

**LAWS CONCERNING THE NATIONALITY  
OF SHIPS**



## LAWS CONCERNING THE NATIONALITY OF SHIPS

### 1. Argentina [1]

[No change]

### 2. Australia [2]

[No change]

### 3. Austria

(a) FEDERAL ACT CONCERNING THE RIGHT TO FLY THE FLAG OF THE REPUBLIC OF AUSTRIA AT SEA (MARITIME FLAG ACT), 17 JULY 1957<sup>1</sup>

*Article 1.* It shall not be permissible for a ship to fly the maritime flag of the Republic of Austria<sup>2</sup> unless the right to fly the said flag has been granted by the Federal Ministry of Transport and Electricity.

*Article 2.* (1) The right to fly the maritime flag shall not be granted unless the following conditions are fulfilled:

(a) Either the ship must be owned to the extent of more than 75 per cent by Austrian citizens or it must be let, unmanned and unequipped, exclusively to Austrian citizens for a period of not less than one year for their use (charterers);

(b) The owner (charterer) must have financial means which are sufficient for the purpose of the shipping undertaking, and more than 75 per cent of the said means must have been contributed by Austrian citizens.

(2) For the purposes of this Federal Act, the under-mentioned entities shall be assimilated to Austrian citizens:

(a) The Federation, the Federal Länder and the communes (*gemeinden*);

(b) General and limited partnerships, if their principal place of business is in Austria and if more than 75 per cent of their personally liable partners and all partners holding power of agency are Austrian citizens ordinarily resident in Austria;

(c) Bodies corporate, if their principal place of business is in Austria, the majority of their executive organs (manager, board of managers (*vorstand*), board of directors (*Aufsichtsrat*) including the chairman, is composed of Austrian citizens and more than 70 per cent of the voting power is owned by Austrian citizens, the Federation, a Federal *Land* or a commune.

(3) Nevertheless, in any case in which the Federal Government considers that it would be beneficial to Austrian maritime shipping, a participation less than that specified in paragraphs 1 and 2 shall suffice.

*Article 3.* The right to fly the maritime flag shall not be granted unless the following additional conditions are fulfilled:

(a) The ship must be intended for maritime traffic for peaceful purposes;

(b) The ship's name must be in keeping with the prestige of the maritime flag and must not already be borne by a ship having the right to fly the said flag;

(c) There must be an assurance that the owner (charterer), the master and the crew will not damage the prestige of the Republic of Austria or of the maritime flag;

<sup>1</sup> *Bundesgesetzblatt* (1957), pp. 980 to 982. Translation by the Secretariat of the United Nations.

<sup>2</sup> Hereinafter referred to simply as "the maritime flag".

(*d*) The ship's plans, a tonnage certificate and other documents must be produced which give particulars of the characteristics of the ship, its build, its age, the shipyard where it was built, and the former owners, if any;

(*e*) The owner (charterer) must furnish proof that the hull, the engine room, the fittings and equipment are adequate, having regard to the proposed use, to ensure the safety and health of the passengers and the crew and the safety of the cargo;

(*f*) The ship—unless it is a craft designed exclusively for sport—must have been reliably classified by an internationally recognized classification society;

(*g*) If the owner (charterer) is a joint stock company the company's shares must be registered and transfers of shares must, under the articles of association, be subject to the company's approval;

(*h*) If the ship is owned by an Austrian citizen (article 2, paragraph I (*a*)), the owner must produce satisfactory evidence to show that the ship is not entered in a foreign ships' register;

(*i*) If the ship is let to an Austrian citizen under charter the charterer must prove that the ship is entered in a foreign ships' register and that the ships' owner agrees to the grant of the right to fly the maritime flag.

*Article 4.* (1) The right to fly the maritime flag may be granted for a specific or for an indefinite period, whichever is applied for by the owner of the charterer. The said right attaches to the person of the grantee and to the ship.

(2) Nevertheless, in the case of ships under charter the right to fly the maritime flag shall not be granted for a period exceeding two years.

*Article 5.* The decision granting the right may stipulate the following conditions:

(*a*) That the ship's crew must consist wholly or partly of Austrian citizens;

(*b*) That the ship's crew must consist of persons who can produce satisfactory proof of competence;

(*c*) That the size of the ship's crew must be in conformity with a specified relationship to the ship's size and the extent of its route.

*Article 6.* (1) In the case of ships entered in a foreign ships' register (article 3 (*i*)), the Federal Ministry of Transport and Electricity shall, after granting the right to fly the maritime flag, issue a flag certificate in conformity with model shown in annex 1.

(2) The flag certificate or a certified copy thereof shall at all times be carried on board.

*Article 7.* (1) Particulars of ships which are not entered in a foreign ships' register (Article 3 (*h*)) must be reported for entry in the register of seagoing ships at Vienna not later than two weeks after the right to fly the maritime flag has been granted.

(2) The court competent for the register of seagoing ships shall note on the ship's certificate, among other particulars, the right to fly the maritime flag.

(3) The ship's certificate or a certified extract thereof shall at all times be carried on board.

*Article 8.* (1) The right to fly the maritime flag shall be revoked by the Federal Ministry of Transport and Electricity in the following circumstances:

(*a*) If the conditions which under article 2 and article 3 (*a*), (*b*), (*c*), and (*g*) govern the grant of the right to fly the maritime flag cease to be fulfilled;

(*b*) If the equipment of the ship ceases to satisfy the stipulations of article 3 (*e*);

(*c*) If the ship is removed from the class in which it had been placed by the classification society at the time when the right was granted;

(*d*) In the case of a ship owned by an Austrian citizen (article 2, paragraph I (*a*)), if the ship is entered in a foreign ships' register;

(e) If any of the obligations specified in article 9, paragraph 1 (e) are not fulfilled or the relations of the Republic of Austria with other States are in any other way endangered by the flying of the maritime flag;

(f) If the duty to enter into a freight agreement pursuant to article 10, paragraph 1, is not fulfilled within a reasonable time.

(2) Notice of the revocation shall be published at the owner's (charterer's) expense, in the official gazette (*Amtsblatt*) of the *Wiener Zeitung*.

*Article 9.* (1) It shall be the duty of the owner (charterer) to observe the following provision, that is to say:

(a) To comply with all the internationally recognized rules of navigation relating to the build and equipment of ships, to the crew, the safety of life and the prevention of the pollution of waters;

(b) To notify the Federal Ministry of Transport and Electricity of his address at any time, and, if abroad, to designate a person resident in Austria authorized to accept the service of documents on his behalf. (General Administrative Proceedings Act (*Allgemeines Verwaltungsverfahrensgesetz*) 1950, article 26, paragraph 1);

(c) To notify the Federal Ministry of Transport and Electricity without delay of any circumstances supervening which constitute grounds for revocation under article 8;

(d) Without prejudice to his obligation under (c), to produce evidence annually to the Federal Ministry of Transport and Electricity that the conditions which under article 3 (e) and (f) govern the grant of the right are still fulfilled;

(e) For reasons connected with the maintenance of the neutrality or the prestige of the Republic of Austria, to avoid specified waters and ports and not to carry specified persons and goods, in any case in which the Federal Ministry of Transport and Electricity, acting in consultation with the Federal Chancellery, declares it necessary that the waters and ports in question should be avoided and the persons and goods in question should not be carried;

(f) In the event of the revocation of the right to fly the maritime flag, to surrender the ship's certificate to the court competent for the register of sea-going ships and the flag certificate to the Federal Ministry of Transport and Electricity.

(2) The Federal Ministry of Transport and Electricity shall issue to the owner (charterer) a statement confirming the production of the evidence required under paragraph 1 (d).

*Article 10.* (1) It shall be the duty of the owner of a ship which comes within the terms of article 2, paragraph 1 (a), to enter into freight agreements relating to the carriage of goods (article 556 of the Commercial Code) with the Federation or with some other specified person, if the Federal Government declares such agreements necessary for the economic defence of the Republic of Austria.

(2) In any such case the Federal Government shall, so far as necessary, also lay down the terms of the agreement with due regard for trade practice.

(3) By virtue of the agreement entered into as aforesaid all other arrangements shall, in so far as they conflict with the operation of the agreement, cease to have effect.

(4) The owner (paragraph 1) and the master of the ship (Commercial Code, article 527, paragraph 2) shall, when entering into other arrangements, have due regard to whatever obligations are applicable to them pursuant to the foregoing paragraphs.

*Article 11.* (1) The maritime flag consists of three horizontal strips of equal width, the central strip being white, and the upper and lower strips red (*Staatsgesetzblatt*, Act No. 484/1919, article 6). The ratio of the height of the flag to its length is 2:3.

(2) The maritime flag shall be flown in the manner customary in the usage of maritime traffic for seagoing ships of the type in question. At the place intended for the maritime flag, other flags may be hoisted for signalling purposes only.

(3) Ships in respect of which the right to fly the maritime flag has been granted must not fly other national flags.

(4) The emblems of firms (shipping companies) may be carried only if authority to do so has been obtained from the Federal Ministry of Transport and Electricity. Such authority shall be granted only where the emblem is not detrimental to the prestige of the Republic of Austria or of the maritime flag, and is not likely to be confused with signalling flags or the maritime flag.

*Article 12.* (1) Every ship in respect of which the right to fly the maritime flag has been granted shall display its name on each side of the bow and at the stern in clearly legible Latin characters firmly affixed.

(2) In like manner, Vienna shall be shown as the port of registry at the stern.

(3) The height of the smallest letters shall be at least 10 cm, and the width of the down-strokes forming the letters at least one-fifth of the height of the letters.

*Article 13.* The court competent for the register of seagoing ships shall communicate a copy of its decision to the Federal Ministry of Transport and Electricity in every case in which a ship is entered into or removed from the register.

*Article 14.* (1) Any contravention of article 1, article 6, paragraph 2, article 7, paragraphs 1 and 3, article 10, paragraph 1, article 11 or article 12, and any non-observance of the conditions imposed pursuant to article 5, shall be deemed to constitute an administrative offence (*Verwaltungsübertretung*). Similarly, any person who by his conduct impairs the prestige of the maritime flag shall be guilty of an administrative offence.

(2) The penalty for an administrative offence under paragraph 1 shall be a fine of not more than 30,000 schillings, or detention for a term not exceeding six weeks, or both penalties concurrently.

(3) An attempt to commit any of the said offences shall itself constitute a punishable offence.

*Article 15.* (1) Upon the entry into force of this Federal Act, all legislative provisions relating to the same subject shall become ineffective.

(2) In particular the following provisions—in so far as they are still in force—shall become ineffective:

(a) Federal Act of 17 March 1921 (*Bundesgesetzblatt* No. 176) concerning flags to be flown by merchant ships;

(b) Decree of 4 June 1921 (*Bundesgesetzblatt* No. 304) to give effect to the Federal Act of 17 March 1921 (*Bundesgesetzblatt* No. 176) concerning flags to be flown by merchant ships;

(c) Act of 22 June 1899, *Deutsches Reichsgesetzblatt*, page 319, concerning flags to be flown by merchant ships, as reproduced in the Act of 29 May 1901, *Deutsches Reichsgesetzblatt* No. 184 and in the Decree of 21 December 1940, *Deutsches Reichsgesetzblatt* I, page 1609 and the regulations giving effect to these enactments.

(3) This Federal Act shall cease to have effect on 31 July 1960.

*Article 16.* Except as otherwise provided in the Act, the Federal Ministry of Transport and Electricity shall be responsible for giving effect to this Federal Act, in consultation, so far as article 7, article 10, paragraphs 2 to 4, and article 13 are concerned, with the Federal Ministry of Justice.

**4. Belgique [3]**

[No change]

**5. Brazil [4]**

[No change]

**6. Bulgaria [5]**

[No change]

**7. Burma [5a]**

[No change]

**8. Cambodge [6]**

[No change]

**9. Canada [7]****CANADA SHIPPING ACT, 1934<sup>3</sup>***Note.* Delete the suffix "1934".

Delete Section 8 of this Act and substitute the following:

"Ships not exceeding 15 tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding 15 tons register tonnage wherever employed or operated are exempted from registry under this Act."

**10. Ceylon [8]**

[No change]

**11. Chile [9]****(a) COMMERCIAL CODE OF 23 NOVEMBER 1865**

[No change]

**(b) SHIPPING ACT, 1878**

[No change]

**(c) ACT No. 6415 OF 4 OCTOBER 1939, TO RESERVE THE COASTAL TRADE TO SHIPS OF THE MERCHANT MARINE***Note.* This entry should be deleted and replaced by the following entry under (d).**(d) ACT No. 12,041 OF 26 JUNE 1956, TO RESERVE THE COASTAL TRADE TO CHILEAN SHIPS. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS**

*Article 1.* The coasting-trade shall be reserved for Chilean ships subject to the conditions laid down in this Act. Coasting-trade shall be deemed to mean the transport of cargo by sea, river and lake between the various ports on the coasts, rivers and lakes of the Republic.

*Article 2.* . . .

*Article 3.* A ship which is registered at Chilean ports and the owners, master, officers and crew of which are Chilean nationals shall be deemed to be a Chilean ship;

Notwithstanding the provisions of the preceding paragraph, the Coastal and Merchant Marine Department may authorize the temporary engagement of foreign members of the crew when that is necessary.

If the owner of a ship is a company or an association, the ship shall be considered Chilean if three-quarters of the capital of the company or association

<sup>3</sup>To the footnote on page 11 of the previous volume should be added "and 1956 statutes of Canada, chapter 34."

or of the rights of that association belong to Chilean natural persons or bodies corporate. For the purposes of this Act, a Chilean body corporate shall mean a body corporate, at least 75 per cent of whose capital, in turn, belongs to Chilean natural persons or bodies corporate. Merchant ships which do not fulfil the requirements laid down in this article shall not be authorized to fly the national flag.

Notwithstanding the above, in the event of an international conflict which seriously affects the normal course of Chile's maritime trade with foreign countries or in the event of the immediate danger of such a conflict, the President of the Republic shall have the power to authorize the temporary use of the national colours on certain ships which do not fulfil the above-mentioned requirements and which are chartered by national companies. Such authorization shall have effect only during the period of emergency and the ships so authorized shall not enjoy the privileges which may be granted to Chilean ships under this Act or any other law. The President of the Republic shall lay down the regulations with respect to traffic and crews to which such ships shall be subject while flying the national flag.

The complement of each ship shall be determined by the Coastal and Merchant Marine Board in consultation with representatives of the owners, officers and crew.

## 12. China [10]

[No change]

## 13. Colombia [11]

[No change]

## 14. Costa Rica [12]

[No change]

## 15. Cuba [13]

[No change]

## 16. Czechoslovakia [14]

[No change]

## 17. Denmark [15]

### (a) SHIPPING ACT No. 319 OF 7 MAY 1937

*Note.* By an Act to Amend the Shipping Act, Act No. 94 of 29 March 1957<sup>4</sup> Chapter 1 is amended to read as follows:

#### CHAPTER I. SHIPS

*Article 1.* 1. A ship may be considered Danish and wear the Danish flag only if its owner is Danish.

2. The expression "Danish owner" means:

(a) Danish nationals;

(b) Danish State institutions and communes;

(c) Foundations and associations under the exclusive management of Danish nationals resident in Denmark;

(d) Shipping partnerships, if not less than two-thirds of the shares are held by Danish nationals and if the managing owner is Danish and is domiciled in Denmark;

<sup>4</sup>Translation by the Secretariat of the United Nations.

(e) Joint-stock companies and other limited liability companies which have elected a governing board, if not less than two-thirds of the members of that board consist of Danish nationals who are resident in Denmark;

(f) Other companies, if not less than two-thirds of the participants are Danish nationals who are resident in Denmark.

If foundations, associations or companies are participants in a shipping partnership or in a company referred to in sub-paragraph (f), each participant must satisfy the conditions prescribed in respect of a Danish owner.

*Article 2.* Danish ships shall be registered and provided with certificates of nationality in accordance with the relevant special regulations.

...

(b) SHIPPING REGISTRATION ACT OF 1 APRIL 1892, AS AMENDED 4 MAY 1927 AND 28 MARCH 1951

*Note.* With the exception of the provisions of Articles 1 and 2, the above Act, together with Act No. 68 of 27 March 1929, Act No. 358 of 26 August 1941, Act No. 121 of 28 March 1951 and Act No. 363 of 22 December 1954, is repealed. These acts are replaced by the Shipping Registration Act, Act No. 93 of 29 March 1957 which is given below and which comes into effect on 1 January 1958 (except in the case of Greenland where the date on which the Act is to come into force shall be determined by Royal Order).

(c) SHIPPING REGISTRATION ACT, ACT NO. 93 OF 29 MARCH 1957<sup>5</sup>

#### CHAPTER I. REGISTRATION OF LARGER SHIPS

##### A. *Registration of nationality*

###### *Application for registration*

*Article 1.* An application for the registration of a Danish ship (cf. Shipping Act, article 1) shall be made by the owner if the ship is fully built and has a register tonnage of twenty tons gross or over. In special cases, the Ministry of Trade, Industry and Shipping may permit the registration of ships even where the conditions therefor under article 1 of the Shipping Act are not satisfied.

*Article 2.* 1. Warships may not be registered. The same shall apply to a ship registered in the shipping register of another country.

2. For the purposes of this Act, floating docks, cable drums, floating containers and similar types of equipment shall not be deemed to be ships.

3. Barges, lighters, dredgers, floating cranes and the like shall be deemed to be ships, but no application for registration need be made pursuant to article 1 unless they are fitted with mechanical means of propulsion.

*Article 3.* 1. An application for registration shall be made not later than thirty days after the ship has been completed, or—where a ship is acquired after completion—not later than thirty days after it has been acquired.

2. This time-limit may be extended by the registrar of shipping.

*Article 4.* 1. A ship which is under construction in Denmark may be provisionally registered on condition that the State Shipping Board or a customs-house certifies that construction is sufficiently far advanced for the ship to be adequately identified and that the tonnage of the ship will likely be at least twenty tons gross, and on the further condition that the owner may be deemed to be Danish (cf. Shipping Act, article 1).

2. Where the person having the ship built is to be registered as the owner, the application shall be accompanied by the shipyard's written consent thereto. If the shipyard is to be registered as the owner, the written consent of the person having the ship built shall be required.

<sup>5</sup> Translation by the Secretariat of the United Nations.

3. Provision may be made by Royal order for the provisional registration, under similar conditions, of a ship that is under construction in another country.

...

*Article 6.* 1. Where a ship is owned by a company, a foundation or an association, the application shall specify the person by whom the ship may be sold or mortgaged. If a governing board or a managing owner has been elected, that fact shall be stated in the application. A governing board shall be deemed to be a managing owner, and a separate managing owner may not be registered in such case. A managing owner, who must be Danish and be domiciled in Denmark (cf. Shipping Act, article 10), shall be elected if the ship is owned by a shipping partnership.

2. Where a ship is owned by a joint-stock company, proof shall be furnished that the company has been registered as Danish in the register of joint-stock companies.

3. Where, because the owner is domiciled in another country, or on similar grounds, there is reason to expect that the registration authorities will have difficulty in getting in touch with the shipping company, the shipping registry may require that it be given the name of an agent resident in Denmark who is empowered to act on the owner's behalf in dealing with the registration authorities and is responsible for ensuring that the obligations incumbent upon the shipping company under this Act are complied with.

*Article 7.* 1. Where a ship has been acquired from a foreign source, there shall, in addition to the documents specified in the foregoing provisions, be produced a certificate from the foreign registration authority to the effect that the ship has been erased from or has not been entered in the register kept by that authority. In special cases, the registrar of shipping may effect registration even if such a certificate has not been produced.

2. Where a ship is acquired from a country which has acceded to the International Convention concerning maritime liens and mortgages, the certificate of erasure shall contain particulars of the rights registered in that country. These rights shall be transferred to the shipping register if they are registrable in Denmark.

...

#### *Certificates of nationality*

*Article 17.* A ship which is registered, or pursuant to article 1 (cf. article 2) is subject to registration, may not be put in service unless it is provided with a certificate of nationality.

...

*Article 20.* Where a ship has been acquired from a foreign source and is taken over in a foreign port, the Danish diplomatic representative may issue a provisional certificate of nationality which shall authorize the ship to sail under the Danish flag until it arrives in a Danish port, but shall not be valid beyond a specified period.

*Article 21.* 1. Where application has been made for the registration of a ship, the shipping registry may in special cases issue a provisional certificate of nationality valid for a single voyage at a time.

2. In the case of registered ships, the shipping registry may also issue provisional certificates of nationality valid for a single voyage at a time or for navigation in Danish waters during a limited period of time.

3. The shipping registry may empower custom-houses to issue provisional certificates of nationality for trial runs or for the making of single voyages in Danish waters by registered ships.

*Article 22.* 1. Certificates of nationality shall be carried on board and be produced to the authorities upon request.

2. Provisional certificates of nationality may be revoked by the shipping registry in cases of abuse.

...

*Erasure from the shipping register*

*Article 26.* 1. A ship shall be erased from the shipping register if the owner can no longer be deemed to be a Danish owner, or if the ship is transferred to or passes into the possession of a person who cannot be deemed to be Danish (cf. Shipping Act, article 1).

2. A ship that is broken up, wrecked or lost is declared by a lawfully appointed surveyor or valuer or by a recognized classification society or on the basis of some similar procedure to be beyond repair shall likewise be erased from the register.

...

*Article 28.* 1. Upon erasure the ship may no longer sail under the Danish flag, and the right to the ship's name shall be lost.

2. At the owner's request, however, the right to the ship's name may be reserved for a period of three years reckoned from the date of erasure.

3. The registrar of shipping may defer erasure if there is some likelihood of the situation with regard to nationality being rectified or there is a reasonable prospect of the ship being found, salvaged or repaired within a time-limit prescribed by the said registrar.

...

*Article 40.* 1. Except as otherwise provided, registration shall have legal force from the date on which the document is submitted for registration in the shipping register, irrespective of whether it is submitted directly or through a district office outside Copenhagen.

2. Documents submitted on the same day shall be deemed for purposes of registration to have been submitted simultaneously. If this leads to uncertainty in the situation regarding title, the documents shall be registered but shall then be erased from the register unless the person submitting the documents has clarified the situation within a time-limit prescribed by the shipping registry.

3. Rights transferred from a foreign register pursuant to the provisions of article 7, paragraph 2, shall retain the legal status they had before the transfer.

4. Where a ship has been acquired from a country which has not acceded to the International Convention concerning maritime liens and mortgages, the rights registered in the foreign register may be transferred to the shipping register only with the owner's consent and subject to the provisions of paragraphs 1 and 2 as regards legal force.

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CHAPTER II. REGISTRATION OF SMALLER SHIPS, ETC.

*A. Registration in the list of vessels*

*Article 43.* 1. Ships having register tonnage of less than twenty tons gross and ships which under article 2, paragraph 3, are exempt from registration shall be entered in the list of vessels for the district to which they belong. This obligation shall apply only if the ship is fully built and if the owner is Danish (cf. Shipping Act, article 1).

2. Pleasure craft may not be entered in the list of vessels. The Ministry of Trade, Industry and Shipping may also order that groups of smaller ships may not be entered in this list.

3. The list of vessels for Copenhagen shall be kept by the shipping registry. Outside Copenhagen, the list of vessels shall, under the supervision of the registrar of shipping, be kept by the district offices.

4. When a ship has been definitively entered in the list of vessels, a certificate of nationality shall be issued by the district office.

5. The provisions of Chapter 1, with the exception of article 4, article 5, paragraphs 4 to 6, article 6, paragraph 1 first sentence, article 7, paragraph 2, articles 8 to 13, articles 15 to 16, article 28, paragraph 2, and articles 29 to 42 shall apply *mutatis mutandis* to entry in the list of vessels. Regulations in this regard shall be made by the Ministry of Trade, Industry and Shipping.

#### B. Registration in the shipping register

*Article 44.* 1. A ship as referred to in article 43, including a pleasure craft, may at the owner's request be entered in the shipping register if its register tonnage on the basis of actual measurement is, or at the time of provisional registration seems likely to be five tons gross or over.

2. The registration and its legal force shall be governed by the provisions of Chapter I, with the exception of article 5, paragraph 4.

*Article 45.* 1. If the ship was previously registered in the list of vessels, it shall be erased therefrom, and a reference to its registration in the shipping register shall be made in the list of vessels. A new certificate of nationality shall in addition be issued for the ship.

2. The registration of a ship in the shipping register precludes any subsequent transfer to the list of vessels.

3. The same provisions shall apply where a ship is transferred to the shipping register as the result of being remeasured.

*Article 46.* 1. Rights established before registration in the shipping register shall remain valid in relation to third parties on condition that the relevant rules are observed. Such rights may be entered in the shipping register if they may still be assumed to be of importance. The shipping registry shall take steps to ensure that rights relating to the ship and registered before this Act comes into effect are transferred to the shipping register.

2. Where a ship is not registered as newly built, the register entry shall contain a notation to the effect that rights not registered may have been established before the ship was entered in the register.

*Article 47.* After this Act comes into effect, interests in a ship which under article 44 are registrable in the shipping register may not be registered under Chapter 7 of the Registration Act.

...

### CHAPTER III. GENERAL PROVISIONS

...

#### D. Application of the Act

*Article 57.* I. Offences against the provisions of Chapters I A and II of this Act or of the regulations made under the Act shall, unless a more severe penalty is otherwise prescribed, be punished by a fine. Such offences shall be dealt with by summary procedure (police-court cases).

2. Where a person wilfully omits to fulfil his obligations in respect of registration, a continuous fine, which shall accrue to the Treasury, may be imposed by summary procedure as a means of enforcing compliance with the obligation.

3. The right to possess or to obtain a certificate of nationality or to have the notations referred to in article 19 entered on such a certificate may be revoked for a period determined by the court in accordance with the provisions of articles 78 and 79 of the Penal Code, as amended by Act No. 286 of 18 June 1951 (in the case of Greenland, article 110 of the Criminal Code (No. 55) of 5 March 1954).

4. If a ship sails under the Danish flag without being entitled to do so, the person or persons guilty of the offence shall be liable to punishment under the provisions of paragraph 1. In a case of gross abuse the ship may, in addition,

be confiscated and become forfeit to the Treasury. In a case of confiscation, due regard shall be had to the interests of the rightful owners unless they were accessories to the offence.

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### 18. Dominican Republic [16]

[No change]

### 19. Ecuador [17]

[No change]

### 20. Egypt [18]

[No change]

### 21. Ethiopia [19]

[No change]

### 22. Finland [20]

(a) SHIPPING ACT No. 167 OF 9 JUNE 1939

[No change]

(b) SHIPPING REGISTER ACT, No. 211 OF 29 JULY 1927<sup>6</sup>

*Note.* By a Law to Amend the Shipping Register Act, 22 December 1927, "Finnish Law Series", No. 344/27, Articles 3 and 15 were amended to read as given below. By a Law to Amend the Shipping Register Act, 29 January 1937, *ibid.*, No. 53/37, Article 1 was amended as given below.

*Article 1.* A register of shipping shall be kept for Finnish vessels used for commercial navigation and having a net tonnage of nineteen or more register tons.

Lighters used for transport solely in connexion with the loading, unloading or storage of goods in the same port area or loading place or between the coast and a port or a loading place situated in its immediate vicinity need not be entered in the register of shipping.

*Article 3.* The register of shipping shall be kept by a town or police court in respect of each register district.

The register districts shall be determined by the Council of State.

The register and documents appertaining thereto shall be public and open to inspection. Extracts from the register and copies of documents appertaining thereto shall be issued on payment of a prescribed fee.

*Article 15.* The name under which a vessel has been entered in the register may not be changed without the permission of the Shipping Board, nor may a new name be placed on the vessel before the change has been entered in the register and a new certificate of nationality has been issued.

In addition to the new name, the former name of the vessel shall be included in both the register and the certificate.

### 23. France [21]

[No change]

### 24. Germany, Federal Republic of, [22]

[No change]

<sup>6</sup> Translation by the Secretariat of the United Nations from the Swedish text.

## 25. Greece [23]

(a) DECREE OF 14 NOVEMBER 1836 CONCERNING MERCHANT SHIPPING  
[No change]

(b) COMMERCIAL CODE (AMENDMENT) ACT No. 3717 OF 1910  
[No change]

(c) DECREE OF 10/17 JULY 1910 CONCERNING CERTIFICATES OF NATIONALITY AND CHANGES IN THE NAMES OF SHIPS:<sup>7</sup>

...

*Article 38.* The Greek character of a ship registered for the first time shall be established by a certificate of nationality, which shall be issued, in conformity with the model annexed hereto, after security has been given as required by the Royal Decree of 14 November 1836.

The Certificate of nationality shall be signed by the port manager "by authority of the Minister of Marine."

*Article 39.* On every transfer of the entire ownership of any ship, whether by virtue of an instrument *inter vivos* or *mortis causa*, a new certificate of nationality shall be issued and the earlier one shall be returned to the registrar for cancellation and retention in the archives.

Every transfer of an undivided share in a ship shall be recorded on the back of the certificate of nationality. Where, however, any such transfer of an undivided share in any ship causes more than half the ownership thereof to pass to a foreign national and the ship consequently loses its Greek character, the certificate of nationality shall be returned to the registrar.

If a transfer is effected merely to furnish security for a debt, such transfer shall not be recorded on the certificate of nationality and no new certificate shall be issued to the creditor concerned.

If a certificate of nationality is lost, a new one shall be issued after the loss has been confirmed on oath before a local magistrate; a copy of the court record shall be placed in the archives and the new document shall mention the loss of the earlier one.

*Article 41.* If the ownership of any foreign ship is acquired by a Greek national in a foreign country and such ship, having lost its foreign registration, requires registration in Greece, the Greek consul at the port of departure of the ship shall furnish in respect thereof, among other provisional ship's papers, a temporary certificate of nationality. Such certificate shall be drawn up in conformity with the model referred to in article 38.

A brief endorsement shall be made on such temporary certificate of nationality regarding the nature and contents of the instrument whereby title to the ship was acquired; such endorsement shall be dated and signed by the consul.

After due registration in Greece, the temporary certificate of nationality shall be placed in the archives of the registrar at the place of permanent registration.

(d) LEGISLATIVE DECREE 2687/53 CONCERNING THE INVESTMENT AND PROTECTION OF FOREIGN CAPITAL.<sup>8</sup>

...

*Article 13.1.* The term "foreign capital" shall also be deemed to include ships of a capacity exceeding 1,500 tons registered under the Greek flag since the entry into force of this Decree.

<sup>7</sup>Text of Decree provided by the Permanent Delegation of Greece. Translation by the Secretariat of the United Nations.

<sup>8</sup>Text of decree provided by the Permanent Delegation of Greece. Translation by the Secretariat of the United Nations.

2. The open licence issued in conformity with article 3 of this Decree may waive the relevant provisions with regard to the following:

(a) The sale and mortgage of any ship, without further authorization of the Government, to an alien of a nationality specified in the open licence;

(b) The disposal of the foreign exchange acquired through the sale of any ship, of the amount received under a policy of insurance covering any ship in case of accident or of the sum obtained by way of loan secured by a mortgage on any ship, without the obligation to import into the country a corresponding amount of foreign exchange;

(c) The administration of the income derived from any ship, without any restriction whatsoever;

(d) The limitation of contributions to the Seamen's Disability Fund;

(e) The granting of Greek national character to ships belonging to aliens;

(f) The assessment of tax and conveyance duties, on the transfer of a ship to an alien, on the basis of the ship's net tonnage;

(g) The compensation payable in the event of a ship being requisitioned;

(h) The arbitral settlement of disputes arising out of the application of the open licence; and

(i) Any other stipulation not indicated above, which is consistent with the intent of this article, and measures designed to ensure observance of the open licence.

## 26. Guatemala [24]

[No change]

## 27. Haiti [25]

[No change]

## 28. Honduras [26]

[No change]

## 29. Hungary [27]

[No change]

## 30. Iceland [28]

[No change]

## 31. India [29]

[No change]

## 32. Ireland<sup>9</sup> [30]

### (a) MERCANTILE MARINE ACT, 1955

9. The following ships shall be known as Irish ships and shall, subject to subsection (3) of section 18 of this Act, be entitled to wear the proper national colours and assume national character:

(a) State-owned ships;

(b) Ships which are wholly owned by persons being citizens of Ireland (hereinafter referred to as Irish citizens) or Irish bodies corporate<sup>10</sup> and are not registered under the law of another country;

<sup>9</sup> The entire entry relating to Ireland in the previous volume is now out-of-date and the Mercantile Marine Act, 1955 replaces the texts of Acts given in that volume.

<sup>10</sup> "Irish Body Corporate" means a body corporate established under and subject to the law of the State and having its principal place of business in the State (as defined in Section 2 (1) of the Act).

(c) Other ships registered or deemed to be registered under this Act.

13. (1) If a person uses the proper national colours or assumes Irish national character on board a ship which is not an Irish ship, for the purpose of making the ship appear to be an Irish ship, the ship shall be subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2) In proceedings to enforce the forfeiture, the burden of proving title to use the proper national colours and assume Irish national character shall be upon the person using or assuming them.

14. If the master or owner of an Irish ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent:

(a) To conceal the Irish national character of the ship from any person entitled by law to enquire into the ship's national character, or

(b) To deceive any such person, or

(c) To assume a foreign character,  
the ship shall be subject to forfeiture under this Act, and the master, if he commits or is privy to the commission of the offence shall in respect of each offence be guilty of a misdemeanour.

15. (1) An officer of customs and excise shall not grant a clearance of transire for a ship until the master has stated the nationality of the ship to the officer, and the officer shall thereupon inscribe that nationality of the clearance or transire.

(2) A ship which attempts to proceed to sea without having the clearance or transire inscribed under subsection (1) of this section, may be detained until the statement of nationality is made.

16. Subject to section 19 of this Act respecting reciprocating states, the following shall alone be qualified to own a registered ship or a share therein:

(a) The Government;

(b) A Minister of State;

(c) An Irish citizen;

(d) An Irish body corporate.<sup>11</sup>

19. (1) The Government may by order declare a particular state to be a reciprocating state if they are of opinion that it would be in the national interest so to do, and if they are satisfied that Irish citizens and Irish bodies corporate are entitled, under the laws of that State, to own a ship or a share in a ship having the nationality of that state.<sup>12</sup>

(2) So long as an order under subsection (1) of this section is in force in respect of a particular state, the following persons:

(a) Citizens, subjects or nationals of that state, entitled under the laws thereof to own a ship having nationality of that state, and

(b) Bodies corporate established under and subject to the laws of that state, and having their principal place of business therein,  
shall be qualified to own a registered ship or a share therein, and any ship wholly owned by one or more of such persons may be registered under this Act.

(3) The Government may revoke an order under subsection (1) of this section.

20. (1) Subject to subsection (2) of this section a ship which is not wholly owned by one or more qualified persons shall not be registered under this Act.

<sup>11</sup> Cf. footnote 10 *supra*.

<sup>12</sup> An order has been made under this Section declaring the United Kingdom and Colonies to be a reciprocating State.

(2) Notwithstanding section 16 of this Act, a ship, whether owned by qualified persons or not, whose name is entered before the date of the passing of this Act, in a register book at a port in the State shall be deemed to be duly registered under this Act.

21. The Minister may, in his absolute discretion, on the application of a qualified person to register a ship under the law of another country, consent to such registry by that person.

22. If a person who is not a qualified person acquires as owner, otherwise than by transmission as hereinafter provided for, any interest, legal or beneficial, in an Irish ship, the interest so acquired shall be subject to forfeiture under this Act.

...

47. (1) Where the property in a registered ship or in a share therein is transmitted on death, bankruptcy or otherwise to a person who is not a qualified person, then the High Court may, on application by or on behalf of such person, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the court direct.

(2) The court may require any evidence in support of the application they think requisite and may make the order on any terms and conditions they think just, or may refuse to make the order and generally may act in the case as the justice of the case requires.

(3) Every application for sale shall be made within four weeks after the occurrence of the event on which the transmission has taken place or within such further time (not exceeding in the whole one year) as the court allow.

(4) If application is not made in accordance with this section or if the court refuse an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

### 33. Israel [31]

(a) SHIPS (NATIONALITY AND FLAG) ORDINANCE, No. 3 OF 5708-1948<sup>13</sup>  
[No change]

(b) MERCHANT SHIPPING ACT, 25 AUGUST 1894 (57 AND 58 VICT. c. 60)<sup>14</sup>  
[No change]

(c) CODE DE COMMERCE MARITIME, 1863<sup>15</sup>

*Art. 1er.* [Comme modifié en mai 1870.] Les sujets étrangers ne pourront pas posséder en totalité, ni en partie, un navire sous pavillon ottoman. Un navire ottoman ne pourra être vendu en entier à un sujet étranger, qu'en tant qu'on aura retiré préalablement les pièces constatant la nationalité ottomane dudit navire.

*Art. 2.* Les sujets ottomans peuvent acquérir la propriété d'un navire étranger, et le faire naviguer sous pavillon ottoman aux mêmes conditions que les navires nationaux, mais le contrat de leur acquisition ne peut renfermer aucune clause ou réserve contraire à l'article précédent au profit d'un étranger sous peine de confiscation du navire.

<sup>13</sup> This deals with the procedural aspects of nationality.

<sup>14</sup> This deals with the substantive law and is applicable under Law and Administration Ordinance, Article II. The text of the Merchant Shipping Act 1894 can be found at pp. 180-186 of the previous volume.

<sup>15</sup> These provisions are still applicable in Israel except that the word "Ottoman" should be read as "Israel" in the text.

### 34. Italy [32]

[No change]

### 35. Japan<sup>16</sup> [33]

(a) SHIP LAW No. 46 OF 1899

*Article 1.* The following ships are Japanese ships:

- (1) Ships owned by the Japanese Government or Japanese public offices;
- (2) Ships owned by Japanese subjects;
- (3) Ships owned by commercial corporations which have their head offices in Japan, and of which all partners in the case of an unlimited partnership (Gomei-Kaisha), all partners with unlimited liability in the case of a commandite partnership (Goshi-Kaisha), or all directors in the case of a joint-stock company (Kabushiki-Kaisha) or a limited liability company (Yugen-Kaisha) are Japanese subjects;
- (4) Ships owned by corporate bodies which have their head offices in Japan and of which all representatives are Japanese subjects.

*Article 2.* None other than a Japanese ship may hoist the Japanese national flag.

*Article 3.* None other than a Japanese ship may call at a port not open to foreign commerce and navigation or engage in the transportation of goods or passengers between Japanese ports, except as otherwise provided by statute or treaty, or to avoid shipwreck or capture, or by obtaining the permission of the competent Minister.

*Article 4.* The owner of a Japanese ship shall designate its port of register within Japan and apply for measurement of the ship to the shipping authority for that port of register.

...

3. An owner intending to navigate a ship acquired abroad between foreign ports may apply for measurement of the ship to the Japanese consular or trading officer.

*Article 5.* The owner of a Japanese ship shall, after the ship's ownership has been recorded at a registry, have the ship registered in the shipping register kept at the office of the shipping authority for its port of register.

2. When the said registration has been made, the shipping authority shall issue a certificate of nationality for the ship.

*Article 5. (2).* The owner of a Japanese ship shall, by the date determined by the competent Minister, submit for attestation the certificate of nationality of the ship to the shipping authority for its port of register (or, if there is an inevitable cause for operating the ship, to the nearest shipping authority).

...

*Article 6.* Unless otherwise provided by statute or regulation, no Japanese ship may hoist the Japanese national flag or be navigated before the certificate of nationality or the provisional certificate of nationality for the ship has been obtained by application.

*Article 6. (2).* When the ownership of a ship registered in accordance with the provisions of article 5, paragraph 1 is transferred, the new owner shall not navigate the ship unless he has applied for rewriting of the certificate of nationality of the ship; but this provision shall not apply until he becomes aware of the fact and for two weeks after he became aware of it.

<sup>16</sup> The present entry replaces in its entirety the entry relating to Japan in the previous volume at pp. 90-93. All texts were submitted by the Permanent Mission of Japan to the United Nations.

*Article 7.* A Japanese ship shall hoist the Japanese national flag and indicate her name, port of register, number, tonnage, draught mark and other particulars as provided by statute or regulation.

*Article 8.* The name of a Japanese ship shall not be altered without permission of the shipping authority for its port of register.

...

*Article 11.* When any alteration has taken place in the particulars stated in the certificate of nationality of a ship, the owner of the ship shall apply for its rewriting within two weeks after he became aware of the fact. The same shall apply when the certificate of nationality has been damaged.

...

*Article 13.* When the certificate of nationality of a Japanese ship has been lost or damaged, or any alteration has taken place in the particulars stated in the certificate while anchored in a foreign port, the master of the ship may obtain by application in that port a provisional certificate of nationality for the ship.

2. If the event mentioned in the preceding paragraph has taken place while a Japanese ship is sailing abroad, the master of the ship may obtain by application a provisional certificate of nationality for the ship at the first port of call.

3. When a provisional certificate of nationality for the ship cannot be obtained by application in accordance with the provisions of the preceding two paragraphs, the master of the ship may obtain it by application at the next port of call.

*Article 14.* When a Japanese ship has been lost, sunk or scrapped, or has lost Japanese nationality, or has come under a ship mentioned in article 20, the owner of the ship shall apply for deletion of registration within two weeks after he became aware of the fact, and without delay return the certificate of nationality of the ship. The same shall apply when it is unknown for six months whether the ship exists or not.

...

*Article 15.* When a person who has acquired a ship in Japan does not designate its port of register within the jurisdiction district of the shipping authority having jurisdiction over the place of acquisition, he may obtain by application a provisional certificate of nationality for the ship at the place where the office of the said authority is situated.

*Article 16.* A person who has acquired a ship abroad may obtain by application a provisional certificate of nationality for the ship at the place of acquisition.

2. The provisions of article 13, paragraph 3 shall apply *mutatis mutandis* to the case mentioned in the preceding paragraph.

...

*Article 20.* The provisions of article 4 to the preceding article (article 19) inclusive shall not apply to any ship of less than twenty tons gross tonnage or to that of less than two hundred "koku" in carrying capacity, or to any boat or to any craft propelled exclusively or chiefly with oars.

*Article 21.* The provisions concerning the nationality and measurement of the ships mentioned in the preceding article shall be laid down by Ordinance.

...

*Article 22.* When any ship other than a Japanese ship has hoisted the Japanese national flag with the object of misrepresenting its nationality, or has sailed with a certificate of nationality or a provisional certificate of nationality of a Japanese ship, the master of the ship shall be liable to penal servitude not exceeding two years or to a fine not exceeding one hundred thousand yen, and in this case the ship owned or possessed by the master may be liable to confiscation of the ship.

2. The provisions of the preceding paragraph shall not apply when a ship has hoisted the Japanese national flag with the object of evading capture.

3. The provisions of the two preceding paragraphs shall apply *mutatis mutandis* when a Japanese ship has hoisted a flag other than the Japanese national flag with the object of misrepresenting its nationality.

...

(b) DETAILED REGULATIONS FOR THE OPERATION OF THE SHIP LAW; MINISTRY OF COMMUNICATIONS ORDINANCE No. 24 OF 1899.

...

*Article 4.* A ship may be navigated with permission of the nearest shipping authority even before obtaining a certificate of nationality or a provisional certificate of nationality for the ship with following cases:

- (1) For trial run;
- (2) For tonnage measurement; or
- (3) For reasonable causes.

2. When the shipping authority gives the aforesaid permission, it shall issue a navigation certificate (in the prescribed form).

*Article 5.* A ship may hoist the national flag even before obtaining a certificate of nationality or a provisional certificate of nationality for the ship in the following cases:

- (1) On a national holiday; but, on a national holiday of a foreign country, only while anchored in a port of that country;
- (2) For other complimentary or saluting purposes; or
- (3) When the ship is navigated in accordance with the provisions of the preceding article.

...

(c) CABINET ORDER FOR NATIONALITY AND TONNAGE MEASUREMENT OF SMALL SHIPS; CABINETS ORDER No. 259 OF 1953.

(Issue of Licence)

*Article 1.* The owner of a Japanese ship of less than twenty tons gross tonnage except the undermentioned ships shall not operate it for navigation unless he has designated "Shi" (city), "Machi" (town) or "Mura" (village) (or "To" (prefecture) in the case of the areas of "Ku" (ward) in "To"; hereinafter the same) as the ship's port of register, and has obtained the licence issued by the Governor of "To", "Do", "Fu" or "Ken" (prefecture) who governs the "To", "Do", "Fu" or "Ken" including the designated "Shi", "Machi" or "Mura":

- (1) A fishing ship mentioned in article 2, paragraph 1 (hereinafter called "a fishing ship") of the Fishing Ship Law (Law No. 178 of 1950);
- (2) A ship of less than five tons gross tonnage; or
- (3) A boat or any craft propelled exclusively or chiefly with oars.

...

(Permission for Temporary Navigation)

*Article 8. (4).* The owner of a ship may, when he has obtained the permission for temporary navigation from the Governor of "To", "Do", "Fu", or "Ken" or the governmental authority as provided by the Ministry of Transportation Ordinance, operate the ship for navigation regardless of the provisions of article 1.

### 36. Korea (Republic of) [34]

[No change]

- 37. Liban [35]**
- [No change]
- 38. Liberia [36]**
- [No change]
- 39. Libya [37]**
- [No change]
- 40. Mexico [38]**
- [No change]
- 41. Monaco [39]**
- [No change]
- 42. The Netherlands [40]**
- [No change]
- 43. New Zealand [41]**
- [No change]
- 44. Nicaragua [42]**
- [No change]
- 45. Norway [43]**
- [No change]
- 46 Pakistan [44]**
- [No change]
- 47. Panama [45]**
- [No change]
- 48. Peru [46]**
- [No change]
- 49. Philippines [47]**
- [No change]
- 50. Poland [48]**

(a) ACT OF 28 MAY 1920 CONCERNING POLISH MERCHANT MARINE VESSELS

[No change other than the following amending Decree and Act]

(b) DECREE OF 12 SEPTEMBER 1947 TO AMEND CERTAIN CLAUSES OF THE ACT OF 28 MAY 1920 CONCERNING POLISH MERCHANT MARINE VESSELS.<sup>17</sup>

Pursuant to article 4 of the Constitutional Act of 19 February 1947 concerning the structure and competence of the supreme organs of the Polish Republic and the Act of 4 July 1947 vesting in the Government the power to issue decrees having the force of law (*Dziennik Ustaw*, No. 49, c. 252), the Council of Ministers hereby decrees, and the Council of State confirms, the following provisions:

*Article 1.* The Act of 28 May 1920 concerning Polish merchant marine vessels (*Dziennik Ustaw*, No. 47, c. 285), as read in conjunction with the Order of the President of the Republic of 6 March 1928 (*Dziennik Ustaw*, No. 229, c. 269) and

<sup>17</sup> Text from *Dziennik Ustaw*, 1947, No. 60, p. 331. Translation by the Secretariat of the United Nations.

duly amended by the Act of 10 March 1932 (*Dziennik Ustaw*, No. 32, c. 334), shall be further amended as follows:

The last sentence of article 6, paragraph 2, shall read as follows:

"Exceptions to this provision may be authorized by the Minister of Shipping in the case of sea-going fishing boats until 31 December 1952, subject to the conditions specified by him in each particular case; the Council of Ministers may extend the above-mentioned period for an additional five years.

*Article 2.* This decree shall be carried into effect by the Minister of Shipping.

*Article 3.* This Decree shall come into force on the date of its publication.

(c) ACT OF 19 APRIL 1950 TO AMEND THE ACT CONCERNING POLISH MERCHANT MARINE VESSELS AND THE ORDER OF THE PRESIDENT OF THE REPUBLIC CONCERNING THE MEASUREMENT OF MERCHANT MARINE VESSELS.<sup>18</sup>

*Article 1.* The Act of 28 May 1920 concerning Polish merchant marine vessels (*Dziennik Ustaw* (1920), No. 47, c. 285; (1924), No. 20 c. 220; (1928), No. 29, c. 269; (1932), No. 32, c. 334; (1934), No. 110, c. 976 (art. 84); and (1947), No. 60, c. 331) shall be amended as follows:

(1) In article 9, the words "larger fishing boats (over 50 cubic metres gross)" shall be replaced by the words: "Fishing boats with a gross capacity of over 10 cubic metres,";

(2) In article 10 the words "under 50 cubic metres" shall be replaced by the words "under 10 cubic metres,";

(3) Article 12, paragraph 3, shall read as follows: "(3) The result of the official measurement of the measurement of the vessel,";

(4) In article 23, the words "within six weeks" shall be replaced by the words "within three weeks" and an additional paragraph shall be added, reading as follows: "Detailed regulations concerning the registration of merchant vessels shall be made by the Minister of Shipping in consultation with the Minister of Justice and the other Ministers concerned."

*Article 2.* Article 5 of the Order of the President of the Republic of 17 May 1927 concerning the measurement of merchant marine vessels (*Dziennik Ustaw*, No. 47, c. 220) shall contain the following additional final sentence: "The measurement of vessels with a gross capacity not exceeding 100 cubic metres may be based on a summary survey."

*Article 3.* This Act shall be carried into effect by the Ministers of Shipping, Justice and National Defence.

*Article 4.* This Act shall come into force on the date of its publication.

## 51. Portugal [49]

(a) SHIPPING ACT OF 8 JULY 1863

[No change]

(b) DECREE No. 15,360 OF 9 APRIL 1928

[No change]

(c) DECREE No. 1,787 OF 25 JUNE 1925

[No change]

(d) LEGISLATIVE DECREE No. 37,052 OF 9 SEPTEMBER 1948

[No change]

*Note.* Article 3 of Decree No. 37,052 lays down very strict requirements concerning the Portuguese nationality of joint stock companies, the intention being in that case to establish supervision through the general meetings.

<sup>18</sup> Text from *Dziennik Ustaw*, 1950, No. 20, p. 171. Translation by the Secretariat of the United Nations.

## 52. Romania [50]

[No change]

## 53. Spain [51]

(a) MEMORANDUM BY THE MINISTRY OF FOREIGN AFFAIRS, DATED 7 SEPTEMBER 1954.

*Note.* This memorandum may be supplemented by the following extract from a memorandum by the Ministry of Commerce, Department of Merchant Marine, transmitted by a Note dated 14 August 1957 from the Permanent Mission of Spain to the United Nations.

"The nationality of a Spanish vessel—or, to sum up all the privileges, the honour and right to fly the national flag—may be acquired by a ship either by reason of origin, that is by virtue of construction in Spain, or by derivation, that is by acquisition from abroad. In the case of a Spanish-built ship the term "registration" (*matriculación*) is employed, in the case of ships bought from abroad the term "grant of flag" (*abanderamiento*). The grant of flag is governed by the Regulation of 13 October 1913 to give effect to the Maritime Communications Act of 14 June 1909. Application for the grant of flag is made to the consulate concerned and the final decision is given by the Department of Merchant Marine.

...  
The relevant statutory provisions are contained in articles 5 and 6, volume 9, of the Shipping Register Ordinance of 1902 and articles 145 to 156 of the Regulations made under the aforesaid Act of 14 June 1909. The purchase of foreign vessels over ten years old was prohibited by the Legislative Decree of 20 August 1925, though since the Act of 5 April 1940 it has been authorized in specified circumstances (a similar provision is contained in the amended text promulgated by the Decree of 26 May 1943). In addition, the Decree of 13 June 1916 requires shipping companies to issue their shares to "bearer" and stipulates that aliens must not own more than 25 per cent of these shares.

...  
The formalities to be satisfied before a vessel can acquire Spanish nationality are specified in chapter XI of the said Regulation under the heading "Grant of flag, registration and clearance of ships".<sup>19</sup>

(b) REGULATIONS ON 13 OCTOBER 1913, UNDER THE ACT OF 14 JUNE 1909 TO PROTECT AND ENCOURAGE MARITIME INDUSTRIES AND COMMUNICATIONS

*Note.* Further Regulations are in preparation to give effect to the Act of 12 May 1956 for the protection and renewal of the Spanish merchant fleet.

(c) COMMERCIAL REGISTER REGULATIONS OF 20 SEPTEMBER 1919

[No change]

(d) DECREE OF 22 AUGUST 1931 PROHIBITING THE TRANSFER OF SHIPS TO ALIENS

[No change]

## 54. Suisse [52]

[No change]

## 55. Sweden [53]

[No change]

## 56. Syrie [54]

[No change]

<sup>19</sup> Translation by the Secretariat of the United Nations.

**57. Thailand [55]**

[No change]

**58. Turkey [56]**

[No change]

**59. Union of South Africa [57]**

[No change]

**60. Union of Soviet Socialist Republics [58]**

[No change]

**61. United Kingdom of Great Britain and Northern Ireland [59]**

[No change]

**62. United States of America [60]**

[No change]

**63. Uruguay [61]**

[No change]

**64. Vatican City [62]**

[No change]

**65. Venezuela [63]**

[No change]

**66. Viet-Nam [64]**

[No change]

**67. Yugoslavia [65]**

[No change]