

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

a statement that the requirements of article 1464 have been satisfied and that the ship is entitled to wear the Turkish flag.

Article 1467. The certificate shall constitute evidence that the ship is entitled to wear the Turkish flag. The Turkish flag may not be worn until the certificate has been issued.

The certificate or a copy thereof endorsed by the shipping registry shall always be kept on board during a voyage.

Article 1468. If a ship becomes when abroad entitled to wear the Turkish flag because it is the property of a Turkish citizen, a flag certificate issued by the Turkish consul shall take the place of the ship's certificate.

The flag certificate may be used for one year only from the date on which it was issued. After the expiry of that period it may be used only if the voyage is prolonged by reason of unavoidable circumstances.

Article 1469. . . .

The ship's name may not be changed without leave of the President of the Council of Ministers. If the ship is wrecked and beyond repair, or ceases to be entitled to wear the Turkish flag, it shall be erased from the register and the ship's certificate shall be cancelled.

In the event of a change of home port the shipping registry shall forward the register entry and copy of the certificate to the shipping registry of the new port, which shall make the new entry.

. . . .

Article 1472. A ship of gross capacity not exceeding 50 cubic metres may wear the Turkish flag even though it is not registered and does not possess a ship's certificate.

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Article 1482. The provisions of this Code shall apply to yachts, training ships and ships built in Turkey for a foreign country or an alien.

They shall also apply to ships not gainfully employed in sea transport.

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(b) REGISTRATION OF TURKISH SHIPS ORDER, No. 11,045 of 18 MAY 1931. ¹

Article 1. In pursuance of article 1461 of the Commercial Code, ² a shipping registry shall be established in each of (certain) ports . . . and shall be under the direction of the port officer.

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Article 3. . . . Where a ship is purchased abroad by a Turkish national the competent Turkish consulate shall, in accordance with article 1468 of the Act, issue a flag certificate and forthwith notify the Ministry of Economy accordingly. An owner or joint owner whose vessel is permitted to sail during the statutory period by virtue of a flag certificate without a ship's certificate shall on the expiry of that period elect a home port and exchange the flag certificate for a ship's certificate.

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Article 6. . . . A ship shall not be permitted to sail unless the procedure of its registration has been completed. . . .

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¹ *Resmî gazete*, No. 1806, 26 May 1931. Translation by the Secretariat of the United Nations.

² *Supra*.

Article 12. If a ship is ascertained to be wrecked or beyond repair or to have ceased to be entitled to wear the Turkish flag, it shall be erased from the register and its certificate cancelled; and an announcement to that effect shall be published in a single issue of the Official Gazette.

Article 15. A ship in respect of which the registration procedure prescribed for ships in Turkish waters has been carried out but for which no ship's certificate has been obtained may not wear the Turkish flag.

57. Union of South Africa

MERCHANT SHIPPING ACT NO. 57 OF 1951.¹

CHAPTER II

Recording, registering and licensing of ships

20. (1) On the first registry of a ship in the Union the owner shall produce—

(a) A declaration of ownership, in the prescribed form;

(b) In the case of a ship built elsewhere than in the Union, a certificate signed by the builder and containing a true account of the size and dimensions and the tonnage of the ship as estimated by the said builder, and of the time when and the place where she was built, and of the name of the person on whose account she was built, unless the person who makes the declaration of ownership declares that the time and place of building are unknown to him, or that the builder's certificate cannot be obtained, in which case there shall be required only the deed of sale under which the ship became vested in the applicant for registry;

(c) If there has been any sale, the deed of sale under which the ship has been vested in the applicant for registry;

(d) In the case of a ship that has been forfeited, an official copy of the notice of forfeiture.

(2) The builder of a ship shall not within the Union refuse or omit upon request by the owner to grant the certificate required by this section.

(3) The proper officer may demand proof of ownership of the ship to his satisfaction before proceeding with the registry of the ship.

23. On completion of the registry of a ship, the proper officer shall grant a certificate of registry in the prescribed form, containing the particulars respecting the ship entered in the register in accordance with section *twenty-one* and stating the name of her master.

28. (1) Whenever a change occurs in the registered ownership of a South African ship, such change of ownership shall be endorsed on the certificate of registry by the proper officer at the ship's port of registry, or by the proper officer at any other port at which the ship arrives after such officer has been advised of the change by the proper officer at the ship's port of registry.

¹ Text of Act provided by the Permanent Delegation of the Union of South Africa.