

TITRE V. DE LA RÉGLEMENTATION DU TRAVAIL MARITIME

Chapitre III. Obligations de l'armateur

Article 133. Pour le cabotage de port syrien à port syrien et pour la pêche sur la côte syrienne, l'armateur ne peut engager que des marins de nationalité syrienne.

Pour les voyages au long cours les deux tiers au moins de l'équipage doivent être de nationalité syrienne.

En ce qui concerne le personnel technique l'armateur pourra en cas de nécessité engager des capitaines, officiers ou mécaniciens de nationalité étrangère justifiant de brevets ou certificats au moins équivalents à ceux qui seront exigés des capitaines, officiers ou mécaniciens syriens par les services du Ministère des travaux publics.

b) LOI N° 185 DU 10 JUIN 1954 ¹.

Conditions d'immatriculation des navires palestiniens entrés dans les eaux syriennes au cours de 1948

Article 1. Contrairement aux dispositions de l'article 10 du Code de commerce maritime promulgué à la date du 12 mars 1950 est autorisée pour une seule fois seulement et au cours du délai d'un mois de la date de la présente loi, l'immatriculation des navires palestiniens entrés dans les eaux syriennes au cours de 1948 et ce dans les conditions suivantes :

1. Que les propriétaires des navires soient des palestiniens arabes;
2. Qu'ils produisent un certificat délivré par les services douaniers établissant le paiement des droits de douane.
3. Que les propriétaires des navires produisent des documents établissant leur propriété de ces navires. (En cas de perte de ces documents, un certificat délivré par l'Office des réfugiés palestiniens arabes pourrait en tenir lieu.)

55. Thailand

SIAMESE VESSELS ACT B. E. 2481 (1938), ENACTED ON 7 APRIL B. E. 2482 (1939). ²

CHAPTER I

Registration of Siamese vessels

Section 6. The registration of Siamese vessels under this Act shall be made by the Registrar of Vessels.

Section 7. A person, whether natural or juristic, shall be of Siamese nationality in order to own a vessel registered as a Siamese vessel.

If the owner is a partnership or limited company, it must be registered under the Siamese law, having its principal office in the Kingdom of Siam, and

¹ *Ibid.*, n° 6, juin 1954.

² *Thailand, Law on navigation in Siamese waters with ministerial regulations and the Siamese Vessels Act*, Bangkok.

1. In case of an ordinary partnership, all partners shall have Siamese nationality;

2. In case of a limited partnership all partners jointly and unlimitedly liable shall have Siamese nationality, and not less than seventy per cent of its capital shall be owned by natural persons having Siamese nationality;

3. In case of a limited company, the majority of its directors shall have Siamese nationality and not less than seventy per cent of its capital shall be owned by natural persons having Siamese nationality, and the regulations of such company shall not permit the issue of shares to bearer.

Section 8. The following vessels, upon being registered under this Act, shall be deemed Siamese vessels:

For trading in Siamese waters:

1. Mechanically-propelled vessels of ten tons gross or upwards;
2. Sea vessels, not mechanically-propelled, of twenty tons gross or upwards;
3. River vessels, not mechanically-propelled, of fifty tons gross or upwards;

For fishing:

1. Mechanically-propelled vessels of every size;
2. Vessels, not mechanically-propelled, of six tons gross or upwards.

Section 9. Vessels owned by any person under Section 7 of the tonnage prescribed in the foregoing section which are not made use of as provided in Section 47 and vessels owned by any person under Section 7 under the tonnage prescribed in the foregoing section which are used for trading in Siamese waters or fishing, as the case may be, are not required to be registered under this Act.

Vessels herein referred to shall be deemed likewise to be Siamese vessels.

Section 10. In applying for registration of a vessel as a Siamese vessel, the applicant shall:

1. Produce a declaration of ownership in the form prescribed by the Harbour Department;
2. Make a declaration that the conditions regarding the acquisition of ownership as provided in Section 7 have been fulfilled and produce evidence to substantiate the said declaration; if the applicant is a partnership or limited company, it shall produce a certificate of registration of such partnership or company;
3. Produce a certificate of survey issued by a surveyor of the Harbour Department under Section 12;
4. Produce a statement showing, so far as possible, the date when and the place where the vessel was completed;
5. State the previous name of the vessel if it formerly belonged to an alien;
6. State the name of the person in charge of the vessel.

Section 14. A register for Siamese vessels shall be kept in the form prescribed by the Harbour Department and shall contain the following particulars:

1. The name of the vessel, the name of her port of registration and the name of the person in charge of the vessel;

2. The class of the vessel, the name of the dock where the vessel was built, and the name of the owner of the dock;
3. The details of survey;
4. Particulars relating to the acquisition of the vessel as shown in the declaration of ownership;
5. The name, residence and occupation of the registered owner.

In case of a partnership or limited company the names and residences of the manager or directors shall be included in the register.

Section 15. The port at which a vessel has been registered as a Siamese vessel shall be her port of registration.

CHAPTER VI

Special rights and duties of Siamese vessels

Section 47. Unless otherwise governed by international agreements, only Siamese vessels registered under this Act and vessels under the tonnage prescribed in Section 8 used for trading in Siamese waters belonging to persons specified by Section 7, may trade in Siamese waters.

The provisions of the foregoing paragraph shall not apply to vessels below the tonnage prescribed in Section 8 used for trading in Siamese waters which are owned by natural persons who are aliens.

Section 49. A registered Siamese vessel while in use shall have on board the following documents—

1. Certificate of registration or provisional certificate of registration, as the case may be.
2. Crew contract.
3. Ship charter, if any.
4. Consignment notes, if any.
5. Ship manifest.
6. Log book.
7. Clearance and Port clearance, if any.

The Minister shall have the power to exempt, by way of issuing Ministerial Regulations, from the requirement to have on board the vessel the above mentioned documents, with the exception of the certificate of registration or the provisional certificate of registration, as the case may be.

The above documents may be used as proof of the nationality of the vessel. The language and form of such documents, if not already dealt with in this Act, shall be in accordance with Ministerial Regulations.

Section 50. The number of the crew of a Siamese vessel for trading in Siamese waters shall not be less than the number fixed by the Harbour Master, and no less than seventy five per cent of such crew shall have Siamese nationality.

Moreover, the crew of the Siamese vessel above referred to must have the qualification and standard of knowledge required by Ministerial Regulations.

Section 51. Only Siamese vessels are entitled to fly the Siamese flag. Any vessel, not being a Siamese vessel, which flies the Siamese national

flag in order to pass as a Siamese vessel, shall be deemed to have violated this Act.

Section 54. A vessel belonging to any person as provided in Section 7 which should be registered as a Siamese vessel under this Act, but which has not been so registered, or a vessel which has ceased to be registered as a Siamese vessel for reasons mentioned in Section 22, shall not be entitled to any of the benefits enjoyed by Siamese vessels under this Act, but in so far as payment of fees, liability to fines and forfeiture, and punishment for offences committed on board or by her crew are concerned, such vessel shall be dealt with in the same manner as if she were a registered Siamese vessel.

56. Turkey

(a) COMMERCIAL CODE OF 13 MAY 1929.¹

Article 1044. Any part-owner of a ship may, at any time and without the consent of the other part-owners, transfer all or part of his share. A sale of a share in a ship as a result of which the ship would cease to be entitled to wear the Turkish flag may not be made without the consent of all the part-owners.

Article 1459. Every Turkish ship shall wear the Turkish flag. A ship owned exclusively by Turkish citizens shall be Turkish.

An alien may not own the whole or any part of a Turkish ship.

Article 1460. If a part-owner of a ship loses Turkish citizenship, or if the share of a Turkish citizen passes to an alien otherwise than by sale, the ship may continue to wear the Turkish flag for one year. The former part-owners may, however, after the expiry of six months apply to the shipping registry for the sale of that share by public auction. If a majority of the part-owners so request, the registry shall order the sale. The number of votes shall be proportional to the number of shares. The former part-owners may also participate in the auction.

The ship may be sold only to a Turkish citizen.

The foregoing provisions shall apply only if the former part-owners own at least two-thirds of the shares.

Article 1461. Shipping registers shall be kept for Turkish ships in all places where the Government may deem necessary to do so.

Article 1465. Before a ship may be entered in the register it shall be entitled to wear the Turkish flag, and the legal facts and relations referred to in article 1464 shall have been established. If the official survey has not yet taken place in Turkey, the tonnage of the ship shall be entered in the register in virtue of a survey certificate issued by a foreign authority or of any other certified document.

Article 1466. The shipping registry shall draw up a certificate in accordance with the ship's entry in the register. The certificate shall also contain

¹ *Resmi gazete* No. 1197, 20 May 1929. Translation by the United Nations Secretariat.