

from one denomination to another by a change in rig or fitting, the vessel shall cease to be deemed a vessel of the United States unless she is documented anew.

(b) When there is a change in the means of propulsion of a vessel as from steam engine to gas engine or any other alteration which may change the description, the marine document of the vessel shall be surrendered.

§ 3.32 *Sale or transfer of vessel; change in membership of owning partnership.*

(a) Except as stated in § 3.35, when a documented vessel is sold or transferred in whole or in part to a citizen, such vessel shall not be deemed a vessel of the United States until documented anew.

§ 3.35 *Sale abroad.* A documented vessel which has been sold or transferred in whole or in part to a citizen while such vessel is outside the limits of the United States shall be entitled on her first arrival thereafter to all the privileges of a vessel of the United States if a new document is obtained within 5 days after she arrives at the first port in the United States.

§ 3.36 *Sale or charter to an alien.* (a) When a documented vessel is sold in whole or in part, even in trust or confidence, to one who is not a citizen, its document shall be delivered (1) within 7 days after the sale to the collector at the port where the vessel is, if it is in the United States, or (2) within 8 days after the first arrival of the master in the United States to the collector at the port of his first arrival, if the vessel is at sea or not in the United States at the time of sale.

(b) The master and all watch officers of a documented vessel chartered to one who is not a citizen shall be citizens.

§ 3.55 *Citizenship of masters of documented vessels.* Every vessel of the United States shall be commanded by a citizen or surrender her document.

## 61. Uruguay

ACT NO. 10,945 (MERCHANT MARINE: GRANT OF NATIONAL FLAG) OF  
10 OCTOBER 1947.<sup>1</sup>

### CHAPTER I

#### *Use of Uruguayan flag*

*Article 1.* Every merchant ship which has obtained permanent registration, or has been furnished with a pass (*pasavante*) by a consular authority of the Republic, in accordance with the succeeding articles shall be entitled to wear the national flag.

### CHAPTER II

#### *Authority competent to grant flag or issue pass*

*Article 2.* The flag shall be granted by decree of the Executive Power on a report of the proper shipping authority that all requirements have been

<sup>1</sup> *Registro nacional de Leyes de la República oriental del Uruguay*, 1947, pp. 1044-1056. Translation by the Secretariat of the United Nations.

satisfied; passes shall be issued by consular agents of the Republic with the knowledge and consent of the Prefecture-General of Ports.

*Article 9.* After grant of the flag the Prefecture-General of Ports shall proceed to enter the ship in the Shipping Registrar and to issue a national ship's certificate (*patente nacional de navegación*).

#### CHAPTER IV

##### *Issue of pass*

*Article 11.* Application for a pass shall be made to the proper consular agent.

*Article 19.* A pass shall be valid for the direct voyage to the Republic; but the consular agent may, if satisfied that the ship cannot obtain cargo to go direct to the Republic, designate in the pass one or more ports of call, which may include the Port of Buenos Aires or any other port situated on the Uruguay or Paraná rivers. Forces entries, and calls at ports on the direct route to the Republic, are not departures from the itinerary.

*Article 20.* Where a ship holding a valid pass obtains the flag of another country, the owner shall forfeit to the State the security he has given under article 7 and the ship shall not operate in any port of the Republic.

The Executive Power may, by a reasoned order, remit or reduce this penalty.

*Article 21.* If a ship holding a pass does not visit a port of the Republic for permanent registration during the period laid down in article 16 [five months] or article 18 [extension in unavoidable circumstances], the owner shall forfeit to the State the security he has given under article 7.

The Executive Power may, by a reasoned order, remit or reduce this penalty.

*Article 22.* In a case to which article 20 or 21 applies the Executive Power shall withdraw the national flag and also, if it sees fit, rescind any contract concluded between the owner of the ship or his agent and the State.

#### CHAPTER V

##### *Duties of ship wearing flag*

*Article 24.* A ship wearing the Uruguayan flag shall be required on that account, in addition to the requirements of statute and regulation regarding deck crews and engine-room staff enforced by the Prefecture-General of Ports in respect of all national ships, (1) to carry free of charge mail to the Republic when bound for its port of registry, and mail from the Republic for places abroad when returning; (2) to carry free of charge to ports of the Republic shipwrecked mariners, deserters and distressed persons of Uruguayan nationality, but only in reasonable number having regard to its capacity and equipment.

*Article 25.* A ship holding a national ship's certificate shall make at least one round voyage annually to ports of the Republic. If it is shown by production of a certified copy of the contract that the ship is required to

ply for more than one year between foreign ports without touching a national port, the Executive Power may grant the necessary extension of time, but only to a ship already holding its national ship's certificate.

*Article 26.* A national ship shall, either on the voyage required by the preceding article or in the aggregate of its voyages made during the year to ports of the Republic, transport thither cargo equivalent to one-tenth of its cargo capacity.

*Article 27.* No national ship may, without prior permission of the Executive Power, change the name under which it obtained the flag, on pain of forfeiture of the security given under article 7.

#### CHAPTER VI

##### *Withdrawal of flag*

*Article 28.* The flag may be summarily withdrawn from a national merchant ship which—

1. Joins the navy of a belligerent nation with which the Republic is at war; or
2. Engages in unlawful or clandestine trade or piracy.

Withdrawal of the flag shall not affect any duty or liability deriving from the ship's previous status.

*Article 29.* Any person having knowledge of any of the aforesaid grounds may send a report thereon, supported by evidence, to the Ministry of National Defence, which shall thereupon investigate the matter and proceed accordingly.

In every case the Ministry of National Defence shall transmit a copy of its decision to the owner, agent or master of the ship and to the Prefecture-General of Ports for necessary action.

*Article 30.* Where the flag is withdrawn on any ground specified in article 28, the owner shall forfeit the security given under article 7 and the ship may not operate in any port of the Republic.

*Article 31.* The owner of a national merchant ship desiring to relinquish the flag shall apply therefor in writing to the Prefecture-General of Ports and attach certificates attesting that he owes no debts to the State. The Prefecture-General of Ports shall forward the application to the Ministry of National Defence, within six days, and the Executive Power shall decide on the application within 30 days. In default of a decision within that time, the applicant may apply directly to the Minister; and if within a further period of 20 days no decision has been given, a decision shall be deemed at law to have been given in favour of the applicant.

*Article 32.* The owner of a national merchant ship that has been permanently taken out of commission or sold to be broken up, or has foundered, or is otherwise lost, shall state the facts in a notarized affidavit and make application to the Prefecture-General of Ports, attaching the certificates referred to in the previous article, for cancellation of registration and of the ship's certificate in order that the ship may be released from all statutory obligations.