

sional acts carried out by the Consuls abroad in accordance with article 18 of Law 8 of 1925 do not require such approval.

Whenever the Executive may declare a vessel's Patent of Navigation permanent, it shall order the cancellation of the provisional patent, the issue of the permanent title, and the recording of the vessel definitely in the register of the National Merchant Marine.

(d) LAW No. 67 OF 11 NOVEMBER 1947, ADOPTING THE LABOR CODE. ¹

Article 142. Every captain of a Panamanian vessel engaged in the international service is required to maintain on the crew list not less than twenty-five per cent (25%) of seamen of Panamanian nationality or of foreigners married with Panamanian women or with child or children of Panamanian mothers, provided that the said seamen are domiciled in the Republic of Panama.

Proviso. The Department of Labor, upon proof of the lack of available Panamanian seamen in the Republic of Panama, may authorize that the foregoing percentage may be temporarily altered.

46. Peru

(a) PORT AUTHORITIES AND NATIONAL MERCHANT MARINE REGULATIONS OF 31 OCTOBER 1951. ²

SECOND PART. NATIONAL MERCHANT MARINE

TITLE VI. MERCHANT MARINE

Chapter III. Peruvian vessels: requirements for nationalization

Article 400. A merchant vessel shall be deemed to have Peruvian nationality if it is entered in a register of the Peruvian merchant marine and navigates in compliance with the law of the Republic.

Article 401. A merchant vessel shall be entered in a register of the Peruvian merchant marine if the following conditions are complied with—

- (a) The owners of the vessel must be Peruvian citizens;
- (b) The master, officers and crew must be Peruvian nationals;
- (c) If the vessel is owned by a company, three-quarters of the capital thereof must be the property of Peruvian citizens as laid down under (a), and if the capital is in the form of shares, three-quarters thereof must be registered shares.

Article 402. A merchant vessel shall not be deemed to be a Peruvian vessel unless it satisfies one of the following conditions—

- (a) It must be the property of a Peruvian national;
- (b) It must be the property of a company or undertaking constituted in accordance with Peruvian law and domiciled in the Republic;
- (c) If it was abandoned on the high seas, or in the territorial waters of Peru it must have been found by Peruvian citizens:

¹ *Ibid.*, p. 126.

² Text of Regulations provided by the Ministry of Foreign Affairs of Peru. Translation by the Secretariat of the United Nations.

- (d) It has been confiscated for an offence against the law of the Republic;
- (e) It has been attached, expropriated or requisitioned in virtue of a statute;
- (f) It has been declared lawful prize by a Peruvian prize court;
- (g) It has been built in the Republic for Government service;
- (h) It has been built or acquired abroad at the order, on behalf or at the request of a Peruvian national;
- (i) It is in law a Peruvian merchant vessel.

Article 403. Before a vessel to which the preceding article applies is registered, evidence must be furnished to show that it satisfies one of the above conditions.

Article 404. A Peruvian vessel shall lose its nationality if—

- (a) It is sold to a foreign citizen, corporation or government;
- (b) Its owners cease to be Peruvian nationals;
- (c) It is confiscated abroad;
- (d) It has been declared lawful prize by an international prize court;
- (e) It has been lost;
- (f) No news of it has been received for two years.

Article 405. In addition to the grounds specified in the preceding article, a vessel shall be expunged from the register of Peruvian vessels if it has engaged in unlawful traffic abroad or its owners have offended against the law of the Republic or against these Regulations; and the erasure shall not affect the liability at law of the offenders.

Article 406. A merchant vessel may not use the flag of Peru or benefit by the privileges and exemptions accorded by the State to Peruvian vessels until it has been nationalized.

The following shall be deemed to be proof of Peruvian nationality:

- (1) The ship's certificate or pass;
- (2) The certificate of registration; and
- (3) The list of the crew.

Article 407. A merchant ship's certificate is a certificate issued by the Supreme Government to a large vessel (that is to say, a vessel of over one hundred register tons), attesting its Peruvian nationality and its name, principal characteristics, owners and co-owners and entitling it to ply in all seas.

A merchant ship's certificate shall remain in effect until the ship's name or owner is changed or its hull or machinery undergo such alteration as to vary its general characteristics or means of propulsion or for any other reason to necessitate amendment of the survey certificates.

Article 408. A merchant shipping pass is a certificate issued by the Director of Port Authorities to a small vessel (that is to say, a vessel of less than one hundred register tons) for the purpose of attesting its Peruvian nationality and entitling it to ply at will within the coastal waters only of Peru and not abroad.

Such a pass shall remain in effect for four years, on the expiry whereof the owner shall be required to apply in writing for its renewal for a further like period, and such renewal shall be noted on the original document.

Article 409. A provisional pass is a certificate issued by the Director of Port Authorities to a large or small vessel pending its nationalization to permit it to sail. Such a pass may also be issued by a Peruvian consul abroad

for the purpose of permitting a ship purchased abroad to proceed to Callao for registration.

A provisional pass issued by the Director of Port Authorities shall have effect only during the outward and return voyages of the ship, and one issued by a Peruvian consul only during the direct voyage to Callao.

Article 410. A registration certificate is a certificate issued by a port officer attesting that the vessel is registered in the port.

Article 411. A crew list is a document signed by the master and purser of a ship and countersigned by the port officer of the port of origin, stating the name, duty station, nationality and pay of each member of the crew.

Article 412. The documents aforesaid shall be in the form specified in the schedule hereto.

Chapter V. Registration of vessels

Article 432. A Peruvian vessel, irrespective of its port of origin, shall not ply within or outside the waters of the Republic until it has been registered.

Article 439. The registration certificate of a vessel of less than five tons shall be evidence of title thereto.

TITLE VIII. STAFF OF THE PERUVIAN MERCHANT MARINE

Chapter I. Ship's company

Article 495. The crew of every national vessel shall consist entirely of Peruvian nationals except in the following cases:

(a) In time of war: foreign citizens may then be signed on in a proportion to be determined by the Ministry of Shipping;

(b) Peruvian ships abroad: a Peruvian ship abroad which by reason of lack of sufficient Peruvian nationals cannot sail with a complete Peruvian crew may, subject to permission granted by the Peruvian consul in the foreign port of departure and recorded on the crew list, sign on enough foreign members to complete its crew.

Article 496. The company and crew of every Peruvian ocean-going vessel, irrespective of its class or designation, shall be constituted in such manner as to combine safety of navigation with the most economical management of the vessel by its master, subject to the approval in Peru of the port officer or abroad of the Peruvian consul.

(b) COMMERCIAL CODE. ¹

BOOK III. MERCHANT SHIPPING

SECTION I. SHIPS

Article 588. The joint owners of a ship shall be entitled to rescission and pre-emption in respect of any interest sold to an alien, provided that they

¹ Eduardo G. Calderón, *Constitución, Códigos y Leyes del Perú*, 1942, p. 722. Translation by the Secretariat of the United Nations.

claim the same within nine days of the registration of the sale in the Register and pay the price into court.

SECTION II. PERSONS ENGAGED IN SHIPPING

Chapter II. Masters and skippers of ships

Article 622. A master or skipper must be a Peruvian citizen and capable of concluding a contract in accordance with this Code; he must prove that he possesses the skill, experience and qualifications required to command and navigate a ship as provided in the statutes, orders and regulations relating to shipping or navigation; and he must not be disqualified under any statute, order or regulation as aforesaid from holding the command.

(c) ACT CONCERNING COASTWISE TRADE BY PERUVIAN VESSELS, NO. 6207 OF 14 MAY 1928.¹

Article 1. Coastwise trade along the Peruvian coast shall be reserved solely and exclusively to ships flying the Peruvian flag.

Article 10. This Act shall not operate to benefit foreign ships which merely change their flag; and a ship shall not be a Peruvian ship unless it is owned by Peruvian citizens resident in Peru and unless two-thirds of the officers and crew are Peruvian citizens. A vessel belonging to a company shall not be a Peruvian ship unless three-quarters of the registered capital is Peruvian and the afore-mentioned conditions are satisfied.

(d) ACT CONCERNING THE SALE OF STEAMSHIPS AND SAILING SHIPS USING THE PERUVIAN FLAG, NO. 2761 OF 19 JUNE 1918.²

Sole article. The sale of steamships and sailing ships using the Peruvian flag shall be subject to the previous authorization of the Government, which, after hearing the opinion of the Lima Chamber of Commerce and having regard to the circumstances of the sale and the ship's potential importance for the maritime commerce of Peru, shall grant or withhold permission.

47. Philippines

ADMINISTRATIVE CODE OF 1917, AS REVISED.³

Section 1116. Registration and documentation of vessels. The Bureau of Customs is vested with exclusive authority over the registration and documentation of Philippine vessels. By it shall be kept and preserved the records of registration and of transfers and incumbrances of vessels; and by

¹ Eduardo G. Calderón, *Constitución, Códigos y Leyes del Perú*, 1942, p. 1523. Translation by the Secretariat of the United Nations.

² Eduardo G. Calderón, *Constitución, Códigos y Leyes del Perú*, p. 2569. Translation by the Secretariat of the United Nations.

³ Text of Code provided by the Permanent Delegation of the Philippines.