

Cette déclaration est obligatoire pour l'aliénateur et l'acquéreur dans le cas d'aliénation contractuelle, et pour l'acquéreur s'il s'agit de dévolution successorale ou d'exécution forcée. L'article 7, 2<sup>e</sup> et 3<sup>e</sup> alinéas, est applicable.

*Article 20.* En cas de perte ou d'innavigabilité durable d'un bateau immatriculé, le propriétaire est tenu d'en faire sans retard la déclaration à l'Office. L'article 7, 2<sup>e</sup> et 3<sup>e</sup> alinéas, est applicable.

*Article 21.* Lorsqu'un bateau ne remplit plus les conditions de l'immatriculation obligatoire, en conservant toutefois son port d'attache suisse, il en est fait mention au registre.

Les inscriptions et annotations subsistent aussi longtemps que le propriétaire n'a pas fait usage du droit prévu à l'article 22.

*Article 22.* Les bateaux ne remplissant pas les conditions de l'article 4. peuvent en tout temps faire l'objet de la cancellation sur réquisition écrite du propriétaire, s'il n'existe pas d'inscriptions ou d'annotations ou si les titulaires d'inscriptions ou annotations donnent par écrit leur consentement à la cancellation.

### 53. Sweden

#### (a) MARITIME LAW OF 12 JUNE 1891.<sup>1</sup>

*Article 1.* A ship shall be considered Swedish when it is either owned to the extent of two-thirds by Swedish subjects, or else is owned by a Joint Stock Company, the Board of Directors of which have their registered office in Sweden and the shareholders of which are Swedish subjects. The Managing Director shall always be a Swedish subject residing in Sweden. *Law of 27 April 1906.*

*Article 2.* A register shall be kept of all Swedish ships of 20 tons Register burden or upwards intended for use in merchant shipping or for the conveyance of passengers and shall contain for each such ship all the details which are deemed requisite for its identification, as well as information respecting the ownership, the nature of the acquist by the registered owner and the time when the ship was registered or when change of ownership was entered; and a certificate shall be issued to every ship when entered in the Register, and such certificate shall accompany the ship.

When an application for the registration of a ship is made, a certificate shall be produced showing when, where, and by whom the ship was built, or, in the event of the ship having been foreign property, it shall be proved that the right of the foreign owner has been transferred to the person requiring to be registered as owner thereof. On the registration of a ship a certain number shall be allotted to the ship, and that number may not subsequently be altered or allotted to any other ship. If a ship which has been removed from the Register is again entered therein, it shall retain its previous number. If notice is given of a change in the ownership of a ship entered in the Register, but if it is found that the alleged owner thereof cannot be entered in that capacity, an entry shall nevertheless be

<sup>1</sup> Text from Statute Book for Legations and Consulates (1937), pp. 105-152.

made in the Register setting forth his name, the nature of his acquest, and the date of the notice so given. No ship entered in the Register may be removed from the same except when the ship has been lost, or broken up, or otherwise destroyed, or may, in accordance with [article 258] be considered lost, or, after having sustained damage, is condemned, or has ceased to be Swedish.

Any owner of a Swedish ship which is not bound to be entered in the Register under the provisions hereinbefore made, who wishes to enter the same in the Register shall be entitled to do so; and if an application for the ship's entry is made, the provisions hereinbefore made with regard to ships which have to be registered shall be applicable.

Further directions as to how the Shipping Register shall be arranged and the registration shall take place will be issued by the King. *Law of 10 May 1901.*

*Article 5.* No share in a ship shall be transferred to any person who is not a Swedish subject without the consent of all the other part-owners, if owing to such transfer the ship would cease to be a Swedish ship; should the transfer take place, however, it shall be void, even though the share were sold in consequence of a legal seizure or in bankruptcy.

Should an alien through inheritance, will or marriage become a part-owner in a Swedish ship, or should any Swedish part-owner become the subject of a Foreign Power and should, in consequence of the acquest or the change in nationality the ship cease to be a Swedish ship, such part-owner shall then transfer to a Swedish subject such proportion of the ship as shall enable her Swedish nationality to be preserved. If within three months from the date of the acquest or change no such transfer has been made and duly notified to the proper authority where the ship is registered, or, if the ship is not registered, to all the other part-owners, any one of such other shareholders shall have the right to cause to be sold, for account of the owner, any such share in a ship which in the manner aforesaid has become the property of an alien. The sale shall be made by the bailiff of the place to which the ship belongs, in the manner prescribed for sale of ships seized for debt. *Law of 27 April 1906.*

(b) ORDINANCE OF 18 OCTOBER 1901 CONCERNING THE REGISTRATION OF SWEDISH VESSELS.<sup>1</sup>

*Article 1.* The register of Swedish vessels mentioned in Article 2 of the Maritime Law shall be kept at the Board of Trade.

*Article 7.* After registration has been completed and an entry regarding the master made in the register, the Board of Trade has to issue a certificate (certificate of nationality and registration) in accordance with the annexed form (Form. B). If the application for registration was accompanied only by a provisional bill of measurement the certificate shall not be issued until a Swedish bill of measurement for the vessel has been produced.

<sup>1</sup> *Ibid.*, pp. 153-162.

This certificate shall be produced whenever such is demanded by a Swedish Civil or Military Authority or by a Swedish Consular Official.

No entry may be made on the certificate by the shipowner, master or any other private person. *Procl. of 8 May 1931.*

*Article 8. § 1.* A vessel which has been built in Sweden and has not been in foreign ownership and is of a register tonnage of twenty tons or more may not be used in mercantile navigation or for the conveyance of passengers until a certificate of nationality and registration has been issued to the vessel, except in the cases mentioned below in § 3. The provisions here enacted are also applicable with regard to a vessel of the tonnage just mentioned, if it has passed from foreign into Swedish ownership whilst lying in this Country.

§ 2. If a vessel of the tonnage mentioned in § 1 has been built abroad for Swedish account, or if a vessel of such tonnage, whilst abroad, has passed from foreign into Swedish ownership, the same law as that just mentioned shall apply after the vessel has entered a Swedish port. If, before such entry has been made, the owner wishes to use the vessel in mercantile navigation or for the conveyance of passengers otherwise than in Sweden, either direct or calling at only one intermediate shipping port, notice regarding that vessel shall be given to the Register in the manner and order prescribed in Articles 4 and 5 in the case of a vessel which has passed from foreign into Swedish ownership; but instead of a Swedish bill of measurement the foreign bill of measurement of the vessel may be produced or else a certificate regarding the rateable tonnage of the vessel in Swedish or foreign measurement issued by a Swedish Consul or other proper authority; the notice shall also contain a statement of the master's name, his domicile and any special qualification that he may possess for holding command on board a Swedish merchant vessel.

After the vessel has been entered in the register the Board of Trade shall issue a certificate to that effect (interim certificate of nationality and registration) valid for such time as the Board may decide in each separate case. If the vessel does not arrive within such specified time in a Swedish port, the Board of Trade shall have the right, after investigating the circumstances, to issue a new interim certificate for the vessel.

Where special circumstances give occasion thereto, the Board of Trade has the right, although the conditions previously prescribed for obtaining an interim certificate have not been complied with, to authorize a Swedish Consul, after having ascertained the alleged owner's legal right to the vessel, to issue an interim certificate for the same, which shall be valid for a certain time, at most six months, or until the vessel arrives in a Swedish port within the specified time.

§ 3. In special cases, and for very special reasons, and on those conditions which may in such cases be prescribed, the Board of Trade has the right to issue a certificate (interim evidence of nationality) to the effect that a vessel which is in this Country and is subject to registration may, even if it is not entered in the register, depart either to a certain other, or certain other Swedish ports or even to certain foreign port or ports and back to a Swedish port.

§ 4. An interim certificate, during the time it is valid, carries the same rights and privileges as a certificate of nationality and registration. The same law applies in the case of an interim evidence of nationality regarding the voyage set out therein.

(c) ORDINANCE OF 4 DECEMBER 1903 CONCERNING PASSPORTS AND NATIONALITY DOCUMENTS FOR SWEDISH FOREIGN-GOING VESSELS.<sup>1</sup>

*Article 1.* A Swedish vessel of such description as necessitates being entered in the Shipping Register shall on its voyages to places outside Sweden carry, for confirmation of its nationality, not only a *certificate of nationality and registration*, or, in place thereof, a valid interim document of nationality but also a *crew-list*; all these documents being issued in conformity with specially enacted provisions to that effect.

No vessel of the above-mentioned description which is not provided with documents here prescribed may be cleared from a Swedish port.

## 54. Syrie

a) CODE DE COMMERCE MARITIME DU 12 MARS 1950<sup>2</sup>.

### TITRE PREMIER. DES NAVIRES

#### *Chapitre premier. Définition du navire*

*Article 1.* Sont considérés comme navires pour l'application du présent code tous bâtiments de mer, quelle que soit leur dénomination et quel que soit leur tonnage, aptes à entreprendre une navigation maritime, que cette navigation ait ou non un but lucratif.

#### *Chapitre II. Nationalité et individualisation du navire*

*Article 2.* Sont syriens, les navires de tout tonnage ayant un port syrien comme port d'attache et appartenant pour la moitié au moins à des citoyens syriens ou à des sociétés syriennes dont la majorité du Conseil d'administration et le Président du Conseil doivent être de nationalité syrienne.

*Article 3.* Sont assimilés aux navires syriens :

1° Les navires abandonnés en mer et recueillis par des navires battant pavillon syrien.

2° Ceux qui seront confisqués pour infraction aux lois syriennes.

Tous les navires désignés au présent article et à l'article précédent sont tenus de hisser le drapeau syrien au cours de voyage, compte tenu des dispositions du paragraphe 2 de l'article 16.

#### *Chapitre III. L'immatriculation des navires et l'inscription des droits*

*Article 8.* Il sera ouvert un registre matricule dans chacun des ports syriens que le Ministre compétent désigne et en fixe les limites.

Chacun des feuillets de ce registre sera numéroté et paraphé.

Le numéro du feuillet sera le numéro matricule du bâtiment auquel le feuillet sera exclusivement affecté.

Un navire est considéré comme appartenant au port dans lequel son propriétaire a son domicile réel ou élu.

<sup>1</sup> *Ibid.*, pp. 162-163.

<sup>2</sup> *Recueil des lois syriennes et de législation financière*, n° 4, avril 1950, Code de commerce maritime, p. 9.