths by Norwegian nationals. Such recognition may be given conditionally and may be withdrawn at any time if the requirements are not satisfied.

(2) A ship is Norwegian if owned by a joint stock company whose business is navigation only, or navigation combined with the forwarding of

¹ *Norges Lov*, 1682-1952, p. 303. Translation by the Secretariat of the United Nations.

goods (a joint stock shipping company), or navigation and salvage or deep-sea hunting or fishing as independent activities, and whose head office and the headquarters of whose board of directors is in Norway, and whose directors are Norwegian nationals domiciled in Norway and holding shares, and whose shares to the amount of not less than six-tenths of its share capital are owned by Norwegian nationals.

Shares in such a company may not be acquired by persons other than Norwegian nationals except with the consent of the board of directors. In January of each year the board of directors shall forward to the proper department a return of those of the company's shareholders who at the end of the preceding year were not, or were not deemed to be, Norwegian nationals, and of the number of shares owned by them, and of the amount of the shares and of the share capital.

(3) A ship is Norwegian if owned by a joint stock company whose business is of a nature other than that specified in paragraph (2) and whose head office and the headquarters of whose board of directors are in Norway and whose directors are Norwegian nationals domiciled in Norway and holding shares.

(4) The provisions of paragraphs (2) and (3) shall apply to a ship owned by a commandite partnership . . . as though the references therein to the board of directors and the share capital respectively were references to the partners with liability and the share capital of the partnership.

(5) For the purposes of this article the State, institutions and funds administered by the State, Norwegian communes, Norwegian savings banks, corporations and foundations whose objects are the public service and whose governing bodies are exclusively Norwegian and have their headquarters in Norway, and joint stock companies which satisfy the requirements of paragraph (2) hereof, shall be deemed to be Norwegian nationals.

Article 2. Subject to the limitations and rules to be prescribed in a special Act, there shall be kept a public register of Norwegian ships containing the particulars required for the determination of the identity of ships and complete information on their ownership and management.

Article 3. The home port of a ship registered in the Shipping Register shall be the port in Norway designated by the owner. The home port of an unregistered ship shall be the port of or nearest to the place of residence of the owner. If there is more than one owner, the home port of the ship shall be determined by the residence of the managing owner. If the owner resides abroad, Christiania (Oslo) shall be the home port of the ship.

Article 4. The obligation of a Norwegian ship to be provided with a certificate of nationality, a survey certificate, a manning or crew list and, where required, a Royal sea-brief shall be governed by the special enactments relating thereto.

(b) SHIPS REGISTRATION ACT OF 4 MAY 1901.¹

Article 1. Every decked sailing ship of not less than 50 tons gross register tonnage, and every steamship of not less than 25 tons gross register tonnage, shall be entered in the register referred to in the Shipping Act, 20 July

¹ *Norges Lov* 1682-1952, p. 475. Translation by the Secretariat of the United Nations.

1893, article 2, but not warships or ships which belong to other States and are not employed in the carriage of goods.

Article 5. An application [for registration] . . . shall be accompanied—

1. By the ship's tonnage certificate and nationality certificate, if issued. . .
2. If the ship has not been provisionally registered, . . . by a certificate to that effect from the proper government department if the ship was purchased abroad, and from the district registry of the place where it was built if it was built in Norway;
3. . . . if the ship has been transferred from foreign to Norwegian ownership, then only by the document attesting the transfer of title to Norwegians and, if possible, by any later documents of title. . . ;

5. Where the ship belongs to a joint stock company or other company without liability, one copy of the company's articles, if these have not already been sent in to the registry, and a written declaration in the prescribed form made by the management of the company on oath or solemn affirmation that the ship is Norwegian within the meaning of the Shipping Act, article 1, second paragraph, and that no agreement has been made with the object of concealing the facts relating to the ship's management or ownership;

7. A certificate in the prescribed form from the customs department stating that the ship is lying at a port of entry in Norway and bears no indication of being, or is not known to have been, previously registered in Norway and naming the place where the ship is to be registered. If the ship is abroad, then instead of the certificate of the customs department there shall be furnished a certificate from the competent Norwegian consul that the ship is lying in a foreign port, and a certificate from the proper Norwegian government department that the ship bears no indication of being, or is not known to have been, previously registered in Norway.

Where the circumstances so require, the registrar may call for further proof of the truth of the evidence adduced or for its attestation on oath or, where permissible, by such solemn affirmation as may lawfully be made instead thereof. Where a foreign ship is employed as the property of Norwegians, the case shall be governed by such special rules as the King may make in agreement with the foreign Power.

Article 7. As soon as the ship has been registered and entered in its home port register, the collector of customs shall forthwith make out for the ship a nationality certificate containing, in the form determined by the King, an extract from the register. Where according to the certificate referred to in article 5, item 7, the ship is lying in another port of entry or in a foreign port, the certificate shall be issued by the customs department or the consul at that port. Before it is issued the customs department or the consul shall ascertain that the ship bears the marks required by the Ships Gauging Act and its identifying letters and the special mark prescribed by the King for registered ships.

The survey certificate shall be issued together with the nationality certificate. As soon as the ship's papers have been issued, application may be

made to the registrar to return the original documents of title furnished for purposes of registration.

Article 10. It shall be the duty of the owner or of any person who . . . is bound to notify on behalf of the owner or, where there is more than one owner, the managing owner, and of the master, to ensure that a Norwegian ship subject to registration carries at sailing and at all times thereafter a valid Norwegian nationality certificate.

A ship of tonnage less than that specified in article 1 shall also, when sailing in foreign waters, carry a nationality certificate; but the King may exempt from this requirement ships fishing or hunting outside territorial waters.

The Crown may make regulations governing the issue of nationality certificates to ships not subject to registration.

44. Pakistan

(a) MERCHANT SHIPPING ACT, 1894. ¹

(b) THE REGISTRATION OF SHIPS ACT OF 5 JULY 1841. ²

It is hereby enacted that no ship or vessel shall be deemed a British ship under such Proclamation as aforesaid (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 a place declared under section 2 to be a registering port], 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. * * * The ports at which registration shall be made shall be [such ports or other places in the Provinces] 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 principal British officer at the place where the ship is built, or if there be no British officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered:

¹ This Act is applicable in Pakistan, according to information received by the Secretariat in a letter from the Ministry of Foreign Affairs of Pakistan dated 26 October 1954. For the text of this Act see *infra* under United Kingdom.

² Government of Pakistan, Ministry of Law, *The Unrepealed Central Acts*, 1952, Vol. I, p. 11.