

United Nations Legislative Series

**SUPPLEMENT TO
LAWS AND REGULATIONS
ON THE REGIME OF THE HIGH SEAS
(VOLUMES I AND II)
AND
LAWS CONCERNING
THE NATIONALITY OF SHIPS**



Série législative des Nations Unies

**SUPPLEMENT
AUX VOLUMES INTITULÉS
LAWS AND REGULATIONS
ON THE REGIME OF THE HIGH SEAS
(VOLUMES I ET II)
ET
LAWS CONCERNING
THE NATIONALITY OF SHIPS**

United Nations • Nations Unies

New York, 1959

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ST/LEG/SER.B/8

UNITED NATIONS PUBLICATION

Sales No.: 59.V.2

PUBLICATION DES NATIONS UNIES

Numéro de vente: 59.V.2

INTRODUCTION

This volume was originally compiled as part of the preparatory documentation for the United Nations Conference on the Law of the Sea, convened in Geneva from 24 February–27 April 1958. As such it appeared in mimeographed form as document A/CONF.13/27. In the belief that the conference document contained information likely to be of continuing value in connexion with the *Legislative Series* it was decided to print the document as a supplementary volume in the *Legislative Series* itself.

The purpose of this volume is to supplement the following three volumes of the Series:

(1) *Laws and Regulations on the Regime of the High Seas*, volume I.—1. Continental Shelf; 2. Contiguous Zones; 3. Supervision of Foreign Vessels on the High Seas (ST/LEG/SER.B/1 and Add.1, Sales No.: 1951.V.2);

(2) *Laws and Regulations on the Regime of the High Seas*, volume II.—Laws relating to Jurisdiction over Crimes Committed Abroad or on the High Seas (ST/LEG/SER.B/2, Sales No.: 1952.V.1);

(3) *Laws Concerning the Nationality of Ships* (ST/LEG/SER.B/5 and Add.1, Sales No.: 1956.V.1).

Prior to the Conference a circular letter was sent to Governments on 27 March 1957, in which the Director of the Codification Division called attention to the fact that these volumes, together with the volume entitled *Laws and Regulations on the Regime of the Territorial Sea* (ST/LEG/SER.B/6 and Add.1, Sales No.: 1957.V.2) published in December 1956, would constitute an important part of the preparatory work of the Conference on the Law of the Sea. Accordingly, Governments were requested to submit information supplementing the three volumes listed above, and the present volume is based on information submitted in response to that request. It contains a few editorial notes which did not appear in the original preparatory document but

Le présent volume était à l'origine l'un des documents préparatoires de la Conférence des Nations Unies sur le droit de la mer, tenue à Genève du 24 février au 27 avril 1958, et avait été publié sous forme de document miméographié sous la cote A/CONF.13/27. Le Secrétariat, estimant qu'il contient des renseignements qui présentent un intérêt durable pour la *Série législative*, a décidé de le faire imprimer comme volume supplémentaire de cette série.

Ce volume complète les trois volumes suivants de la série:

1) *Laws and Regulations on the Regime of the High Seas*, volume I.—1. Continental Shelf; 2. Contiguous Zones; 3. Supervision of Foreign Vessels on the High Seas (ST/LEG/SER.B/1 et Add.1, Numéro de vente: 1951.V.2);

2) *Laws and Regulations on the Regime of the High Seas*, volume II—Laws relating to Jurisdiction over Crimes Committed Abroad or on the High Seas (ST/LEG/SER.B/2, Numéro de vente: 1952.V.1);

3) *Laws Concerning the Nationality of Ships* (ST/LEG/SER.B/5 et Add.1, Numéro de vente: 1956.V.1).

Avant la Conférence, dans une lettre circulaire adressée aux gouvernements le 27 mars 1957, le directeur de la Division de la codification leur a signalé que ces trois volumes, ainsi que le volume intitulé *Laws and Regulations on the Regime of the Territorial Sea* (ST/LEG/SER.B/6 et Add.1, Numéro de vente: 1957.V.2) et publié en décembre 1956, constitueraient une partie importante des travaux préparatoires de la Conférence sur le droit de la mer. Il les a donc priés de communiquer des renseignements complétant les trois volumes en question, et le présent document est établi d'après les renseignements fournis en réponse. Il contient quelques notes qui ne figuraient pas dans le document initial, mais qui donneront au lecteur les nouveaux renseignements dont le Secrétariat

which seem necessary in order to give to the reader further information available to the Secretariat at the date of publication.

These supplements follow exactly the plan of the volumes to which they relate. This means that all texts in the supplements to volumes I and II of the *Laws and Regulations on the Regime of the High Seas* are, as in those volumes, given in English only. The supplement to the volume of *Laws Concerning the Nationality of Ships* contains, as did the original volume, texts in French in every case in which they were submitted in that language. In all other cases translation has been made into English. For ease of reference, each entry in the supplement which has a corresponding entry in the previous volumes has the number it bore in the previous volume in square brackets after the title of the entry; by this means it is possible to locate and check for changes in any part of the previous volumes. Where, after an entry, the words "no change" are inserted in brackets this means only that no reply has been received from Governments requesting a change.

disposait à la date de la publication.

Le présent supplément suit fidèlement le plan des volumes auxquels il se rapporte. En d'autres termes, tous les textes qui complètent les volumes I et II des *Laws and Regulations on the Regime of the High Seas* sont donnés, comme dans ces volumes, en anglais seulement. Les textes qui complètent le volume intitulé *Laws Concerning the Nationality of Ships* sont, comme dans le volume lui-même, reproduits en français lorsqu'ils ont été communiqués dans cette langue. La traduction de tous les autres textes a été faite en anglais seulement. Pour plus de commodité, chaque rubrique du supplément qui correspond à une rubrique des volumes précédents porte entre crochets, après le titre de la rubrique, l'indication du chiffre sous lequel elle figure dans le volume; de cette façon, il est possible de situer et de constater les changements introduits dans une partie quelconque des volumes précédents. Le fait que les mots *no change* sont placés entre parenthèses après une rubrique signifie seulement que les gouvernements n'ont demandé aucun changement.

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**LAWS AND REGULATIONS
ON THE REGIME OF THE HIGH SEAS
VOLUME ONE**

PART I. CONTINENTAL SHELF

CHAPTER 1. NATIONAL LEGISLATION

1. Argentina [1]

[No change]

2. Australia

- (a) PROCLAMATION BY THE GOVERNOR-GENERAL CONCERNING THE CONTINENTAL SHELF, 11 SEPTEMBER 1953. "COMMONWEALTH OF AUSTRALIA GAZETTE," No. 56 (11 SEPTEMBER 1953).

Whereas International Law recognizes that there appertain to a coastal state or territory sovereign rights over the sea-bed and subsoil of the continental shelf contiguous to its coasts for the purpose of exploring and exploiting the natural resources of that sea-bed and subsoil:

And whereas it is desirable to declare that Australia has those sovereign rights over the sea-bed and subsoil of the continental shelf contiguous to any part of its coasts and of the continental shelf contiguous to any part of the coasts of certain territories under its authority:

Now therefore I, Sir William Joseph Slim, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby declare that Australia has sovereign rights over the sea-bed and subsoil of:

(a) The continental shelf contiguous to any part of its coasts; and

(b) The continental shelf contiguous to any part of the coasts of territories under its authority other than territories administered under the trusteeship system of the United Nations,

for the purpose of exploring and exploiting the natural resources of that sea-bed and subsoil:

And I further declare that nothing in this Proclamation affects:

(a) The character as high seas of waters outside the limits of territorial waters; or

(b) The status of the sea-bed and subsoil that lie beneath territorial waters.

. . .

- (b) PROCLAMATION BY THE GOVERNOR-GENERAL CONCERNING THE CONTINENTAL SHELF OF THE TRUST TERRITORY OF NEW GUINEA, 11 SEPTEMBER 1953. "COMMONWEALTH OF AUSTRALIA GAZETTE," No. 56 (11 SEPTEMBER 1953).

Whereas International Law recognizes that there appertain to a coastal state or territory sovereign rights over the sea-bed and subsoil of the continental shelf contiguous to its coasts for the purpose of exploring and exploiting the natural resources of that sea-bed and subsoil:

And whereas it is desirable to declare that those sovereign rights exist in respect of the Territory of New Guinea:

And whereas the Territory of New Guinea is administered by the Government of Australia under the trusteeship system of the United Nations:

Now therefore I, Sir William Joseph Slim, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby declare that sovereign rights exist over the sea-bed and subsoil of the continental shelf con-

tiguous to any part of the coasts of the Territory of New Guinea for the purpose of exploring and exploiting the natural resources of that sea-bed and subsoil:

And I further declare that those rights are exercisable by the Government of Australia as the Administering Authority of the Territory of New Guinea:

And I also declare that nothing in this Proclamation affects:

- (a) The character as high seas of waters outside the limits of territorial waters; or
- (b) The status of the sea-bed and subsoil that lie beneath territorial waters.

...

(c) PEARL FISHERIES ACT, 1952-1953.¹

...

5. (1) In this Act, unless the contrary intention appears—"Australian waters" means:

- (a) Australian waters beyond territorial limits;
- (b) The waters adjacent to a Territory within territorial limits; and
- (c) The waters adjacent to a Territory not being part of the Commonwealth, and beyond territorial limits, being waters that are above the continental shelf;

...

(3) Subject to the next two succeeding sub-sections, a reference in this Act to the continental shelf is a reference to the sea-bed and subsoil of the submarine areas contiguous to the coasts of Australia and of the submarine areas contiguous to the coasts of the Territories, to a depth of not more than one hundred fathoms.

(4) Where a part of the continental shelf contiguous to the coasts of Australia or a Territory is also contiguous to the coasts of an adjacent country or extends to the coasts of another country, the Governor-General may, by Proclamation,² fix such limits as are, in his opinion, in accordance with the principles of International Law, as the limits to which that part of the continental shelf shall, for the purposes of this Act, be deemed to extend between Australia or that Territory, as the case requires, and that country.

(5) If the Governor-General is of opinion that it is reasonable that the sea-bed and subsoil of a submarine area, being an area that:

- (a) Is not more than one hundred fathoms below the surface of the sea; and
- (b) Is adjacent to any part of the coasts of Australia or of a Territory but is separated from the part of the continental shelf that is contiguous to that part of those coasts by an area that is more than one hundred fathoms below the surface of the sea,

should be deemed to be part of the continental shelf, the Governor-General may, by Proclamation, declare that that sea-bed and subsoil is part of the continental

¹ The Pearl Fisheries Act 1952-1953 comprises the Pearl Fisheries Act 1952 (Commonwealth Acts, 1952, Act No. 8) as amended by Pearl Fisheries Act 1953 (*ibid.*, 1953, Act No. 4) and the Pearl Fisheries Act (No. 2) 1953 (*ibid.*, 1953, Act No. 38). This Act came into operation on 12 October 1953; see *Commonwealth of Australia Gazette*, No. 59 (25 September 1953).

² The Governor-General by Proclamation dated 25 September 1953, fixed the limits to which the continental shelf contiguous to the coasts of Australia and extending to the coasts of the Aru Islands and Netherlands New Guinea, the continental shelf contiguous to the coasts of the Territory of Papua and also contiguous to the coasts of Netherlands New Guinea, and the continental shelf contiguous to the coasts of the Territory of New Guinea and also contiguous to the coasts of Netherlands New Guinea, shall be deemed to extend between Australia and the Aru Islands and Netherlands New Guinea, between the Territory of Papua and Netherlands New Guinea and between the Territory of New Guinea and Netherlands New Guinea, respectively. *Commonwealth of Australia Gazette*, No. 59 (25 September 1953).

shelf for the purposes of this Act, and that sea-bed and subsoil shall thereupon be deemed to be part of the continental shelf for the purposes of this Act.

6. This Act extends to all the Territories and to all Australian waters and applies to all persons, including foreigners, and to all ships and boats, including foreign ships and boats.

. . .

8. The Governor-General may, by Proclamation,³ declare any Australian waters to be proclaimed waters for the purposes of this Act.

9. (1) The Minister may, by notice published in the *Gazette*:⁴

(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters of pearl shell, trochus, bêche-de-mer or green snail;

(b) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail not exceeding a size specified in the notice;

(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail by a method or equipment specified in the notice;

(d) Prohibit the taking, by any one pearling ship, during a period and in an area of proclaimed waters specified in the notice, of pearl shell, trochus, bêche-de-mer or green snail in excess of a quantity so specified; and

(e) Prohibit the removal of live pearl shell, trochus, bêche-de-mer or green snail from proclaimed waters.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

10. (1) The Secretary or a prescribed authority may grant to a person a licence to search for and obtain pearl shell, trochus, bêche-de-mer or green snail in proclaimed waters or in an area of proclaimed waters.

(2) The Secretary or a prescribed authority may grant to a person a licence in respect of a ship authorizing the use of the ship in searching for and obtaining pearl shell, trochus, bêche-de-mer or green snail in proclaimed waters or in an area of proclaimed waters.

(3) A licence authorizing the use of a ship in searching for and obtaining pearl shell, trochus, bêche-de-mer or green snail extends, subject to the conditions of the licence, to authorizing the use of the ship for any of the purposes specified in sub-section (2) of section five of this Act in relation to or arising out of the first-mentioned use.

(4) The Secretary or a prescribed authority may grant a licence to or in respect of a diver, trail diver or diver's tender employed on a ship licensed under sub-section (2) of this section.

³ By Proclamation dated 20 May 1954 the Governor-General declared all Australian waters north of the parallel 27 degrees south latitude to be proclaimed waters for the purpose of this Act. *Commonwealth of Australia Gazette*, No. 33 (20 May 1954).

⁴ The Minister, by notices published in the *Gazette* on 12 October 1953 prohibited:

(a) The taking from the proclaimed waters of pearl shell, trochus and green snail the dimensions of which do not exceed the dimensions specified in the notice;

(b) The taking from the proclaimed waters of pearl shell, trochus, bêche-de-mer or green snail by trawling or dredging by a person not authorized by the Minister; and

(c) The removal of live pearl shell, trochus, bêche-de-mer or green snail from proclaimed waters.

See *Commonwealth of Australia Gazette*, No. 62 (12 October 1953).

By a further notice published in the *Gazette* on 9 May 1957 the Minister prohibited the taking of pearl shell, trochus, bêche-de-mer or green snail from two more areas of the proclaimed waters from the date of the notice until 31 January 1960: *Commonwealth of Australia Gazette*, No. 25 (9 May 1957).

(5) The Secretary or a prescribed authority may, in his discretion, grant or refuse an application for a licence under this section.

(6) A licence granted under this section:

(a) Is subject to such conditions as are specified in the licence; and

(b) Remains in force until the succeeding thirty-first day of January.

(7) The Secretary or a prescribed authority may, in his discretion, on the application of the holder of a licence in respect of a ship and of another person as proposed transferee, transfer the licence to that other person.

(8) Such fees (if any) as are prescribed are payable in respect of the grant of an application for a licence, or the transfer of a licence, under this section.

(9) Where the Secretary or a prescribed authority is satisfied that there has been a contravention of, or failure to comply with, a condition specified in a licence granted under this section, the Secretary or prescribed authority may cancel the licence.

(10) Registers showing the licences granted under this section and in force from time to time shall be kept at such places as the Minister directs.

11. An officer may:

(a) Board or enter upon a ship or boat in proclaimed waters or a ship or boat which he has reason to believe has been used, is being used, or is intended to be used, for pearling in proclaimed waters and may search the boat for equipment used or capable of being used for pearling;

(b) Examine any equipment found in any place, being equipment which he has reason to believe has been used, is being used, or is intended to be used, for pearling in proclaimed waters;

(c) Seize, take, detain, remove and secure any ship, pearl shell, trochus, bêche-de-mer or green snail which the officer has reason to believe has been taken or used, is being used, or is intended to be used, in contravention of this Act;

(d) Without warrant, arrest a person whom the officer has reason to believe has committed an offence against this Act;

(e) Require the master or other person in charge of a ship which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to bring the ship to a place in Australia or a Territory specified by the officer and to remain in control of the ship at that place until an officer permits him to depart from that place;

(f) Bring a ship which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in Australia or a Territory and may remain in control of that ship pending the taking of proceedings in respect of that contravention;

(g) Require the master or other person in charge of a ship required to be licensed under this Act to produce the licence for the ship and take copies of, or extracts from, the licence;

(h) Require the master or other person in charge of a ship required to be licensed under this Act to give information concerning the ship and the crew and any person on board the ship;

(i) Require a person who is on board a ship required to be licensed, under this Act, or is engaged in pearling in proclaimed waters, or whom he reasonably suspects of having committed an offence against this Act, to state his name and place of abode;

(j) Require a person engaged in pearling in proclaimed waters to state whether he is the holder of a licence under sub-section (1) of section ten of this Act and, if so, to produce the licence; and

(k) Sell any pearl shell, trochus, bêche-de-mer or green snail seized by him under this Act.

...

14. (1) A person shall not:

(a) In an area of proclaimed waters, engage in pearling otherwise than in pursuance of a licence in force under sub-section (1) of section ten of this Act of which he is the holder;

(b) In an area of proclaimed waters, use a ship for pearling otherwise than in pursuance of a licence in respect of the ship in force under this Act in his name or in the name of a person on whose behalf he is acting;

(c) Being the holder of a licence under this Act, contravene a condition of the licence;

(d) Do an act prohibited by a notice for the time being in force under section nine of this Act; or

(e) Employ, or have on board a ship, in proclaimed waters, for the purpose of pearling, a diver, trail diver or diver's tender who is not licensed under sub-section (4) of section ten of this Act.

Penalty: Five hundred pounds, and, if the Court so orders, the forfeiture of any ship or equipment used in the commission of the offence or any pearl shell, trochus, bêche-de-mer or green snail taken in contravention of this Act, or the proceeds of the sale of any such pearl shell, trochus, bêche-de-mer or green snail.

(2) For the purposes of paragraph (e) of the last preceding sub-section, "diver" does not include a person employed, or carried on board a ship, for the purpose of diving without the aid of mechanical breathing apparatus and not for the purpose of any other diving.

15. A person shall not:

(a) Fail to facilitate by all reasonable means the boarding of a ship by an officer;

(b) Refuse to allow a search to be made which is authorized by or under this Act;

(c) Refuse or neglect to comply with a requirement made by an officer under section eleven of this Act;

(d) When lawfully required to state his name and place of abode to an officer, state a false name or place of abode to the officer;

(e) When lawfully required by an officer to give information, give false or misleading information to the officer;

(f) Use abusive language to an officer;

(g) Assault, resist or obstruct an officer in the exercise of his powers under this Act;

(h) Impersonate an officer; or

(i) In an application under this Act, make a statement or furnish information which is false or misleading in any particular.

Penalty: Five hundred pounds.

...

17A. In a prosecution for an offence against this Act or the regulations, a certificate by the Minister or a person authorized in writing by the Minister to issue certificates under this section that waters specified in the certificate are Australian waters is evidence that those waters are Australian waters.

...

18. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular:

(a) For prescribing penalties not exceeding one hundred pounds for offences against the regulations;

(aa) For prescribing short methods of reference to areas of proclaimed waters, or areas of waters that include waters that are proclaimed waters, specified

in the regulations, and the purposes for which those methods of reference may be used;

(b) For prescribing signals and rules of navigation to be observed by persons in charge of pearling ships in proclaimed waters;

(c) For prescribing the method of marking of ships licensed under this Act;

(d) For providing for the sale or disposal of:

(i) Unclaimed ships or boats used, or capable of being used, for pearling; or

(ii) Pearling equipment,
found in proclaimed waters;

(e) For regulating the rights or priority as between pearl fishers in proclaimed waters and for prescribing the rules of pearling in proclaimed waters; and

(f) For providing for the furnishing of statistics in relation to pearling in proclaimed waters and to the sale or disposal of pearl shell, trochus, bêche-de-mer or green snail taken in proclaimed waters.

(d) PEARL FISHERIES REGULATIONS.⁵ "COMMONWEALTH STATUTORY RULES 1953", No. 84 AND 1954, No. 58.

...

12. (1) Where a licensing authority grants an application for a licence to use a ship in searching for and obtaining pearl shell, trochus, bêche-de-mer or green snail, he shall assign to the ship a distinguishing letter and number.

(2) If:

(a) A ship in respect of which a licence under sub-section (2) of section 10 of the Act is in force:

(i) Is being or has been used for pearling in proclaimed waters since the grant of the licence; and

(ii) Does not bear the distinguishing letter and number assigned to it under the last preceding sub-regulation conspicuously and legibly painted on each bow, above the water line, in dark letters and figures on a light ground, or in light letters and figures on a dark ground, each letter and figure being not less than twelve inches in depth;

(b) A ship in respect of which such a licence has been granted has ceased to be so licensed, and the distinguishing letter and number assigned to it under the last preceding sub-regulation has not been completely obliterated or removed; or

(c) A ship that is being used for pearling in proclaimed waters has painted or displayed upon a bow a letter or number not being:

(i) The letter and number assigned to it in pursuance of this regulation or under a law of a State; or

(ii) A letter or number assigned to it under a law of another country, the master and the owner of the ship shall each be deemed to be guilty of an offence against this regulation punishable by a fine not exceeding one hundred pounds.

13. The provisions of paragraphs (a) and (b) of sub-regulation (2) of the last preceding regulation do not apply to or in relation to a ship that:

(a) Is licensed under the law of a State to be used in searching for and obtaining pearl shell, trochus, bêche-de-mer or green snail; and

(b) Has painted or displayed on it an identification letter and number in accordance with that law.

...

⁵ These Regulations relate to the granting of licenses for pearl fishing. There are appended to these Regulations certain schedules which contain the forms of licences which may be issued under the Regulations and also short methods of Reference to areas of waters that are, or include, proclaimed waters.

15. (1) The areas of proclaimed waters, and the areas of waters that include waters that are proclaimed waters, described in full in the second column of the Third Schedule to these Regulations may be referred to by the short descriptions respectively specified in the first column of that Schedule.

Note. Reference should also be made to Section 6 of the Petroleum (Prospecting and Mining) Ordinance 1951 of the Territory of Papua and New Guinea and Section 4 of the Petroleum (Prospecting and Mining) Ordinance 1954 of the Northern Territory which contain the following definition of "land" in respect of which a licence or lease may be granted:

"Land' includes that portion of the sea-bed adjoining the coast of the Territory extending to the outer edge of the continental shelf, and the bed of any river, estuary, lake or swamp."

3. Chile [2]

[No change]

4. Costa Rica [3]

[No change]

5. Ecuador

(a) DECREE CONCERNING THE LIMITS OF THE TERRITORIAL SEA, 6 NOVEMBER 1950.
"REGISTRO OFICIAL DEL ECUADOR" No. 756, 6 MARCH 1951.⁶

Considering:

That it is imperative to determine the exact limits of the territorial sea under Ecuador's jurisdiction;

That the American community of nations adopted the resolutions concerning territorial waters submitted to the First and Second Meetings of Ministers of Foreign Affairs held at Panama and Havana in 1939 and 1940, respectively, in which it was recommended "that the American States should adopt in their respective legislation the principles and rules contained in the said Declarations"; and

That military considerations have led the nations to extend the limits of the territorial waters under their jurisdiction;

Decrees:

Article 1. The continental shelf adjacent to the Ecuadorian coast and each and all of the resources found therein shall belong to the State, which shall have the utilization and control necessary to ensure the conservation of the said resources and the control and protection of the corresponding fishing zones.

Article 2. The Ecuadorian continental shelf shall be understood to mean the underwater lands which are contiguous to the mainland and are covered by water to a maximum depth of 200 metres.

Article 3. The minimum breadth of the nation's territorial sea shall be twelve nautical miles, reckoned at twenty to one degree,⁷ measured from the outermost points of the Ecuadorian coast on the Pacific Ocean, as well as the internal waters of gulfs, bays, straits and channels situated within a line based on those points.

The internal sea situated within the perimeter of the twelve nautical miles measured from the outermost points of the farthest seaward of the Galápagos

⁶ Translation by the Secretariat of the United Nations.

⁷ In the original preparatory document prepared for the Conference on the law of the sea it was pointed out that in the Report of the International Law Commission covering the work of its eighth session, 23 April-4 July 1956, the term "mile" means nautical mile (1,852 metres) reckoned at sixty to one degree of latitude: *General Assembly, Official Records, Eleventh Session, Supplement No. 9 (A/3159)*, p. 4.

Islands shall likewise be designated as the territorial sea, the provisions of article 1 of this Decree being applicable in this case.

Article 4. If it should be apparent from International Agreements or Treaties on this subject, such as the Treaty of Reciprocal Assistance, that the zones delimited for maritime policing and protection are wider than those fixed in this Decree, the terms of the said Treaties shall predominate and shall be applied as part of this Decree within the limits and area fixed in the said Treaties.

Article 5. Within the limits laid down in this Decree the relevant provisions of the Civil Code, the Maritime Police Code and any other laws which may be in conflict with this Decree shall be amended. This Decree shall enter into force from the date of its promulgation in the Official Register.

6. Guatemala [4]

[No change]

7. Honduras [5]

(a) CONGRESSIONAL DECREE No. 102, 7 MARCH 1950

[No change]

(b) CONGRESSIONAL DECREE No. 103, 7 MARCH 1950

[No change]

(c) CONGRESSIONAL DECREE No. 21 OF THE CONSTITUENT NATIONAL ASSEMBLY, 19 DECEMBER 1957⁸

Article 6

(3) The following also belong to the State of Honduras and are subject to its jurisdiction and control: the subsoil, air space, stratosphere, territorial sea, and the seabed and subsoil of the continental shelf, the continental and insular terrace and other submarine areas adjacent to its territory outside the area of the territorial sea and to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the seabed and subsoil.

In the cases to which the preceding paragraphs refer, the dominion of the Nation is inalienable and imprescriptible.

(4) In accordance with the foregoing statements, the State reserves the right to determine the boundaries of areas for the control and protection of national resources in the continental and insular seas under the control of the Government of Honduras, and to modify such boundaries according to circumstances arising out of new discoveries, studies and national interests which may emerge in the future.

(5) This declaration of sovereignty is without prejudice to similar legitimate rights of other States exercised on a basis of reciprocity, and does not affect the right of all nations to freedom of navigation in conformity with international law.

8. Iceland [6]

(a) ARTICLE 3 OF LAW No. 44, CONCERNING THE SCIENTIFIC CONSERVATION OF THE CONTINENTAL SHELF FISHERIES, 5 APRIL 1948. "STJORNARTIDTINDI", 1948, A.4, P. 147 AS AMENDED BY LAW No. 81/1952.

Violations of the Regulations promulgated under Article 1 of this Law shall be punishable in accordance with the provisions of Law No. 5, 18 May 1920,

⁸Text of Decree provided by the delegation of Honduras to the United Nations Conference on the Law of the Sea held in Geneva, Feb.-Apr. 1958.

relative to prohibition of trawling, Law No. 45, 13 June 1937, relative to prohibition of Danish seine-netting, Law No. 33, 19 June 1922, concerning fisheries in territorial waters, as amended, or, in the case of other violations by fines from Kr. 1.000.00 to 100.000.00.

- (b) REGULATIONS No. 21/1952 CONCERNING CONSERVATION OF FISHERIES OFF THE ICELANDIC COASTS FOR THE PURPOSE OF IMPLEMENTING LAW No. 44, CONCERNING THE SCIENTIFIC CONSERVATION ON THE CONTINENTAL SHELF FISHERIES, 5 APRIL 1948.

[Repealed]

- (c) REGULATIONS No. 70/1958, 30 JUNE 1958, CONCERNING CONSERVATION OF FISHERIES OFF THE ICELANDIC COASTS FOR THE PURPOSE OF IMPLEMENTING LAW No. 44, 5 APRIL 1948

Article 1. The fisheries' limits off Iceland shall be drawn 12 nautical miles outside base lines drawn between the following points:

1. Horn	66°27'4	N., 22°24'5	W.
2. Irabodi	66°19'8	—	22°06'5 —
3. Drangasker	66°14'3	—	21°48'6 —
4. Selsker	66°07'5	—	21°31'2 —
5. Asbúdarif	66°08'1	—	20°11'2 —
6. Siglunes	66°11'9	—	18°50'1 —
7. Flatey	66°10'3	—	17°50'5 —
8. Lágey	66°17'8	—	17°07'0 —
9. Raudinúpur	66°30'7	—	16°32'5 —
10. Rifstangi	66°32'3	—	16°11'9 —
11. Hraunhafnartangi	66°32'3	—	16°01'6 —
12. Langanes	66°22'6	—	14°32'0 —
13. Skálatóarsker	65°59'7	—	14°37'5 —
14. Bjarnarey	65°47'1	—	14°18'3 —
14. Almenningsfles	65°33'1	—	13°40'6 —
16. Glettinganes	65°30'6	—	13°36'4 —
17. Nordfjardarhorn	65°10'0	—	13°31'0 —
18. Gerpir	65°04'7	—	13°29'8 —
19. Hólmur	64°58'9	—	13°30'7 —
20. Setusker	64°57'7	—	13°31'6 —
21. Pursasker	64°54'1	—	13°36'9 —
22. Yztibodi	64°35'2	—	14°01'6 —
23. Selsker	64°32'8	—	14°07'1 —
24. Hvítugar	64°23'8	—	14°28'1 —
25. Stokksnes	64°14'1	—	14°58'5 —
26. Hrollaugseyjar	64°01'7	—	15°58'8 —
27. Tvísker	63°55'6	—	16°11'4 —
28. Ingólfshöfði	63°47'8	—	16°38'6 —
29. Hvalsíki	63°44'1	—	17°33'7 —
30. Medallandssandur I	63°32'4	—	17°56'0 —
31. Medallandssandur II	63°30'6	—	18°00'0 —
32. Myrnatangi	63°27'4	—	18°12'0 —
33. Kötlutangi	63°23'4	—	18°43'0 —
34. Lundadrangur	63°23'5	—	19°07'6 —
35. Geirfuglasker	63°19'0	—	20°30'1 —
36. Einidrangur	63°27'4	—	20°37'2 —
37. Selvogur	63°49'1	—	21°39'4 —
38. Hópsnes	63°49'3	—	22°24'6 —
39. Eldeyjardrangur	63°43'8	—	22°59'6 —
40. Gáluvíkurtangi	64°44'9	—	23°55'3 —

41. Hraunvör	64°49'6	N.,	24°01'0	W.
42. Skálasnagi	64°51'3	—	24°02'6	—
43. Bjargtangar	65°30'2	—	24°32'3	—
44. Kópanes	65°48'3	—	24°06'3	—
45. Bardi	66°03'7	—	23°47'6	—
46. Straumnes	66°25'7	—	23°08'5	—
47. Kögur	66°28'3	—	22°55'8	—
48. Horn	66°27'9	—	22°28'5	—

Besides, limits shall be drawn around the following points, 12 nautical miles outside:

49. Kolbeinsey	67°07'5	N.,	18°36'0	W.
50. Hvalbakur	64°35'8	—	13°16'7	—
51. Geirfugladrangur	63°40'6	—	23°17'3	—

Finally, limits shall be drawn around the island of Grimsey, 12 nautical miles outside its outermost points and rocks.

Each nautical mile shall be equal to 1852 metres.

Article 2. Within the fisheries' limits all fishing activities by foreign vessels shall be prohibited in accordance with the provisions of Act No. 33 of June 19, 1922, concerning Fishing in Territorial Waters.

Article 3. Icelandic vessels using bottom trawl, floating trawl or Danish seine-netting shall be allowed to fish within the fisheries' limits but outside the limits determined by Regulations No. 21 of March 19, 1952.

Before these Regulations become effective special provisions about such licences shall be promulgated stating further about fishing zones and periods.

Article 4. Trawlers shall have all their fishing gear properly stowed aboard while staying at places where fishing is prohibited.

Article 5. Fisheries' statistics shall be forwarded to the Fiskifélag Islands (Fisheries Association of Iceland) in the manner prescribed by Act No. 55 of June 27, 1941, concerning Catch and Fisheries' Reports.

If the Ministry of Fisheries envisages the possibility of overfishing the Ministry may limit the number of fishing vessels and the maximum catch of each vessel.

Article 6. Violations of the provisions of these Regulations shall be subject to the penalties provided for by Act No. 5 of May 18, 1920, concerning Prohibition against Trawling, Act No. 45 of June 13, 1937, concerning Prohibition against Danish seine-netting in Territorial Waters, Act No. 33 of June 19, 1922, concerning Fishing in Territorial Waters, as amended, or, if the provisions of said Acts do not apply, to fines from Kr. 1000.00 to 100 000.00.

Article 7. These Regulations are promulgated in accordance with Act No. 44 of April 5, 1948, concerning the Scientific Conservation of the Continental Shelf Fisheries, as amended by Act No. 81 of December 8, 1952. As soon as it becomes operative Regulations No. 21 of March 19, 1952, concerning Conservation of Fisheries off the Icelandic Coasts shall cease to be effective.

Article 8. These Regulations become effective on September 1, 1958.

(d) REGULATIONS OF 29 AUGUST 1958 SUPPLEMENTING LAW No. 44, 5 APRIL 1948, AND REGULATIONS No. 70/1958, 30 JUNE 1958

Article 1. All trawling and Danish seine-netting shall be prohibited everywhere off the Icelandic coasts inside a line drawn four nautical miles outside the baselines laid down in Article 1 of Regulations No. 70, dated June 30th, 1958.

Icelandic vessels using bottom trawls, float trawls or Danish seine-nets shall be permitted to fish inside the fishery limits off Iceland after Sept. 1st, 1958, but not inside a line drawn four nautical miles outside baselines (see the above paragraph), with the following exceptions:

A. North and North-East Iceland.

From 21°20' W. to a line drawn due north-east from Osflæs, south of Heradsflo, all trawling and Danish seine-netting shall be prohibited inside a line drawn eight nautical miles from the baseline. Off Grimsey and Kolbeinsey such fishing shall also be prohibited inside eight nautical miles from baseline.

B. East Iceland.

From a line drawn due north-east from Osflæs to a line drawn due south-east from Hvitingar, all trawling and Danish seine-netting shall be prohibited inside the fishery limits in the period between May 1st and Nov. 30th.

C. South-East Iceland.

From a line drawn due south-east from Hvitingar to a line drawn due south from Ingolfshofdi all trawling and Danish seine-netting shall be prohibited inside the fishery limits from Jan. 1st until May 15th.

D. South Iceland.

From a line drawn due south from Ingolfshofdi to a line drawn due south from Kötlutangi all trawling and Danish seine-netting shall be prohibited inside a line drawn six nautical miles outside the baseline in the period between Jan. 1st and May 15th.

From 20° W. to 21° W. all trawling and Danish seine-netting shall be prohibited inside the fishery limits in the period between Jan 1st and May 15th. Such fishing shall also be prohibited in the same period inside a line drawn between the points 63° 19.5' N., 21° W. to 63° 30.7' N., 21° 15.3' W.

From 21°15.3' W. to 22°52' W. all trawling and Danish seine-netting shall be prohibited inside a line drawn eight nautical miles outside the baseline in the period between Jan. 1st and May 15th.

E. South-West Iceland, Faxa Bay, and Breidafjord.

From 22°52' W. to a line drawn due west from Bjargtangar all trawling and Danish seine-netting shall be prohibited inside the fishery limits in the period between Jan. 1st and May 15th.

Such fishing shall also be prohibited inside the fishery limits from 64°52' N. to Bjargtangar in the period between Oct. 15th and Dec. 31st.

F. North-West Iceland.

From a line drawn due west from Bjargtangar to 21°20' W. all trawling and Danish seine-netting shall be prohibited inside the fishery limits all the year round.

Article 2. Violations of the provisions of these regulations shall be subject to penalties provided for by Article 6 of Regulations No. 70, dated June 30th, 1958, concerning the fishery limits off Iceland.

Article 3. These regulations are hereby promulgated in accordance with Act No. 44 of April 5th, 1948, concerning the Scientific Conservation of the Continental Shelf Fisheries, and the provisions of Article 3 of Regulations No. 70 of June 30th, 1958.

Article 4. These regulations become effective on Sept. 1st, 1958.

9. India

(a) PROCLAMATION CONCERNING THE CONTINENTAL SHELF, 30 AUGUST 1955. "GAZETTE OF INDIA", 1955, No. 260.

Whereas valuable natural resources are known to exist on the sea-bed and in the subsoil of the Continental Shelf and the utilization of such resources is being made practicable by modern technological progress:

And whereas it is established by international practice that for the purpose of exploring and exploiting such resources in an orderly manner every coastal State

has sovereign rights over the sea-bed and subsoil of the Continental Shelf adjoining its territory;

Now therefore, I, Rajendar Prasad, President of India, in the sixth year of the Republic do hereby proclaim that India has, and always had, full and exclusive sovereign right over the sea-bed and subsoil of the Continental Shelf adjoining its territory and beyond its territorial waters.

10. Israel

(a) PROCLAMATION CONCERNING SUBMARINE AREAS, 3 AUGUST 1952.⁹

Whereas recent scientific investigations indicate the presence of mineral wealth and other natural resources in the submarine areas contiguous to the coasts of Israel;

And whereas it is desirable to take steps to preserve these resources and to assure their availability for the purpose of future research, utilization and development;

And whereas several other States have taken steps to exercise jurisdiction over the submarine areas contiguous to their coasts;

Therefore the Government of Israel hereby proclaims and publicly announces as follows:

(1) The territory of the State of Israel shall include the sea-bed and the subsoil of the submarine areas contiguous to the coasts of Israel and outside the territorial waters to the extent that the depth of the superjacent waters admits of the exploitation of the natural resources of those areas.

(2) Nothing contained in paragraph 1 shall affect the character as high seas of the waters as are above the said submarine areas and outside the territorial waters of Israel.

(b) SUBMARINE AREAS LAW, No. 21, 513-1953, 10 FEBRUARY 1953.¹⁰

1. (a) The territory of the State of Israel shall include the sea floor and underground of the submarine areas adjacent to the shores of Israel but outside Israel territorial waters, to the extent that the depth of the superjacent water permits the exploitation of the natural resources situate in such areas.

(b) Nothing in subsection (a) shall affect the character of the water superjacent on the said submarine areas, and outside Israel territorial waters, as waters of the high seas.

Note. By Section 1 of the Petroleum Law, 5712-1952, 26 August 1952 (Laws of the State of Israel, Vol. 6, 5712-1951/2, p. 129) "land" includes "land intermittently or permanently submerged beneath inland waters or the sea"; s.s. 68 and 74 impose penalties for contravention of this law.

11. Korea (Republic of)

(a) PRESIDENTIAL PROCLAMATION OF SOVEREIGNTY OVER ADJACENT SEAS, 18 JANUARY 1952¹¹

Supported by well-established international precedents and urged by the impelling need of safeguarding, once and for all, the interests of national welfare and defence, the President of the Republic of Korea hereby proclaims:

⁹ Translation taken from United Nations Doc. A/CN.4/99/Add.1 p. 15; official text in Yalkut Hapirsumim No. 244, 11 August 1952, p. 989.

¹⁰ Translation taken from United Nations Doc. A/CN.4/99/Add.1 p. 15; Official text in Sefer-ha-Chukkin No. 120, 20 February 1953, p. 53.

¹¹ Text provided by the Ministry of Foreign Affairs of the Republic of Korea and transmitted through the Office of the Permanent Observer of the Republic of Korea to the United Nations.

1. The Government of the Republic of Korea holds and exercises the national sovereignty over the shelf adjacent to the peninsular and insular coasts of the national territory, no matter how deep it may be, protecting, preserving and utilizing, therefore, to the best advantage of national interests, all the natural resources, mineral and marine, that exist over the said shelf, on it and beneath it, known, or which may be discovered in the future.

2. The Government of the Republic of Korea holds and exercises the national sovereignty over the seas adjacent to the coasts of the peninsula and islands of the national territory, no matter what their depths may be, throughout the extension, as herebelow delineated, deemed necessary to reserve, protect, conserve and utilize the resources and natural wealth of all kinds that may be found on, in, or under the said seas, placing under the Government supervisions particularly the fishing and marine hunting industries in order to prevent this exhaustible type of resources and natural wealth from being exploited to the disadvantage of the inhabitants of Korea, or decreased or destroyed to the detriment of the country.

3. The Government of the Republic of Korea hereby declares and maintains the lines of demarcation, as given below, which shall define and delineate the zone of control and protection of the national resources and wealth on, in or beneath the said seas placed under the jurisdiction and control of the Republic of Korea and which shall be liable to modification, in accordance with the circumstances arising from new discoveries, studies or interests that may come to light in future. The zone to be placed under the sovereignty and protection of the Republic of Korea shall consist of seas lying between the coasts of the peninsular and insular territories of Korea and the line of demarcation made from the continuity of the following lines:

(a) From the highest peak of U-Am-Ryung, Kyung-Hung-Kun, Ham-Kyong-Pukdo to the point (42°15'N-130°45'E);

(b) From the point (42°15'N-130°45'E) to the point (38°00'N-132°50'E);

(c) From the point (38°00'N-132°50'E) to the point (35°00'N-130°00'E);

(d) From the point (35°00'N-130°00'E) to the point (34°40'N-129°10'E);

(e) From the point (34°40'N-129°10'E) to the point (32°00'N-127°00'E);

(f) From the point (32°00'N-127°00'E) to the point (32°00'N-124°00'E);

(g) From the point (32°00'N-124°00'E) to the point (39°45'N-124°00'E);

(h) From the point (39°45'N-124°00'E) to the western point of Ma-An-Do, Sin-Do-Yuldo, Yong-Chun-Kun, Pyungan-Pukdo;

(i) From the western point of Ma-An-Do to the point where a straight line drawn north meets with the western end of the Korean-Manchurian borderline.

4. This declaration of sovereignty over the adjacent seas does not interfere with the rights of free navigation on the high seas.

12. Mexico [7]

[No change]

13. Nicaragua [8]

[No change]

14. Panama [9]

[No change]

15. Peru [10]

[No change]

16. Philippines [11]

[No change]

17. Portugal [12]

(a) DECREE REGULATING FISHING BY STEAM VESSELS, 9 NOVEMBER 1910.

[No change]

(b) ACT NO. 2080 RELATING TO THE CONTINENTAL SHELF, 21 MARCH 1956. "DIARIO DO GOVERNO", No. 60, 21 MARCH 1956. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Section I. The sea-bed and the corresponding subsoil of the submarine platforms adjacent to the Portuguese sea-coast, whether of the mainland or of the islands, which are known as continental shelves, belong, even beyond the limits of the territorial sea, to the public domain of the State.

Section II. Except as otherwise provided by special legislation, concessions shall not be granted in the continental shelves beyond the part bounded by the line at which the water attains a depth of 200 metres.

Sole paragraph. In any case in which the continental shelf extends to the sea-coast of another State, concessions shall not be granted until after the line of demarcation has been determined.

Section III. The exploration of the continental shelf shall not imply any additional limitations of the regime of the high seas concerning the epicontinental sea which are not authorized by international law.

Section IV. Concessions relating to the natural resources of the public domains as defined in this Act shall be subject to the consent of the Council of Ministers, whose authorization shall likewise be required for any transfer of the rights conferred by a concession.

Sole paragraph. The concessionaire shall pledge security to guarantee indemnity for any losses and damage occasioned by a violation of the provisions of section III.

Section V. This Act shall be applicable to the whole of Portuguese territory. The provisions of this Act shall be published and carried into effect.

18. Saudi Arabia [13]

[No change]

19. United Kingdom [14]

(a) ARAB STATES UNDER THE PROTECTION OF THE UNITED KINGDOM

[No change]

(b) BAHAMAS

(i) Petroleum Act, 3 April 1945.

Note. Article 7 of the above Act, dealing with the granting of licences, has been amended by the Petroleum Amendment Act 1954. "Bahamas, Acts passed in the year 1954," No. 17, p. 18.

Article 28 of the above Act, dealing with regulations, was originally supplemented by Schedules dated 20 June 1945; these Schedules have now been replaced (see Government Notice 169, Gazette Supplement of 4 November 1954).

(ii) Bahamas (Alteration of Boundaries) Order-in-Council (No. 2574), 26 November 1948.

[No change]

(c) BRITISH HONDURAS

[No change]

(d) JAMAICA

[No. change]

(e) TRINIDAD AND TOBAGO

(i) Submarine (Oil Mining) Regulations, 22 May 1945.

Note. By the Submarine (Oil Mining) (Amendment) Regulations, 1954 (Trinidad and Tobago Ordinances, Government Notice No. 138, Gazette Supplement, 19 August 1954) the following amendments are made:

Regulation 4 (2) is revoked,

Regulation 9 is revoked,

Regulation 13 is amended.

(a) By re-numbering the same as 13 (1); and

(b) By adding thereto the following new sub-regulation to be numbered (2):

"(2) (a) Where any alien or company incorporated outside the Commonwealth countries applies for a licence, the Governor may make it a condition of any licence so granted that at any time after the expiration of five years from the date of the first commercial export of oil from the Colony by the Licensee, the Licensee, unless he can show to the satisfaction of the Governor that he will incur substantial tax disabilities through being required to do so, may be required by the Governor to form a locally incorporated subsidiary company to conduct all operations in pursuance of the said licence, and that if so required the Licensee shall comply with such requirement within one year after being notified thereof in writing.

"(b) Where any Licensee applies for the Governor's consent to the assignment of a licence to an alien or a company incorporated outside the Commonwealth countries, the Governor may make it a condition of his consent that there shall be inserted in the licence to be transferred a provision to the effect that at any time after the expiration of five years from the date of the first commercial export of oil from the Colony by the Licensee, the Licensee, unless he can show to the satisfaction of the Governor that he will incur substantial tax disabilities through being required to do so, may be required by the Governor to form a locally incorporated subsidiary company to conduct all operations in pursuance of the said licence, and that if so required the Licensee shall comply with such requirement within one year after being notified thereof in writing."

Paragraph 2 of Part VI of Schedule 1 to the Principal Regulations is also revoked.

By the Submarine (Oil Mining) Amendment Regulations, 1954 (Government Notice No. 179, Gazette Supplement, 9 December 1954) the following further amendments were made:

Regulations 2 and 10 are amended by substituting the expression "Her Majesty's Dominions" for the expression "Commonwealth Countries" wherever the latter expression appears therein.

Parts IV, VI, VII, and IX of the Schedule I are amended.

(f) SARAWAK

(i) Sarawak (Alteration of Boundaries), Order-in-Council, 1954. "Sarawak Government Gazette Extraordinary", Part II, Vol. IX, 30 June 1954, No. 18, p. 200.

...

2. The boundaries of the Colony of Sarawak are hereby extended to include the area of the continental shelf being the sea-bed and the subsoil which lies beneath the high seas contiguous to the territorial waters of Sarawak.

3. Nothing in this order shall be deemed to affect the character as high seas of any waters above the said area of the continental shelf.

Note. Similar enactments have been made on behalf of British Guiana (S.I. 1954, No. 1372, Colonies, Protectorates, and Trust Territories), North Borneo (Laws of North Borneo, Supplement to the Revised Edition, 1953, Vol. VII, p. 637), and Brunei (Government Gazette, Supplement No. 9, 31 July 1954, p. 159).

18

20. United States of America [15]

[No change]

CHAPTER 2. INTERNATIONAL TREATIES AND SUPPLEMENTARY LEGISLATION

[No change]

PART II. CONTIGUOUS ZONES

CHAPTER 1. NATIONAL LEGISLATION

1. Argentina [1]

[No change]

2. Belgium [2]

[No change]

3. Bulgaria [3]

[No change]

4. Canada¹ [4]

(a) CUSTOMS ACT, REVISED STATUTES OF CANADA 1952—VOL. 2, CHAPTER 58, P. 2077, AS AMENDED BY STATUTE 1953-54, CHAPTER 3, P. 7, AND STATUTES 1955, CHAPTER 32, P. 163.

...
Section 2. (1) In this Act, or in any other law relating to the Customs,
 (a) "Canadian Customs waters" means the waters forming that part of the sea that is adjacent to and extends nine marine miles beyond Canadian waters;
 (b) "Canadian waters" means all territorial waters of Canada and all waters forming part of the territory of Canada, including the marginal sea within three marine miles of the base lines on the coast of Canada, determined in accordance with international law and practice; subject, however, to the following specific provisions.
 (i) Canadian waters shall not extend beyond the limits of exclusion recommended in the North Atlantic Fisheries Award, answer to question V, as set forth in the Schedule;
 (ii) The extent of Canadian waters shall conform with the provisions of any other Act of the Parliament of Canada;
 (iii) The Governor in Council may from time to time by proclamation temporarily restrict, for Customs purposes, the extent of Canadian waters and such proclamations shall not be construed as foregoing any Canadian rights in respect of waters thus restricted; and
 (iv) The plotting of base lines and of the limits of Canadian waters on a map or chart issued under the authority of and approved by the Governor in Council shall be conclusive evidence of the due determination of such base lines and of the extent of Canadian waters or of Canadian waters temporarily restricted, pursuant to the provisions of sub-paragraph (iii).

...
Section 7. (1) Unless the Minister, as he may, in respect of any particular vessel or class or classes of vessel otherwise dispenses, for a time or generally, the master of any vessel arriving in or found within Canadian waters or of any vessel registered in Canada or of any unregistered vessel owned by a person resident or domiciled in Canada or of any other vessel or class of vessels that has been specified or

¹This entry replaces in its entirety the entry relating to Canada at pages 54-57 of the previous volume.

enumerated by proclamation of the Governor in Council under subsection (1) of section 139 arriving in and found within Canadian Customs waters shall, if the cargo of his vessel includes intoxicating liquors, have on board a manifest signed by him under oath as to the truth of the statements therein contained; such manifest shall contain:

(a) The names of the ports and description of the places at which the goods comprising the cargo of the said vessel were taken on board, and the ports of entry of Canada for which the same are destined, particularly describing the goods destined for each such port;

(b) The name, description, and build of the vessel, the tonnage and port of registry of the vessel, the domicile of the owners thereof and the name of the master;

(c) A detailed account of all goods on board such vessel, with the marks and numbers of each package and parcel, and the number and description of the packages and parcels according to their usual name or denomination, such as barrel, keg, hogshead, case or bag;

(d) The names of the persons to whom such packages or parcels are respectively consigned in accordance with the bills of lading issued therefor, except that when such goods are consigned to order the manifest shall so state; and

(e) An account of what surplus stores remain on board.

(2) This section does not apply to any vessel employed in the transport of duty-paid intoxicating liquor from one port or place to another port or place within the limits of Canada.

Section 8. (1) No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, or from any vessel having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unloading of the same.

(2) No goods shall be so unladen, unless for the purpose of lightening the vessel in crossing over or getting free from a shoal, rock, bar or sand bank, except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer is appointed to attend the unloading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer, for the unloading of such goods, except that the collector or other officer at the port at which entry of the goods is to be made may give permission in writing for the lightening of a vessel and unloading of goods

(a) On a statutory holiday other than a Sunday;

(b) After sunset and before sunrise; and

(c) At a place other than a port;

but such unloading shall be done only in the presence of an officer detailed for such service and under such conditions and upon such terms as the Minister may authorize or prescribe.

(3) If after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unloading of any part thereof, or if any part thereof is fraudulently staved, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk.

. . .
Section 139. (1) The provisions of this section extend to vessels hovering in Canadian waters, and in the case of any vessel registered in Canada, or of any unregistered vessel owned by a person resident or domiciled in Canada, or of any other vessels or class of vessels which the Governor in Council may specify or enumerate by proclamation shall also extend to vessels hovering in Canadian Customs waters.

(2) Any vessel that has, in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters,

(a) Hovered;

(b) Unladen any dutiable or prohibited goods, or transhipped the same to some other vessel without the authorization of an officer;

(c) Navigated without lights, in breach of any law or regulation to which such vessel was subject; or

(d) Failed to come to a stop in compliance with the provision of subsection (4),

shall be presumed to be a hovering vessel and to have hovered, but such presumption may, save in cases provided for by paragraph (d), be rebutted by evidence establishing that the vessel was engaged in a legitimate occupation not connected, directly or indirectly, with the smuggling into Canada of dutiable or prohibited goods or the breach of any laws or regulations in force in Canada.

(3) If any hovering vessel is found or observed in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, any officer may go on board such vessel and examine her cargo and may also examine upon oath the master or person in command or any other person on board, touching the vessel, cargo and voyage, and may bring the vessel into port; and any such master or person who refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him touching such vessel, cargo or voyage, shall be deemed to have violated a provision of this Act.

(4) Any vessel in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, shall proceed to come to a stop when required so to do in the Queen's name by any other officer or upon signal made by any vessel in the service of the Government of Canada hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

(5) On any such vessel failing to proceed to come to a stop when required, the captain or master or other person in charge of any vessel in the service of the Government of Canada may, after first causing a gun to be fired as a signal, fire at or into such vessel.

(6) Such captain, master or other person, as well as any person acting in his aid or by his direction, is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing, and Her Majesty is not liable in any claim for damage to life or property by reason of such act.

(7) No person on board any vessel required to proceed to come to a stop, as herein provided, shall throw overboard, stave, or destroy any part of the cargo or any papers or documents relating to the vessel or cargo; any such action renders the vessel and cargo subject to forfeiture.

(8) The evidence of such captain, master or other person that the vessel was within Canadian waters or Canadian Customs waters is *prima facie* evidence of the fact.

(9) Any officer may at any time go on board any vessel at any place in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, and examine the manifest and inspect, search and examine the vessel and every part thereof, and any person, trunk, package or cargo on board.

(10) Any vessel that is a hovering vessel within the meaning of subsection (2) may be seized and forfeited, together with all stores and cargo that were upon such vessel at the time of the hovering, but the following goods shall be released, without liability resulting directly or indirectly from such seizure or forfeiture, upon the furnishing of proof satisfactory to the Minister that they are:

(a) Goods, respecting which there has not been any violation, of any of the provisions of this Act, that are in the hands of a person in Canada who acquired the same for value and in good faith;

(b) Effects of an innocent passenger; or

(c) Goods respecting which there has not been any violation of any of the provisions of this Act and in respect to which neither the consignor, nor the consignee, nor the owner, nor any of their agents, had any knowledge or grounds for suspicion that the goods were destined to be smuggled into Canada or into any other country.

(11) The master or person in command and crew of any vessel that is a hovering vessel within the meaning of subsection (2) and all other persons on board at the time of the hovering and all owners or persons beneficially interested in the vessel or cargo shall be deemed to have violated a provision of this Act unless they prove that they had no knowledge or grounds for suspicion that the goods on board were destined to be smuggled into Canada or any other country.

(12) The powers conferred by subsection (3) on an officer, may be exercised, and the provisions of subsections (4) to (11) inclusive are applicable to a hovering vessel, either at the place where the vessel is found or observed to be hovering, or, elsewhere after pursuit, either within or without Canadian waters or Canadian Customs waters as the case may be, or in a Canadian port when such waters subsequently enters a Canadian port.

(b) FISHERIES ACT, REVISED STATUTES OF CANADA 1952, CHAPTER 119.

...
55. (1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

(b) Knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an "otter" or other trawl of a similar nature or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words "three miles" shall be substituted for the words "twelve miles".

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

(5) Regulations may be made under the provisions of section 34:

(a) Prescribing the form of licence;

- (b) Specifying the evidence to be submitted with an application for a licence;
- (c) Fixing the conditions under which a licence shall be issued; and
- (d) Making any other provisions respecting licences.

(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, lies upon the person accused, and intent or knowledge shall be presumed unless negated by proof. 1932, c. 42, s. 56; 1934, c. 6, s. 1; 1949, c. 6, s. 27.

5. Ceylon [5]

[No change]

6. Chile [6]

(a) CIVIL CODE, 14 DECEMBER 1855

[No change]

- (b) GENERAL REGULATIONS CONCERNING THE POLICE OF THE SEAS, RIVERS AND LAKES, ANNEXED TO DECREE No. 1340 (b) OF THE MINISTRY OF NATIONAL DEFENCE, 14 JUNE 1941

Note. The text of Article 7 appearing in the previous volume is to be replaced by the following:

Article 7. The sea adjacent to our coasts from a distance of fifty kilometres measured from the lowest water mark and the inland waters of gulfs, bays, straits and channels, even in those cases where the distance between their coasts measured more than the said three miles, constitutes the territorial sea and belongs to the national domain. With regard to the exercise of the right of policing in the interests of national security, the distance considered shall be one hundred kilometres measured in the manner stated above.

(c) WATER CODE, ANNEXED TO LAW No. 8,944, 21 JANUARY 1948

[No change]

7. China [7]

[No change]

8. Colombia [8]

[No change]

9. Cuba [9]

[No change]

10. Dominican Republic [10]

[No change]

11. Ecuador [11]

[No change]

12. Egypt [12]

[No change]

13. El Salvador [13]

[No change]

14. Finland [14]

(a) CUSTOMS REGULATIONS, 8 SEPTEMBER 1939. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Note. By an Order to Amend the Customs Duties Act, 26 October 1956, "Finnish Law Series", No. 530/56, Articles 1, 3 and 7 of the Customs Regulations of 1939 as amended, have been amended. Article 1 now reads as follows:

Article 1. Customs frontier at sea (1) In the Baltic Sea, the Gulf of Finland and the Gulf of Bothnia, the customs frontier shall, with the exceptions mentioned in paragraph 2, extend two nautical miles beyond the outer limit of the territorial waters of Finland, but no further than the territorial frontier of a contiguous State.

(2) On the eastern side of the meridian running through the western end of the boundary delimiting the territorial waters of Finland, being the boundary established by the Treaty of Peace signed in Paris on 10 February 1947 and running south of the Aspö archipelago in the direction of the parallel, and also around Bogskären in the northern part of the Baltic Sea, the customs frontier shall be the outer limit of the territorial waters.

(3) If the customs frontier, to a certain extent or for purposes of preventing the unlawful transport of goods, is defined in an agreement with a foreign State otherwise than in paragraphs 1 and 2, the provisions of such agreement shall apply.

Reference should also be made to Act No. 463 of 18 August 1956 concerning the boundaries of the Territorial Waters of Finland, and Order No. 464 concerning the application of this Act of the same date; also to Order No. 466 of the same date amending the Order concerning visits by Foreign Warships, Merchant Vessels and Aircraft to Finnish Territory in time of peace. All these texts can be found in translation in Volume VI of the United Nations Legislative Series, Laws and Regulations on the Regime of the Territorial Sea.

15. France [15]

[No change]

16. Greece [16]

(a) LAW No. 4141, CONCERNING PASSAGE AND SOJOURN OF MERCHANT VESSELS ALONG THE GREEK SHORES AND POLICING OF THE PORTS AND HARBOURS IN TIME OF WAR, 26 MARCH 1913

[No change]

(b) CIRCULAR No. 147 OF THE MINISTRY OF MARINE, CONCERNING OBSERVANCE OF NEUTRALITY RULES, 29 JULY 1914

[No change]

(c) LAW No. 230, 17 SEPTEMBER 1936

[No change]

(d) ACT 376/14/18 DECEMBER 1936, CONCERNING MEASURES FOR THE SECURITY OF FORTIFIED ZONES²

Article 1. Areas in which fortified installations are located or being constructed shall be designated as "defence areas" if they are under the jurisdiction of the Ministry of War or as "naval positions" if they are under the jurisdiction of the Ministry of Marine. The boundaries of the defence areas and of the naval positions shall be determined by Royal Decree, on the proposal of the Minister of War or the Ministry of the Marine.

Article 2. Every defence area or naval position shall include:

(a) A first (inner) zone around the immediate perimeter of the defence works, classified as a "prohibited zone".

²Text provided by the Permanent Delegation of Greece. Translation by the Secretariat of the United Nations.

(b) A second (outer) zone, classified as a "protected zone", the outer boundaries of which shall correspond to the boundaries of the defence area or naval position. The purpose of both zones is the concealment and security of the defence works.

Article 3. The safety measures which have to be taken at the defence areas and naval positions in order to achieve the purpose specified in article 2 shall be determined under the exclusive jurisdiction of military and naval authorities duly designated by the Ministers of War and of Marine.

...

Article 10. The competent military or naval authorities referred to in article 3 may categorically prohibit, in whole or in part and for an indefinite period, any form of traffic through any protected zone. In particular, maritime traffic in the vicinity of naval positions may be prohibited in whole or in part by order of the Ministry of Marine. The prohibition of air traffic over protected zones shall lie within the competence of the Ministry of Aviation, which shall issue the necessary orders at the request of the Minister of War or the Minister of Marine. Protected zones may also be extended beyond the limits specified in article 2.

Any violation of these prohibitions shall be punishable by the penalties laid down in article 7 of the Act, and all offenders, regardless of their identity, shall be triable by naval or military courts.

17. Guatemala [17]

[No change]

18. Honduras [18]

[No change]

19. India

(a) PROCLAMATION REGARDING FISHING IN ADJACENT SEAS, 1957, "GAZETTE OF INDIA", 1957

Whereas the coastal communities of India have from time immemorial been engaged in fishing activities in the high seas adjacent to its territorial waters;

And whereas certain areas of these high seas provide fisheries which contribute to the food and means of livelihood of large sections of the population and consequently India has a special interest in maintaining the productivity of the living resources in all such areas;

Now, therefore, I Rajendra Prasad, President of India, do hereby proclaim and declare in the eighth year of the Republic as follows;

The Government of India may from time to time:

(i) Establish, in accordance with laws enacted for the purpose conservation zones in areas of the high seas adjacent to the territorial waters of India, but within a distance of one hundred nautical miles from the outer limits of those waters;

(ii) Take conservation measures in the zones so established in order to protect fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction; and,

(iii) Subject to the provisions of any international agreement or convention to which India is, or may hereafter become, a party, regulate all fishing activities in the said areas in order to enforce the laws and regulations that may be issued from time to time for the purposes aforesaid.

Note. At the United Nations Conference on the Law of the Sea, held in Geneva from Feb.-Apr. 1958, the Indian delegation requested the deletion of a reference to this Proclamation from the column headed "Fishing" under the general head "Limits for Special Purposes" in U.N. Doc. A/Conf.13/C.1/L.11/Rev.1 which gave a Synoptical Table of claims made by States to zones of the sea contiguous to their coasts.

20. Iran [19]

[No change]

21. Italy [20]

[No change]

22. Japan [21]

(a) PORT REGULATIONS, ENACTED BY LAW, NO. 174 OF 1948

[Deleted]³**23. Korea⁴**(a) FISHERY RESOURCES CONSERVATION LAW. LAW NO. 298 PROMULGATED
12 DECEMBER 1954

Article I. The seas lying between the coasts of the peninsular and insular territories of Korea and line of demarcation made from the continuity of the lines mentioned hereunder are hereby defined as the jurisdictional water for the conservation of the fishery resources (hereinafter referred to as the jurisdictional water).

(a) Line from the highest peak of U-Am Ryung, Kyung-Hung-Kun, Ham-Kyung-Pukdo to the point of 42°15'N-130°45'E;

(b) Line from the point of 42°15'N-130°45'E to the point of 38°00'N-132°50'E;

(c) Line from the point of 38°00'N-132°50'E to the point of 35°00'N-130°00'E;

(d) Line from the point of 35°00'N-130°00'E to the point of 34°40'N-129°10'E;

(e) Line from the point of 34°40'N-129°10'E to the point of 32°00'N-127°00'E;

(f) Line from the point of 32°00'N-127°00'E to the point of 32°00'N-124°00'E;

(g) Line from the point of 32°00'N-124°00'E to the point of 39°45'N-124°00'E;

(h) Line from the point of 39°45'N-124°00'E to the western point of Ma-An-Do, Sin-Do-Yuldo, Yong-Chung-Kun, Pyung-An-Pukdo;

(i) Line from the western point of Ma-An-Do to the point where a straight line drawn north meets with the western end of the Korean-Manchurian borderline.

Article II. Any person who desires to engage in fishing in the jurisdictional water is required to obtain a permission from the competent Minister.

Article III. Any person who violated the preceding Article shall be punished by a penal servitude or an imprisonment not exceeding three years, or by a fine not exceeding five hundred thousand Hwan, and any fishing vessel, equipment, catch, and cultured and manufactured product which are owned or possessed by such person shall be confiscated.

Article IV. In the search for the offence provided in the preceding Article, the officers and sailors aboard Naval Vessels, and other officials determined by Presidential Decree may carry out the functions of the judicial police officers.

In conducting the search provided in the preceding paragraph, they may, if necessary, bring home any vessel which violated the provisions of this law.

If a vessel excites suspicion of violating Article II, they may halt, visit, search and make any other necessary disposition of a vessel, even if such vessel is only a vessel in transit.

³ Article 24 of the Port Regulations, Enacted by Law No. 174 of 1948 as Amended by Law No. 98, 24 May 1949, cited at page 83 of the previous volume, does not apply to claims beyond the three-mile limit of the territorial sea. For this reason its deletion has been requested.

⁴ All texts relating to Korea were provided by the Ministry of Foreign Affairs of the Republic of Korea and were transmitted through the Office of the Permanent Observer of the Republic of Korea to the United Nations.

Supplementary Regulations

A permission, license or notice in force on 19 February 1952 shall be regarded as if it were obtained in accordance with this Law.

This Law shall become effective on the day of its promulgation.

(b) REGULATION FOR THE ENFORCEMENT OF THE FISHERY RESOURCES CONSERVATION LAW. PROMULGATED AS PRESIDENTIAL DECREE NO. 861 ON 18 JANUARY 1955.

Article I. The term "fishing" as used in Article II of the Fishery Resources Conservation Law (hereinafter referred to as the Law) means fisheries provided for in Articles VIII, XII of the Fishery Industry Law including fisheries for which licence has been given in accordance with Article XIII of the same Law.

Article II. In granting fishing licences the competent Minister shall give such consideration that these licences may not exceed the number of the permissible cases that had been dealt with up to the date of 19 February 1952 except cases as limited in number by the Fishery Industry Law for the purpose of cultivating and conserving the marine fauna and flora in the jurisdictional water.

Article III. Any person who desires to obtain a permission for fishing shall file application for permission with the competent Minister through the Mayor of the Special City or Provincial Governor in compliance with the provisions of Articles IX and X of the Regulations of the Enforcement of the Fishery Industry Law.

Article IV. The fishery supervisors of the Government pursuant to the provisions of Article LVIII of the Fishery Industry Law and Article LI of the Regulation for its enforcement shall exercise the functions of the judicial police officers provided for in Article IV of the Fishery Resources Conservation Law, providing that they are designated to do so under Article LX of the Fishery Industry Law.

Supplementary Rule

This Regulation shall come into force from the date of the promulgation of the Fishery Resources Conservation Law.

(c) MARINE DEFENCE LAW. LAW NO. 104 PROMULGATED 2 MARCH 1950.

Article 1. The President of the Republic of Korea may, by fixing a boundary, designate some area as the "Sea of Defence" in the case of extraordinary necessity during a time of formal war or civil war.

The designation of such area provided for in the preceding paragraph, as well as the cancellation of such areas thereof shall be publicly announced by the Minister of National Defence.

Article 2. If it is necessary to take urgent measures the Commanding Officer of the Naval Yard or the Commanding Officer of the Guard Station may designate and proclaim the "Sea of Defence" as provided for in the preceding article.

Such proclamation shall be reported without delay to the President for Approval. If the confirmation from the President is not obtained, such proclamation shall lose effect thereafter, and the Minister of National Defence shall announce that fact without delay.

Article 3. Ships other than those of the National Defence Force may not enter into, leave from, or sail in the "Sea of Defence" without the permission of the Commanding Officer of the Naval Yard or of the Guard Station during the Hours of darkness (from sunset until sunrise).

Article 4. In case a zone of Naval Base belongs to the "Sea of Defence," ships other than those of the National Defence Force may not enter into, leave from or sail in the "Sea of Defence" without the permission of the Commanding Officer of the Naval Yard or Guard Station.

Article 5. Ships entering into, leaving from, sailing or anchoring in the "Sea of Defence" shall observe the directives of the Commanding Officer of the Naval Yard or of the Guard Station concerning all their movements.

Article 6. In case it is deemed necessary, the Commanding Officer of the Naval Yard or of the Guard Station may prohibit or place restraint on fishing, extraction of sea weeds and other actions which may serve as obstacles to military operations.

Article 7. The Commanding Officer of the Naval Yard or of the Guard Station may direct the ships that violate the orders issued in accordance with this law to withdraw from the "Sea of Defence" through a specified course designated by the Commanding Officer.

Article 8. The Captain or the Person acting for a Captain of a ship which violated the provisions under articles 3 to 5 shall be punished with penal servitude of not more than three years or a fine of not more than 200,000 won.

Article 9. The person who violates the Provisions of article 6 shall be punished with penal servitude not more than one year or a fine of not more than 100,000 won.

Addendum

This law shall be effective on and after the date of its promulgation.

24. Lebanon [22]

[No change]

25. Mexico [23]

[No change]

26. Norway [24]

[No change]

27. Poland [25]

[No change]

28. Portugal [26]

(a) CUSTOMS REFORM, ENACTED BY DECREE-LAW No. 31,665, 22 NOVEMBER 1941

[No change]

Note. Reference should also be made to the legislation cited under Portugal in Volume VI, United Nations Legislative Series, Laws and Regulations on the Regime of the Territorial Sea.

29. Romania⁵ [27]

(a) DECREE No. 39 CONCERNING THE REGULATION OF THE REGIME OF TERRITORIAL WATERS, 28 JANUARY 1956

...

Article 5. Le port de Mangalia ainsi que la zone comprise entre la côte, les parallèles 43° 45' et 43° 53' et le méridien 28° 45', sont interdits aux navires étrangers.

Seule une décision du Conseil des ministres peut interdire aux navires étrangers d'autres ports ou d'autres zones de la République Populaire Roumaine.

...

⁵This entry replaces in its entirety the entry relating to Romania at page 89 of the previous volume. The Regulations of 7 February 1934 there given were replaced by a decision of the Council of Ministers, No. 731 of 28 April 1956. The text of Decree No. 39 was supplied by the Permanent Mission of Romania to the United Nations.

Article 8. Les navires militaires étrangers ne peuvent traverser, s'arrêter ou jeter l'ancre dans les eaux territoriales de la République Populaire Roumaine de même qu'ils ne peuvent entrer dans les ports de la République Populaire Roumaine qu'après en avoir reçu au préalable l'autorisation du gouvernement de la République Populaire Roumaine, sauf en cas d'avaries ou lorsqu'ils cherchent un refuge contre la tempête.

Il est interdit aux sous-marins étrangers en plongée de naviguer, de s'arrêter ou de jeter l'ancre dans les eaux territoriales de la République Populaire Roumaine.

Les sous-marins étrangers naviguant en plongée dans les eaux territoriales de la République Populaire Roumaine seront pourchassés et détruits sans avertissement.

...

30. Saudi Arabia [28]

(a) DECREE No. 6/4/5/3711 DEFINING THE TERRITORIAL WATERS OF THE KINGDOM, 28 MAY 1949

[Repealed]

(b) DECREE No. 33 DEFINING THE TERRITORIAL WATERS OF THE KINGDOM, 16 FEBRUARY 1958

By Grace of God Almighty; We, Saud Ibn Abdul-Aziz Al-Saud King of the Kingdom of Saudi Arabia, In view of the dictates of public interest, have decreed as follows:

Article 1. For the purposes of this Decree.

- (a) The term "nautical mile" is the equivalent of 1852 meters;
- (b) The term "bay" includes any inlet, lagoon, or other arm of the sea;
- (c) The term "island" includes any islet, reef, rock, bar, or permanent artificial structure not submerged at lowest low tide;
- (d) The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide; and
- (e) The term "coast" refers to the coasts of the Red Sea, the Gulf of Aqaba, and the Persian Gulf.

Article 2. The territorial sea of the Kingdom of Saudi Arabia, as well as the air space above and the bed and subsoil beneath are under the sovereignty of the Kingdom subject to the established rules of international law.

Article 3. The inland waters of the Kingdom include:

- (a) The waters of the bays along the coasts of the Kingdom of Saudi Arabia;
- (b) The waters above and landward from any shoal no more than twelve nautical miles from the mainland or from a Saudi Arabian island;
- (c) The waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;
- (d) The waters between Saudi Arabian islands not farther apart than twelve nautical miles.

Article 4. The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of (twelve) nautical miles.

Article 5. The following are established as the baselines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- (a) Where the shore of the mainland or an island is fully exposed to the open sea, the lowest low water mark on the shore;
- (b) Where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;

(c) Where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;

(d) Where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;

(e) Where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland along the outer shores of the island;

(f) Where there is an island group which may be connected by lines not more than twelve nautical miles, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain; and

(g) Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 6. If the measurement of the territorial sea in accordance with the provisions of this Decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7. If the territorial sea measured from the baselines fixed by Article 5 of this Decree be overlapped by the waters of another State, boundaries will be determined by our Government in agreement with that State in accordance with equitable principles.

Article 8. With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and sanitary matters, maritime surveillance may be exercised in a contiguous zone outside the territorial sea; extending for a further distance of six nautical miles and measured from the baselines of the territorial sea, according to Article 5 of this Decree.

Article 9. Nothing in this Decree shall affect the rights of the Kingdom with respect to fishing.

Article 10. The Royal Decree No. 6/5/4/3711 promulgated on the 1st day of Sha'aban, 1368, corresponding to the 28th of May, 1949, is hereby revoked.

Article 11. Our Ministers of Foreign Affairs, Interior, Finance, and Public Health are charged respectively with the execution of this Decree.

Article 12. This Decree will come into force as from the date of its publication in the official gazette.

31. Spain

(a) EXTRACTS FROM A MEMORANDUM SUBMITTED BY THE MINISTRY OF MARINE AND TRANSMITTED BY A NOTE DATED 14 AUGUST 1957. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

2. The "contiguous zone", in the sense in which the term is currently understood in international law, is likewise not the subject of legislative provisions enacted by the Spanish State, which does not recognize this zone as a distinct part of the territorial sea. The provisions which fix the breadth of Spain's maritime area at six miles for the purpose of fishing, customs, contraband and protection of national shipping refer to the territorial sea, not to the contiguous zone.

3. The inspection of ships to which the inquiry refers is not, presumably, the technical inspection for the purposes of the International Convention for the Safety of Life at Sea, but the inspection of ships for the purpose of determining their legal status, especially verifying their flags.

As this report relates only to times of peace—the future [codification of the] law of the sea being concerned exclusively with times of peace—it is stated that Spanish law does not contain any provisions authorizing the inspection of foreign vessels on the high seas.

It should be borne in mind that under Spanish law the breadth of the territorial sea is six miles and accordingly, Spanish vessels exercising supervision are empowered, without restriction, to engage in their activities in this area, as is expressly provided in article 33 of the Customs Regulations of 1948 made under the Act concerning contraband and fiscal evasion.

Spanish vessels are also empowered to exercise fiscal control over fishing in the said six-mile belt by virtue of a large number of enactments, including the Royal Ordinance of 29 August 1905, the Ordinance of 9 April 1932 and the Service Regulation of the Fisheries Control Service of 3 January 1933. In addition, article 171 of the Regulation of 13 October 1913, made under the Act of 14 June 1909 to protect Maritime Industries and Communications, provides for the safety of national shipping within the said six-mile zone.

32. Sweden [29]

(a) ACT No. 225, CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 20 JUNE 1924

Note. s. 8 of the above Act has been amended by Act No. 243, 12 May 1955 to include, among the means of transportation liable to confiscation, aircraft of less than four tons.

(b) ACT No. 463, TO EXTEND THE APPLICATION OF ACT No. 225 OF 20 JUNE 1924 CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 27 NOVEMBER 1925

Note. This title should be amended by adding the words "as amended by Act No. 189, 12 May 1933".

In the second line of the text of the Act the phrase "250 net tons" should be changed to read "500 net tons".

(c) ROYAL ORDER No. 465, CONTAINING SPECIAL PROVISIONS REGARDING THE EXPORTATION OF INTOXICATING BEVERAGES FROM THE KINGDOM, 27 NOVEMBER 1925

Note. The title should be amended to read as follows: "Royal Order No. 465, containing special provisions regarding the exportation of alcoholic beverages and wine from the Kingdom, 27 November 1925, as amended by Royal Order No. 121 of 26 April 1957".

Where the words "intoxicating beverages" appear in the body of the Act they should now read "alcoholic beverages and wine".

Articles 1, 4 and 5 have been amended by Royal Order No. 121 of 26 April 1957^a to read as follows:

"Article 1. Alcoholic beverages and wines may not be exported to places abroad from customs territory or elsewhere in a vessel (boat, barge) of less than 100 net tons register.

"Notwithstanding the provision of the first paragraph, the General Customs Board may in special circumstances give permission for the export of alcoholic beverages and wines in mechanically-propelled vessels maintaining regular services between Sweden and places abroad. The granting of the said permission may be made subject to such conditions and requirements as are considered necessary in each particular case. A licence shall be issued in proper form.

"Article 4. The quantity, kind and place of destination of alcoholic beverages and wines exported in vessels to which article 1, second paragraph, and article 2 refer shall

^a "Svensk Författningssamling", 1957, p. 223. Translation by the Secretariat of the United Nations.

be entered in a special list, which shall be signed by the master and certified correct by the customs authority in the place of shipment. The list shall be attached under customs seal to the vessel's licence, which shall bear a note thereof.

"Article 5. The vessels to which article 1, second paragraph, and article 2 refer may not, if transporting alcoholic beverages and wines, be cleared by the customs authority for a foreign port, unless:

"(a) The customs authority is satisfied that there is no intention to commit or abet the unlawful importation of such beverages;

"(b) A written declaration is furnished by the consignor to the effect that the beverages are being exported for a lawful purpose, and by the master to the effect that they will be duly transported to the place of destination; and

"(c) If the list shows that alcoholic beverages or wines have previously been transported in the vessel, the master furnishes a certificate issued by the customs or other public authority in the place of destination, or other satisfactory evidence, that the beverages entered in the list were duly delivered and discharged or that there was a lawful impediment thereto.

"This Order shall come into force on 1 July 1957."

(d) to (g)

[No change]

Note. The note appearing under (g) should, however, be changed to read as follows:

"By Act No. 185 of 30 April 1953, this Act is continued in force until 30 June 1958 Svensk Författningssamling, 1953, p. 296."

33. Syria [30]

[No change]

34. Turkey [31]

[No change]

35. United Kingdom [32]

[No change]

36. United States of America [33]

[No change]

37. Union of Soviet Socialist Republics [34]

[No change]

38. Uruguay [35]

[No change]

39. Venezuela [36]

[No change]

Note. Whilst no change in the texts given in Volume I had been requested, the Delegation of Venezuela to the U.N. Conference on the Law of the Sea, held in Geneva from Feb.-Apr. 1958, indicated that, by Article 1 of the Law relating to the Territorial Sea, Continental Shelf, Protection of Fisheries and the Airspace of 27 July 1956, the limit of the Venezuelan territorial sea has been fixed at twelve miles. The texts given in Volume I should, therefore, be read in the light of this information.

40. Yugoslavia [37]

[No change]

CHAPTER 2. INTERNATIONAL TREATIES AND SUPPLEMENTARY LEGISLATION

SECTION A. MULTIPARTITE TREATIES

1. Contraband Traffic in Alcoholic Liquors

[No change]

2. Declaration of Panama

[No change]

3. International Penal Law

[No change]

4. Prevention of Pollution of the Sea by Oil

- (a) CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL.
Signed at London, 12 May 1954. Entered into force on 26 July 1958.
Great Britain, Cmd. 9197.

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26 April 1954 to 12 May 1954,

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:

Article 1. (1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

“The Bureau” has the meaning assigned to it by Article XXI;

“Discharge” in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

“Heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per cent by volume distills at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.158/53;

“Mile” means a nautical mile of 6080 feet or 1852 metres;

“Oil” means crude oil, fuel oil, heavy diesel oil and lubricating oil, and “oily” shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

Article 2. The present Convention shall apply to sea-going ships, registered in any of the territories of a Contracting Government, except

- (i) Ships for the time being used as naval auxiliaries;
- (ii) Ships of under 500 tons gross tonnage;
- (iii) Ships for the time being engaged in the whaling industry;
- (iv) Ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

Article III. (1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in annex A to the Convention in relation to tankers of:

(a) Oil;

(b) Any oily mixture the oil in which fouls the surface of the sea, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that:

(a) The prohibited zones in relation to ships other than tankers shall be those referred to as such in annex A to the Convention; and

(b) The discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of the territory in which the ship is registered.

Article IV. (1) Article III shall not apply to:

(a) The discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea: or

(b) The escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for purpose of preventing or minimising the escape;

(c) The discharge of sediment:

(i) Which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) Which is residue arising from the purification or clarification of oil fuel or lubricating oil.

provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

Article V. Article III shall not apply to the discharge from the bilges of a ship;

(a) Of any oil mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;

(b) After the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

Article VI. The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

Article VII. As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

Article VIII. As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

Article IX. (1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official log-book or otherwise) in the form specified in annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

Article X. (1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

Article XI. Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

Article XII. Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:

(a) The text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(b) All official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

Article XV. (1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.⁷

(2) (a) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(b) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ANNEX A

Prohibited Zones

(1) Subject to paragraph (3) of this annex, the prohibited zones in relation to tankers shall be all sea areas within fifty miles from land, with the following exceptions:

(a) The Adriatic Zones

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of thirty miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further twenty miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(b) The North Sea Zone

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium, Denmark, the Federal Republic of Germany, the Netherlands, the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(c) The Atlantic Zone

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities

⁷ The ten countries which accepted the Convention by 26 July 1957 were United Kingdom, Mexico, Sweden, Federal Republic of Germany, Denmark, Canada, Norway, Irish Republic, Belgium and France.

for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(d) The Australian Zone

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this annex the prohibited zones in relation to ships other than tankers shall be all sea areas within fifty miles from land with the following exceptions:

(a) The Adriatic Zones

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of twenty miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further thirty miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(b) The North Sea and Atlantic Zones

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium, Denmark, the Federal Republic of Germany, Ireland, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3) (a) Any Contracting Government may propose:

(i) The reduction of any zone off the coast of any of its territories;

(ii) The extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(b) UNITED KINGDOM, OIL IN NAVIGABLE WATERS ACT, 1955,⁸ 3 AND 4, ELIZABETH II CH. 25; "HALSBURY'S STATUTES", 2ND EDITION, VOL. 35, P. 787.

Whereas a Convention entitled "The International Convention for the Prevention of Pollution of the Sea by Oil, 1954" (in this Act referred to as "the Convention of 1954") was signed on behalf of Her Majesty's Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

⁸This Act was brought into force, with the exception of S.2 (3) and (4), on 8 September 1956 by the Oil in Navigable Waters Act, 1955 (Commencement) Order, 1956: S. I. 1956 No. 896 (c. 3). The Act replaces the Oil in Navigable Waters Act of 1922 (12 and 13 Geo. 5. c. 39) and to this extent the Note on p. 289 of Vol. VI, Laws and Regulations on the Regime of the Territorial Sea, should be amended.

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

1. *Discharge of certain oils into prohibited sea areas*

(1) If any oil to which this section applies is discharged from a British ship registered in the United Kingdom into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing oil to which this section applies is discharged from such a ship into such a part of the sea with the consequence that the oil in the mixture fouls the surface of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.⁹

(2) This section applies:

(a) To crude oil, fuel oil and lubricating oil, and

(b) To heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as "the Minister"),¹⁰

and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) For the purposes of any proceedings for an offence under this section in respect of the discharge of a mixture containing oil to which this section applies:

(a) If it is proved that there were not less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture fouled the surface of the sea;

(b) If it is proved that there were less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture did not foul the surface of the sea.

(5) In this Act "subsequent Convention" means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty's Government in the United Kingdom.

2. *Designation of prohibited sea areas*

(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas in relation to tankers, and to vessels other than tankers, respectively.

(2) Subject to the following provisions of this section:

(a) The areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers;

⁹ For exemptions from this section see The Oil in Navigable Waters (Exceptions and Exemptions) Regulations, 1956 (S.I. 1956 No. 898) which permit, under certain conditions, the discharge of bilge water containing oil and of oil-contaminated ballast or tank-cleaning water.

¹⁰ See Oil in Navigable Waters (Heavy Diesel Oil) Regulation, 1956 (S.I. 1956 No. 897) s. 3 of which defines "heavy diesel oil".

(b) The areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

(3) As from the coming into operation of this subsection, the areas specified in Part III of the Schedule to this Act, and any other area designated by order of the Minister for the purpose of giving effect to the provisions of the Convention of 1954 which relate to Australia, shall (subject to the following provisions of this section) be prohibited sea areas in relation to tankers, in addition to the areas specified in Part I of that Schedule.

(4) As from the coming into operation of this subsection, the areas specified in Part IV of the Schedule to this Act shall (subject to the following provisions of this section) be prohibited sea areas in relation to vessels other than tankers, in addition to the areas specified in Part II of that Schedule.

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil may by order:

(a) Designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part I of the Schedule to this Act, as a prohibited sea area in relation to tankers;

(b) Designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part II of that Schedule, as a prohibited sea area in relation to vessels other than tankers.

(6) The powers conferred by paragraphs (a) and (b) of the last preceding subsection shall be exercisable either before or after the coming into operation of subsection (3) or (as the case may be) subsection (4) of this section; and any area designated by an order under paragraph (a) of the last preceding subsection before the coming into operation of subsection (3) of this section, or designated by an order under paragraph (b) of the last preceding subsection before the coming into operation of subsection (4) of this section, shall continue thereafter to be a prohibited sea area by virtue of the order, in so far as it is not a prohibited sea area by virtue of being included in Part III or (as the case may be) Part IV of the Schedule to this Act.

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area in relation to tankers, or to vessels other than tankers, any area of the sea, outside the territorial waters of the United Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

...

6. Penalties for offences under Sections 1, 3 and 5

A person guilty of an offence under section one or section three of this Act, or under the last preceding section, shall, on conviction, on indictment, or on summary conviction, be liable to a fine:

Provided that an offence shall not by virtue of this section be punishable on summary conviction by a fine exceeding one thousand pounds.

...

14. General provisions as to application of Act

(1) The provisions of this Act, except provisions which are expressed to apply only to British ships registered in the United Kingdom, shall (subject to

any exemptions expressly conferred by or under this Act) apply to all vessels whether registered or not, and of whatever nationality.

...

SCHEDULE. PROHIBITED SEA AREAS

PART I¹¹

Initial Areas for Tankers

1. The whole of the sea which lies:
 - (a) Outside the territorial waters of the United Kingdom, and
 - (b) Within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.
2. The whole of the sea which lies:
 - (a) South of latitude 62° north, and
 - (b) Within fifty miles from the coast of Norway.
3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside the area specified in paragraph 1 of this Part of this Schedule, as lies within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Isles; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54°30' north, longitude 30° west; thence to latitude 44°20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.

PART II¹²

Initial Areas for Vessels other than Tankers

1. The whole of the sea which lies:
 - (a) Outside the territorial waters of the United Kingdom, and
 - (b) Within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, the Republic of Ireland, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark, or within 100 miles from the coast of any of the Channel Islands.
2. The whole of the sea which lies:
 - (a) South of latitude 62° north, and
 - (b) Within fifty miles from the coast of Norway.

PART III

Additional Areas for Tankers

1. The whole of the sea which lies within fifty miles from land, exclusive of:
 - (a) The areas specified in Part I of this Schedule,
 - (b) Any area within the seaward limits of the territorial waters of the United Kingdom, and
 - (c) The Adriatic Sea.

¹¹ This area is now extended by the Oil in Navigable Waters (Prohibited Sea Areas) (Protection of United Kingdom Coasts) Order, 1956 (S.I. 1956 No. 899). The schedule given by this order is as follows:

“(a) So much of the North Sea outside the territorial waters of the United Kingdom as lies south of latitude 62° north; and

“(b) So much of the Atlantic Ocean outside the territorial waters of the United Kingdom as lies within a line drawn from point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54°30' north, longitude 30° west; thence to latitude 53° north, longitude 40° west; thence to latitude 42° north, longitude 40° west; thence to latitude 44°20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.”

¹² The area under this second part is now the same as that given in the Schedule to the Order cited in footnote 10 (*supra*).

2. So much of the Adriatic Sea as lies within fifty miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within thirty miles from any other coast (the island of Vis being disregarded).

PART IV

Additional Areas for Vessels other than Tankers

1. The whole of the sea which lies within 50 miles from land, exclusive of:
 - (a) The areas specified in Part II of this Schedule,
 - (b) Any area within the seaward limits of the territorial waters of the United Kingdom, and
 - (c) The Adriatic Sea.
2. So much of the Adriatic Sea as lies within fifty miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within twenty miles from any other coast (the island of Vis being disregarded).

5. Chile-Ecuador-Peru

(a) DECLARATION ON THE MARITIME ZONE, SANTIAGO, 18 AUGUST 1952. "REGISTRO OFICIAL DEL ECUADOR" No. 1029, 24 JANUARY 1956, PP. 8492-8493.¹³

1. Governments are bound to ensure for their people access to necessary food supplies and to furnish them with the means of developing their economy.
2. It is therefore the duty of each Government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of its country.

3. Hence it is likewise the duty of each Government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically that their seas are irreplaceable sources of essential food and economic materials.

For the foregoing reasons the Governments of Chile, Ecuador and Peru, being resolved to preserve for and make available to their respective peoples the natural resources of the areas of sea adjacent to their coasts, hereby declare as follows:

(I) Owing to the geological and biological factors affecting the existence, conservation and development of the marine fauna and flora of the waters adjacent to the coasts of the declarant countries, the former extent of the territorial sea and contiguous zone is insufficient to permit of the conservation, development and use of those resources, to which the coastal countries are entitled.

(II) The Governments of Chile, Ecuador and Peru therefore proclaim as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.

(III) Their sole jurisdiction and sovereignty over the zone thus described includes sole sovereignty and jurisdiction over the sea floor and subsoil thereof.

(IV) The zone of 200 nautical miles shall extend in every direction from any island or group of islands forming part of the territory of a declarant country. The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nautical miles from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point at which the land frontier between the two countries reaches the sea.

(V) This declaration shall not be construed as disregarding the necessary restrictions on the exercise of sovereignty and jurisdiction imposed by international law to permit the innocent and inoffensive passage of vessels of all nations through the zone aforesaid.

¹³ Text in translation taken from United Nations Doc. A/CN.4/L.63.

(VI) The Governments of Chile, Ecuador and Peru state that they intend to sign agreements or conventions to put into effect the principles set forth in this Declaration and to establish general regulations for the control and protection of hunting and fishing in their respective maritime zones and the control and co-ordination of the use and working of all other natural products or resources of common interest present in the said waters.

SECTION B. BIPARTITE TREATIES

1. China-Mexico [1]

[No change]

2. Czechoslovakia-Finland [2]

[No change]

3. Denmark-Sweden [3]

[No change]

4. Dominican Republic-Mexico [4]

[No change]

5. Ecuador-Mexico [5]

[No change]

6. Egypt-Germany [6]

[No change]

7. Egypt-United Kingdom [7]

[No change]

8. El Salvador-Mexico [8]

[No change]

9. Finland-Hungary [9]

[No change]

10. Finland-Sweden [10]

[No change]

11. Finland-Union of Soviet Socialist Republics [11]

(a) CONVENTION REGARDING THE MAINTENANCE OF ORDER IN THE PARTS OF THE GULF OF FINLAND SITUATED OUTSIDE TERRITORIAL WATERS, 28 JULY 1923

Note. This Convention is now revoked. See Communication of the Ministry for Foreign Affairs of 15 May 1948, concerning the Revocation of certain Agreements between Finland and the USSR, "Finnish Treaty Series", No. 14/48. The revocation took place by virtue of Article 12 (3) of the Treaty of Peace of 10 February 1947.

(b) CUSTOMS SUPERVISION IN THE GULF OF FINLAND

(i) Convention regarding customs supervision in the Gulf of Finland, 13 April 1929.

Note. This Convention is now revoked. See Communication of Ministry for Foreign Affairs referred to in *Note* under (a) above.

(ii) Final Protocol to the Convention regarding customs supervision in the Gulf of Finland, 13 April 1929.

[No change]

(iii) Protocol to the Convention regarding customs supervision in the Gulf of Finland, 13 April 1929.

[No change]

12. Finland-United Kingdom [12]

[No change]

13. France-Mexico [13]

[No change]

14. Germany-Mexico [14]

[No change]

15. Iran-Union of Soviet Socialist Republics [15]

[No change]

16. Mexico-Netherlands [16]

(a) TREATY OF COMMERCE AND NAVIGATION, 22 SEPTEMBER 1897

Note. In a letter dated 5 July 1957 the Permanent Mission of the Netherlands to the United Nations has stated that this treaty no longer applies.

17. Mexico-Norway and Sweden [17]

(a) TREATY OF AMITY, COMMERCE AND NAVIGATION, 29 JULY 1885, AS MODIFIED BY PROTOCOL OF 15 DECEMBER 1885.

Note. In a memorandum transmitted by letter from the Permanent Mission of Norway to the United Nations dated 1 July 1957, the Norwegian Ministry for Foreign Affairs has stated that "as far as Norway is concerned the treaty was renewed last time 21 December 1927 for the period up to 30 June 1928. At the expiration of that period the treaty went out of force as between Norway and Mexico."

18. Mexico-United Kingdom [18]

[No change]

19. Sweden-United States of America [19]

[No change]

20. Union of Soviet Socialist Republics-United Kingdom [20]

[No change]

21. United Kingdom-United States of America [21]

[No change]

PART III. SUPERVISION OF FOREIGN VESSELS ON THE HIGH SEAS

CHAPTER I. FISHERY TREATIES AND SUPPLEMENTARY LEGISLATION

I. North Sea Fisheries [1]

(a) CONVENTION FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES, 1882
[No change]

(b) DECLARATION RESPECTING THE NORTH SEA FISHERIES

Signed at Brussels, 2 May 1891, by Belgium and the United Kingdom; "Halsbury's Statutes of England", 2nd edition, volume 10, p. 234.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Belgians, being desirous of simplifying the procedure for the settlement of differences between British and Belgian fishermen in the North Sea outside territorial waters, and of reducing as much as possible the injuries they may sustain from the fouling of their fishing gear, have agreed upon the following provisions:

Article I. Whenever a complaint involving a claim for damages shall be preferred by a fisherman of one of the two countries against a fisherman of the other country, it shall be referred for preliminary inquiry—in Belgium, to a Commission composed of, at least, two officers appointed by the Minister of Railways, Posts, and Telegraphs; in the United Kingdom, to a Commission also composed of, at least, two officers appointed by the Board of Trade; these officers shall hold their inquiry at the place where the allegations of the complainants can most easily be verified.

Article II. No complaint shall be transmitted either to the British or to the Belgian Government, as the case may be, unless:

1. The Commission has recognized it as well founded;
2. Such fishermen as are specified by the Commission engage themselves to appear in person in case they should be summoned to give evidence.

Article III. The complaints must be accompanied by:

1. A Report from the Commission of Inquiry;
2. A certificate from this Commission, verifying the ownership of the lost or injured fishing gear;
3. A certificate of an expert nominated (as the case may be), in the United Kingdom by the Board of Trade, in Belgium by the Minister of Railways, Posts, and Telegraphs, and giving an estimate of the damages in money value.

These certificates must be forwarded through the proper diplomatic channel, and shall be received as evidence unless the contrary is proved.

Article IV. When a fisherman fouls or otherwise interferes with the fishing gear of another fisherman he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

Article V. In the Kingdom of Belgium the tribunal which has cognizance of an infraction of the North Sea Fisheries Convention of the 6th May 1882, or of Article 4 of the present Declaration, shall be empowered to award damages for

injury to person or property at the request of the injured party and at the suit of the Official Prosecutor.

The execution of awards of damages shall be effected, on the application of the Official Prosecutor, by the competent Administration, which will advance the costs and recover them from the condemned parties according to the usual process of law in such cases.

In the United Kingdom the court before which proceedings are taken for the above-mentioned infractions shall be empowered, at the suit of the Official Prosecutor on the request of the injured party, to award damages for injury to person or property, and the Official Prosecutor shall, at his own cost, recover the sum so awarded, or so much thereof as is possible, from the parties liable.

The amount of damages recovered, as stipulated above, shall be remitted free of cost to the injured party through the proper diplomatic channel.

Article VI. The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Declaration, and especially for punishing, either by fine or imprisonment, or both, persons who may contravene article IV.

Article VII. The present Declaration shall be ratified, and the ratification shall be exchanged at Brussels as soon as possible.

Article VIII. The present Declaration shall come into force at a date to be agreed upon subsequently by the High Contracting Parties.

It shall remain in force for three years from that date, and in the event of neither of the High Contracting Parties having notified twelve months before the expiry of the said period of three years their intention of terminating it, shall continue to remain in force for a year, and so on from year to year.

(c) BELGIUM [b]

Act concerning the punishment of violations of the provisions of the Convention on the North Sea fisheries, 4 September 1891

[No change]

(d) UNITED KINGDOM [c]

(i) *Sea Fisheries Act, 2 August 1883*

[No change]

(ii) *The Fisheries Act, 21 July 1891, 54 and 55 Vict. c. 37; "Halsbury's Statutes of England", 2nd. edition, volume 10, p. 230.*

Part I

BELGIAN DECLARATION AND SEA FISHERIES ACT, 1883

1. *Confirmation of Declaration.* The Declaration set out in the Schedule to this Act (hereinafter referred to as the Scheduled Declaration) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

2. *Powers of Commission appointed under Declaration.* (1) Any commission appointed by the Board of Trade in pursuance of Article One of the Scheduled Declaration shall, for the purpose of its duties, having the same powers as an inspector appointed by the Board of Trade in pursuance of section fourteen of the Merchant Shipping Act, 1854,¹ and sections fifteen and sixteen of that Act shall apply as if the commission were such an inspector.

. . .

¹ Repealed by the Merchant Shipping Act 1894, s. 745 and Twenty-second Schedule. See now ss. 728-730 of that Act.

3. *Evidence of report or certificate under Article 3 of Declaration.* A document purporting to be certified by a Secretary or Assistant Secretary of the Board of Trade to be a report made or certificate given in pursuance of Article Three of the Scheduled Declaration shall be deemed to be such a report or certificate and to have been duly forwarded.

4. *Punishment for violation of Article 4 of Declaration.* If either within or without the exclusive fishery limits² of the British Islands, any person belonging to a British sea fishing boat acts in contravention of Article Four of the Scheduled Declaration, he shall be liable to the like penalty as for a contravention of Articles thirteen to twenty-two of the First Schedule to the Sea Fisheries Act, 1883.

Provided that if the Scheduled Declaration ceases to be binding on Her Majesty, this section shall cease to apply in the case of injuries to the gear or boat of a fisherman being a subject of the foreign State party to the Declaration, but shall nevertheless continue to apply as between British subjects.

5. *Forfeiture for offence against 46 and 47 Vict. c. 22, s.7.* In the event of any contravention of section seven of the Sea Fisheries Act, 1883, in the part of any foreign sea fishing boat, or of any person belonging thereto, any fish or fishing gear found in the boat or shown to have been taken or used by any persons belonging to the boat within the exclusive fishery limits of the British Islands shall, on conviction for the offence, be liable to be forfeited.

...

Part II

SEA FISHERIES REGULATION ACT, 1888

7. *Extension of powers of local fisheries committee for making by-laws.* The powers of a local fisheries committee to make by-laws in pursuance of section two of the Sea Fisheries Regulation Act, 1888, shall extend to making by-laws, to be observed within their district, for restricting the fishing for or taking of all or any specified kinds of sea fish during any period specified in any such by-laws.

8. *Jurisdiction as to offences.* Where any offence under the Sea Fisheries Regulation Act, 1888, or under any by-law made in pursuance thereof, is committed on the sea coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county abutting on that sea coast or adjoining that sea, and may be tried and punished accordingly.

...

11. *Construction and short title of Part of Act.* This Part of this Act shall be construed as one with the Sea Fisheries Regulation Act, 1888, and that Act and this Part of this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 and 1891.

...

Part IV

GENERAL

13. *Explanation as to power of taking legal proceedings for enforcing Fisheries Act.* The powers conferred by the Sea Fisheries Act, 1883, or this Act, or any other Act relating to sea fisheries, or by any Act relating to salmon and fresh-water fisheries, upon any authorities or officers to enforce any such Act shall not be construed as limiting or taking away the power of any other person to take legal proceedings for the enforcement of any such Act or of any by-law made thereunder.

²For the definition of this term see the Sea Fisheries Act 1883 (c. 22), s. 28, p. 211.

(c) NETHERLANDS

(i) *Act of 7 December 1883, to give effect to the International Convention for Regulating the Police of the North Sea Fisheries outside Territorial Waters, signed at The Hague on 6 May 1882;*³ *Staatsblad No. 202, "Nederlandsche Staatswetten", No. 45. Translation by the Secretariat of the United Nations*

Article 1. All ships and vessels registered in the Netherlands which are engaged temporarily or permanently in any kind of sea fishing whatsoever in the North Sea, outside territorial waters, shall observe, without prejudice to the provisions of the Act of 21 June 1881 (*Staatsblad No. 76*),⁴ the regulations set forth in the Convention for regulating the police of the North Sea fisheries, outside territorial waters, signed at The Hague on 6 May 1882 by the Netherlands, Germany, Belgium, Denmark, France and the United Kingdom of Great Britain and Northern Ireland.

Article 2. The limits of the North Sea and of the territorial waters referred to in Article 1 shall be those laid down in Articles 2, 3 and 4 of the Convention.

Article 3. The owners of the ships and vessels referred to in article 1, or alternatively, the persons operating the ships and vessels in question for their own account, shall ensure compliance with the provisions of articles VI, VII, VIII, IX and XI of the Convention.

Article 4. The mayor of the locality to which a fishing vessel belongs shall deliver to the owner or operator of the vessel an official certificate showing the nationality of the vessel, the form of the certificate to be prescribed by our Minister of Internal Affairs and Agriculture.

It is the duty of the master to ensure that the said certificate is kept on board the vessel at all times.

Article 5. The master shall ensure compliance with the provisions of article X, articles XIII to XXII inclusive, article XXIII, first and second paragraphs, and article XXV, first paragraph, of the Convention.

Article 6. Any person who contravenes the provisions of article 3, article 4, second paragraph, or article 5 shall be liable to a fine of not more than 75 guilders or to imprisonment for not more than seven days.

If the owner or the owner's agent, or alternatively, the person operating the ship or vessel for his own account, is proved to have participated in or condoned an act contravening the provisions of article 4, second paragraph, or of article 5, he shall be liable to the same penalty.

If the person responsible under this Act for ensuring compliance with the provisions of the Convention is proved not to have participated in the contravention no penalty shall be imposed on him, but the person guilty of the contravention shall be liable to a penalty.

Article 7. Any person who makes, sells or brings or causes to be brought on board any apparatus which is manifestly intended for the sole purpose of cutting or destroying the nets and lines of other fishing vessels at sea, shall be liable to the penalties referred to in the preceding article.

Article 8. When the commanders of cruisers have exercised the power conferred on them by article XXXIII of the Convention, no criminal proceedings may thereafter be instituted against the persons responsible for the contravention which occasioned the measures referred to in the said article.

³ As amended by Act of 15 April 1886 (*Staatsblad*, No. 64); Act of 31 December 1887 (*ibid.*, No. 265); Act of 29 June 1925 (*ibid.*, No. 308).

⁴ This Act was replaced by virtue of article 41 of the Act of 6 October 1908, *Staatsblad* No. 311.

Article 9. The masters of Netherlands fishing vessels shall obey any orders given to them, within the limits of the powers conferred on the commanders of cruisers by articles XXVIII, XXIX and XXX of the Convention, by the commanders of cruisers of the Powers which have signed the International Convention with the Netherlands or which hereafter accede thereto.

Article 10. The commander of a Netherlands warship who has drawn up a formal statement against the master or other members of the crew of a fishing vessel in virtue of the power conferred on him by the Convention shall transmit the said formal statement as quickly as possible to the Minister of Marine, who shall transmit it to the competent authorities.

If the commander of a foreign cruiser delivers to a Netherlands authority a formal statement drawn up by him against an Netherlands fishing vessel, the said authority shall ensure that the said formal statement is transmitted as quickly as possible to the official of the Public Ministry responsible for the prosecution.

Article 11. Formal statements drawn up by the commanders of Netherlands warships or foreign cruisers in virtue of the power conferred on them by the Convention shall be admissible as evidence in legal proceedings, provided that they fulfil the conditions laid down in article 153, first paragraph, of the Code of Criminal Procedure.

Article 12. If a formal statement has been drawn up against the master or crew of a vessel, then the judge whose jurisdiction includes the municipality to which the vessel belongs shall have sole competence to deal with the events reported in the said formal statement.

Article 13. [repealed]

Article 14. The provisions of this Act shall enter into force at a date to be appointed by us.⁵

(ii) *Fisheries Act 1931; Staatsblad No. 410, "Nederlandsche Staatswetten", No. 45. Translation by the Secretariat of the United Nations*

CHAPTER II

Sea Fishing

Article 7. 1. Sea fishing vessels shall bear the letter sign and number which fishing boats are required to bear under the Convention of 6 May 1882, ratified by the Act of 15 June 1883 (*Staatsblad* No. 73).

2. The letter sign referred to in paragraph 1 shall be determined by our Minister aforesaid for every municipality to which one or more sea fishing vessels belong and shall be published in the *Staatscourant*.

3. Provisions departing from those of the Convention referred to in paragraph 1 may be laid down by general administrative regulations concerning the size and position of the letter sign and number in the case of sea fishing vessels used solely for fishing in territorial waters.

Article 8. 1. In every municipality to which one or more sea fishing vessels belong, a register, in which the said vessels shall be entered in accordance with instructions to be laid down by general administrative regulation, shall be kept by the superintendent of the mercantile marine (*waterschout*) or, in the latter's absence or inability to act, by the local police superintendent or, if there are several, by the police superintendent designated by the mayor, or, if there is no police superintendent or if the police superintendent is unable to act, by the mayor of the municipality in question.

⁵ By virtue of the Order of 14 April 1884 the date appointed was 15 May 1884.

Article 9. 1. Before a vessel is employed for sea fishing, the owner shall give notice in writing of its intended employment to the authority responsible for keeping the register in the municipality to which the vessel is to belong. Our Minister aforesaid shall determine the form of such notice.

2. The owner of a sea fishing vessel shall, within one month after he becomes aware of any change which may necessitate an amendment of the entries concerning the vessel in the register, report the said change to the authority referred to in the preceding paragraph.

. . .

CHAPTER III

Coastal fishing

Article 11. 1. Provisions shall be enacted by general administrative regulations concerning the letter signs and numbers which coastal fishing vessels are to bear and the entering of such vessels in a register; the said provisions shall specify what vessels used for coastal fishing shall be deemed to be coastal fishing vessels.

2. In every municipality to which one or more coastal fishing vessels belong the register referred to in paragraph 1 shall be kept by the superintendent of the mercantile marine in the municipality in question or, in the latter's absence or inability to act, by the local police superintendent or, if there are several, by the police superintendent designated by the mayor, or, if there is no police superintendent or if the police superintendent is unable to act, by the mayor of the municipality.

(iii) *Royal Decree of 23 June 1932 concerning registers of sea fishing vessels and coastal fishing vessels and the letter signs and numbers to be borne by coastal fishing vessels; Staatsblad No. 314, "Nederlandsche Staatswetten" No. 45. Translation by the Secretariat of the United Nations*

Section 1. General provisions

Article 1. 1. The registers in which sea fishing vessels and coastal fishing vessels are to be entered pursuant to article 8, paragraph 1, and article 11, paragraph 1, of the Fisheries Act shall conform to model I annexed to this Order. The said registers shall take the form of a card index. Cards of three colours shall be used, according as the vessel is to be used for sea fishing, for coastal fishing or for both types of fishing.

2. Vessels shall be entered in the register under serial numbers; numbers falling vacant shall, however, be allotted to new vessels.

3. If both sea fishing vessels and coastal fishing vessels belong to a particular municipality, they shall be entered in the same register.

. . .

Section 2. Entering of coastal fishing vessels in the register

Article 6. 1. For the purposes of this Order, the expression "coastal fishing vessel" means a vessel belonging to the Netherlands which is employed for coastal fishing.

2. For the purposes of this Order, a vessel employed for coastal fishing shall be deemed to belong to the Netherlands if it is usually berthed in the Netherlands.

3. The municipality in which a vessel is usually berthed shall be deemed to be the municipality to which the said vessel belongs.

4. Notwithstanding the provisions of paragraph 1, the expression "coastal fishing vessel" shall not apply to a vessel used for fishing by bob, rod, smelt-trammel or set-line in waters subject to the South Holland river fishing regulations.

(f) AGREEMENT RELATING TO THE INTERNATIONAL CONVENTION FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES

Signed at The Hague, 3 June 1955. Ratified by The Netherlands and the Federal Republic of Germany but not yet entered into force. Signatory States Federal Republic of Germany, Belgium, Denmark, France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

The Government signatory to the present Agreement;

In order that effect may be given in respect of the Federal Republic of Germany to the International Convention for regulating the police of North Sea fisheries signed at The Hague on May 6, 1882;

Have agreed as follows:

Article 1. 1. The supervision of fisheries pursuant to the International Convention for regulating the police of the North Sea fisheries signed at The Hague on May 6, 1882 shall be exercised by ships belonging to the naval forces of the signatory Governments.

2. If the necessity should arise, these ships may be replaced by other state-owned ships commanded by an officer specially appointed for the purpose by the Government concerned and able to produce his commission on demand.

Article 2. The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Netherlands Ministry of Foreign Affairs, which shall notify all signatory Governments of each such deposit.

Article 3. The present Agreement shall come into force on the deposit of the sixth instrument of ratification. The Agreement shall, however, be provisionally applied as from the date of its signature, so far as it is possible to do so under the constitutional systems of the signatory Governments.

...

2. Canada-United States of America [2]

(a) SOCKEYE SALMON FISHERIES

[No change]

(b) NORTHERN PACIFIC HALIBUT FISHERIES

(i) *Convention for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, 2 March 1953. "U.S. Treaty Series", volume 5, p. 5⁶*

The Government of Canada and the Government of the United States of America, desiring to provide more effectively for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention replacing the Convention signed at Ottawa January 29, 1937 and have named as their plenipotentiaries:

...

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article 1. 1. The nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to Article III of this Convention.

⁶The entry at page 205 of the previous volume under head 2 (b) (i) Convention for the Preservation of Halibut Industry, 29 January 1937 etc. is replaced in its entirety by the present entry.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of Canada or of the United States of America from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

Article II. 1. Every national or inhabitant, vessel or boat of Canada or of the United States of America engaged in fishing on the high seas in violation of this Convention or of any regulation adopted pursuant thereto may be seized by duly authorized officers of either Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon. The authorities of the country to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention or any regulations which may be adopted in pursuance thereof and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the other Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

2. Each Contracting Party shall be responsible for the proper observance of this Convention and of any regulations adopted under the provisions thereof in the portion of its waters covered thereby.

Article III. 1. The Contracting Parties agree to continue under this Convention the Commission known as the International Fisheries Commission established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, continued by the Convention signed at Ottawa, May 9, 1930 and further continued by the Convention, signed at Ottawa, January 29, 1937, except that after the date of entry into force of this Convention it shall consist of six members, three appointed by each Contracting Party, and shall be known as the International Pacific Halibut Commission. This Commission shall make such investigations as are necessary into the life history of the halibut in the Convention waters and shall publish a report of its activities and investigations from time to time. Each Contracting Party shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each Contracting Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Contracting Parties in equal moieties. All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party.

2. The Contracting Parties agree that for the purpose of developing the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the maximum sustained yield from that fishery and for maintaining the stocks at those levels, the International Pacific Halibut Commission, with the approval of the Governor General in Council of Canada and of the President of the United States of America, may, after investigation has indicated such action to be necessary, in respect of the nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, and in respect of halibut:

(a) Divide the Convention waters into areas;

- (b) Establish one or more open or closed seasons, as to each area;
- (c) Limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;
- (d) During both open and closed seasons, permit, limit, regulate or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;
- (e) Prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgement of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;
- (f) Fix the size and character of halibut fishing appliances to be used in any area;
- (g) Make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;
- (h) Close to all taking of halibut such portion or portions of an area or areas as the International Pacific Halibut Commission finds to be populated by small, immature halibut and designates as nursery grounds.

Article IV. The Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

Article V. 1. This Convention shall be ratified and the instruments of ratification exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of exchange of ratifications and shall remain in force for a period of five years and thereafter until two years from the date on which either Contracting Party shall have given notice to the other of its desire to terminate it.

3. This Convention shall, from the date of the exchange of ratifications, replace and terminate the Convention for the preservation of the halibut fishery signed at Ottawa, January 29, 1937.

(ii) *Canada Northern Pacific Halibut Fishery (Convention) Act, 14 May 1953. 1-2 Elizabeth II, c. 43; "Statutes 1953", p. 299.*⁷

1. This Act may be cited as the *Northern Pacific Halibut Fishery Convention Act*.

2. In this Act:

(a) "Commission" means the International Pacific Halibut Commission, established under the Convention;

(b) "Convention" means the Convention between Canada and the United States for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea set out in the Schedule;

(c) "Convention waters" means the territorial waters and the high seas off the western coasts of Canada and the United States and the southern and western coasts of Alaska;

(d) "Fishing vessel" means any vessel used in or outfitted for:

- (i) Catching or processing fish, or
- (ii) Transporting fish from fishing grounds;

⁷ The entry at page 207 of the previous volume under head 2. (b) (ii) Canada, Northern Pacific Halibut Fishery (Convention) Act, 10 April 1937 etc. is replaced in its entirety by the present entry.

(e) "Halibut" means the species of fish known as *hippoglossus*;

(f) "Minister" means the Minister of Fisheries;

(g) "Protection Officer" means:

(i) A fishery officer within the meaning of the *Fisheries Act*;

(ii) An officer of the Royal Canadian Mounted Police;

(iii) A commissioned officer of the Royal Canadian Navy; or

(iv) Any other person authorized by the Governor in Council to enforce this Act;

and

(h) "Regulations" means regulations made under this Act.

3. The Convention is hereby approved and confirmed.

4. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and anything done by the Commission thereunder.

5. (1) A Protection Officer may, anywhere in the convention waters except the territorial waters of the United States, seize:

(a) Any fishing vessel belonging to or operated by a citizen, national or resident of Canada by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed;

(b) Any fishing vessel belonging to or operated by a citizen, national or resident of the United States by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed in the territorial waters of Canada;

(c) Any goods aboard a fishing vessel described in paragraph (a) or (b), including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(d) A fishing vessel described in paragraph (a) or (b) and any of the goods mentioned in paragraph (c).

(2) A Protection Officer may, anywhere in the convention waters except the territorial waters of the United States, arrest without warrant:

(a) Any citizen, national or resident of Canada whom he on reasonable grounds suspects of having committed an offence against this Act; or

(b) Any citizen, national or resident of the United States whom he on reasonable grounds suspects of having committed an offence against this Act in the territorial waters of Canada.

(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that:

(a) Any fishing vessel seized under subsection (1) by means of or in relation to which the offence was committed;

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or if any of the goods have been sold under subsection (4), the proceeds thereof; or

(c) The fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(7) Any fishing vessel or goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the offence, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the offence are instituted.

(8) Where proceedings in respect of an offence against this Act have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

6. (1) Whenever a Protection Officer suspects on reasonable grounds that any provisions of the Convention or the regulations made thereunder have been violated, anywhere in convention waters except the territorial waters of Canada or the United States, he may, in accordance with the provisions of the Convention, anywhere in the convention waters except the territorial waters of the United States, seize and detain:

(a) Any fishing vessel belonging to or operated by a national or inhabitant of the United States by means of or in relation to which he suspects on reasonable grounds that the violation was committed;

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(c) The fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer may, in accordance with the provisions of the Convention, anywhere in convention waters except the territorial waters of the United States, arrest and detain without warrant any national or inhabitant of the United States whom he on reasonable grounds suspects of having violated, anywhere in convention waters except the territorial waters of Canada or the United States, any provision of the Convention or the regulations made thereunder.

(3) Whenever, pursuant to this section:

(a) A person is arrested and detained; or

(b) A vessel or goods are seized and detained, such person, vessel or goods shall, in accordance with the provisions of the Convention, as soon as practicable at the place nearest to the place of seizure or at such other place as may be agreed upon, be delivered by the Protection Officer who made the seizure to an authorized official of the United States to be dealt with in accordance with the law of the United States.

7. Every person is guilty of an offence who:

(a) Except as provided by the regulations or the Convention, fishes for, catches, or attempts to catch halibut in the territorial waters of Canada within convention waters;

(b) Being a citizen, national or resident of Canada, or being a member of the crew of a fishing vessel owned by a citizen, national or resident of Canada, fishes for, catches or attempts to catch halibut in convention waters, except as provided by the regulations or the Convention;

(c) Lands or attempts to land at any port or place within Canada any halibut caught in contravention of the Convention or any regulation made thereunder;

(d) Knowingly has in his possession any halibut caught in contravention of the Convention or any regulation made thereunder; or

(e) Violates any regulation.

8. Every owner or master of a fishing vessel that enters any port or place in Canada:

(a) While upon or in the prosecution of any voyage at any time during which it was used in fishing for halibut in convention waters, except in accordance with the Convention and the regulations made thereunder; or

(b) That has on board any halibut caught while fishing for halibut in convention waters, except in accordance with the Convention and the regulations made thereunder; is guilty of an offence.

9. Every person who is guilty of an offence against this Act is liable upon summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

10. All courts, justices of the peace, and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*.

11. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council and shall continue in force until a day to be fixed by proclamation of the Governor in Council following upon the termination of the Convention, and no longer.

(2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force, then, on the day this Act comes into force, the *Northern Pacific Halibut Fishery (Convention) Act, 1937*, chapter 36 of the statutes of 1937, is repealed and, on the day the Revised Statutes of Canada, 1952, come into force:

(a) The *Northern Pacific Halibut Fishery (Convention) Act*, chapter 194 of the Revised Statutes of Canada, 1952, is repealed; and

(b) Section 10 of this Act is repealed and the following substituted therefor:

"10. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

(3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force, then, on the day this Act comes into force:

(a) The *Northern Pacific Halibut Fishery (Convention) Act*, chapter 194 of the Revised Statutes of Canada, 1952, is repealed; and

(b) Section 10 of this Act is repealed and the following substituted therefor:

"10. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to Offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

(iii) *United States*, Northern Pacific Halibut Act, 28 June 1937.

[No change]

(iv) *United States*, Regulations of the International Fisheries Commission concerning Pacific halibut fisheries, 28 April 1949.

[No change]

(c) PELAGIC SEALING

[No change]

3. Canada-United States of America-Japan

(a) NORTH PACIFIC HIGH SEAS FISHERIES

(i) *Convention for the high seas fisheries of the North Pacific Ocean*, 9 May 1952. "U.S. Treaty Series", volume 4. p. 380

The Governments of Canada, Japan and the United States of America, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and co-ordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels,

Therefore agree as follows:

Article 1. 1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

Article II. 1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1 (c) (ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

Article III. 1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention;

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of

which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfils the conditions of Article IV it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures;

(c) In regard to any stock of fish in the Convention areas:

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the purpose of determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations;

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex, whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention;

(e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII;

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, in so far as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

Article IV. 1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned:

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock;

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1 (b):

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year;

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity; such limitations and regulations being in accordance with conservation programmes based upon scientific research, and

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspensions of productivity, exploitation, or management of the stock of fish concerned.

Article V. I. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfils the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

Article VI. In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

Article VII. 1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the annex made by the Commission in accordance with the provisions of Article III, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

Article VIII. The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

Article IX. 1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

Article X. 1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to co-operate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offence and impose penalties therefore. The witnesses and evidence necessary for establishing the offence, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offence.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party

which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

Article XI. 1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications. It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

ANNEX.

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coasts of Canada and the United States of America in which commercial fishing for Halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North American origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58'22.59" West Longitude; thence due south to a point 65°15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

*Protocol to the International Convention for the High Seas
Fisheries of the North Pacific Ocean*

The Governments of Canada, Japan and the United States of America, through their respective plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of Canada, Japan and the United States of America agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1 (c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of Canada, Japan and the United States of America, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.

(ii) *Canada*

(a) North Pacific Fisheries Convention Act, 14 May 1953. 1-2 Elizabeth II, c. 44; "Statutes 1953", p. 309.

An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *North Pacific Fisheries Convention Act*.

2. In this Act:

(a) "Commission" means the International North Pacific Fisheries Commission established under the Convention;

(b) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean and the Protocol thereto, set out in the Schedule;

(c) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean including the adjacent seas;

(d) "Fishing vessel" means any vessel used in or outfitted for catching fish or processing or transporting fish loaded on the high seas;

(e) "Minister" means the Minister of Fisheries;

(f) "Protection Officer" means:

(i) A fishery officer within the meaning of the *Fisheries Act*,

(ii) An officer of the Royal Canadian Mounted Police,

(iii) Any commissioned officer of the Royal Canadian Navy, or

(iv) Any other person authorized by the Governor in Council to enforce this Act.

3. The Convention is hereby approved and confirmed.

4. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any recommendations of the Commission, and without restricting the generality of the foregoing, may make regulations:

(a) For the conservation and protection of fish in the Convention area;

(b) Prohibiting, limiting, or otherwise regulating:

(i) The exploitation by citizens or residents of Canada or by Canadian fishing vessels of any stocks of fish in any part of the Convention area;

(ii) The loading, processing, transporting or possession of any stocks of fish in or from any part of the Convention area, and

(iii) The landing, importation, sale or other disposal of fish caught in any part of the Convention area;

(c) Respecting the operation of fishing vessels and the use of fishing gear in the Convention area;

(d) Providing for the issue, suspension and cancellation of licences for the purposes of this Act, and prescribing their terms, conditions and forms and fixing the fees for the issue of licences;

(e) For the seizure, forfeiture and disposition of fishing vessels including equipment or fishing gear, or fish, by means of or in relation to which any of the provisions of the Act or the regulations have been contravened;

(f) Prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and

(g) Prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

5. When a fishing vessel of Canada or of the United States of America or of Japan, or belonging to or operated by a citizen, national or resident of any of those countries is found in waters in which that country has by or under the provisions of the Convention agreed to abstain from exploitation, a Protection Officer may in accordance with the provisions of the Convention board such vessel and inspect its equipment, books, documents and other articles, and question the persons on board.

6. (1) When a fishing vessel of Canada or the United States of America or Japan or person on board thereof is found engaging in operations in violation

of the provisions of the Convention, or there is reasonable ground to believe that the vessel or person was so engaged immediately prior to the boarding of the vessel, a Protection Officer may in accordance with the provisions of the Convention arrest or seize such fishing vessel or person.

(2) If the fishing vessel seized as provided in sub-section (1) belongs to or is operated by a citizen, national or resident of the United States of America or of Japan, or the person arrested as provided in sub-section (1) is a citizen, national or resident of either of those countries, the Protection Officer shall immediately notify the Minister of such seizure or arrest and keep in custody the vessel or person pending delivery to the authorized officials of the country to which such person or vessel belongs in accordance with the provisions of the Convention and the directions of the Minister.

(3) If the fishing vessel seized as provided in sub-section (1) belongs to or is operated by a Canadian citizen or a resident of Canada, or the person arrested as provided in sub-section (1) is a Canadian citizen or resident of Canada, the vessel or person shall be dealt with in accordance with the regulations.

7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*.

8. This Act shall continue in force until a day fixed by proclamation of the Governor in Council following termination of the Convention in accordance with the provisions thereof, and no longer.

9. Upon the coming into force of the Revised Statutes of Canada, 1952, section 7 of this Act is repealed and the following substituted therefore:

"7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

(b) North Pacific Fisheries Convention Regulations, 3 June 1954.
Canada Gazette (Part II), 23 June 1954.

1. No person aboard a Canadian fishing vessel shall fish for, load, process, transport or have in his possession salmon in that area of the Bering Sea that lies east of the line starting from Cape Prince of Wales on the west coast of Alaska, thence running westward to 168° 58' 22.59" west longitude, thence due south to a point 65° 15' 00" north latitude, thence along the Great Circle Course which passes through 51° north latitude and 167° east longitude, to its intersection with meridian 175° west longitude, thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island.

2. Every person who violates section 1 is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

3. (1) Whenever a Protection Officer suspects on reasonable grounds that a violation of section 1 has been committed, he may anywhere except within the territorial waters of another country seize:

(a) Any fishing vessel by means of or in relation to which he reasonably believes the violation was committed,

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging apparel, furniture, stores and cargo, or

(c) The fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer shall take delivery of any Canadian fishing vessel seized and delivered by a duly authorized official of the United States of America or of Japan pursuant to Article X of the Convention.

(3) Subject to this section, a fishing vessel or goods seized under sub-section (1) or delivered to a Protection Officer under sub-section (2) shall be retained in the custody of the Protection Officer making the seizure or taking delivery or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under sub-section (1) or delivered under sub-section (2), the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of a violation of section 1, the convicting court or judge may, in addition to any other penalty imposed, order that:

(a) Any fishing vessel seized under sub-section (1) or delivered under sub-section (2) by means of or in relation to which the violation was committed,

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under sub-section (4), the proceeds thereof, or

(c) The fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof, be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under sub-section (1) or delivered under sub-section (2) and the proceedings in respect of the violation have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure or who received delivery, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(7) Any fishing vessel or goods seized under sub-section (1) or delivered under sub-section (2) or the proceeds realized from a sale thereof under sub-section (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the violation, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the violation are instituted.

(8) Where proceedings in respect of a violation of section 1 have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under sub-section (1) or delivered under sub-section (2) and proceedings in respect of the violation have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under sub-section (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under sub-section (4) may be applied in payment of the fine.

4. Denmark-United Kingdom [3]

- (a) CONVENTION FOR REGULATING THE FISHERIES OUTSIDE THE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FAROE ISLANDS AND ICELAND, 24 JUNE 1901.

Note. This Convention was denounced by Iceland under Article 39 on 3 October 1949, denunciation becoming effective two years later. The Convention was amended by an Exchange of Notes dated 23 July 1954 and 22 April 1955, between the United Kingdom and Denmark, the texts of which are given below under head (b).

- (b) EXCHANGE OF NOTES AMENDING THE CONVENTION FOR REGULATING THE FISHERIES OUTSIDE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FAROE ISLANDS OF 24 JUNE 1901, 23 JULY 1954 AND 22 APRIL 1955. "UNITED KINGDOM TREATY SERIES" No. 29 (1955), CMD. 9457.

No. 1 (a)

The Danish Ambassador at London to Her Majesty's Principal Secretary
of State for Foreign Affairs
Royal Danish Embassy,
London, July 23, 1954.

Sir,

I have the honour to refer to the Convention between Denmark and the United Kingdom of Great Britain and Northern Ireland, signed in London on June 24, 1901⁸, for regulating the fisheries of their respective subjects outside territorial waters in the Ocean surrounding the Farøe Islands and, in concert with the local administration of the Farøe Islands, to propose on behalf of the Danish Government that the Additional Article of the Convention providing for adhesion thereto shall be abrogated with effect from to-day.

2. If this proposal is acceptable to Her Majesty's Government in the United Kingdom, I have the honour to suggest that the present Note and your Excellency's reply to that effect should be regarded as constituting an agreement between our two governments.

I have, etc.

STEENSEN-LETH.

No. 1 (b)

Her Majesty's Principal Secretary of State for Foreign Affairs to the
Danish Ambassador at London
Foreign Office, S.W.1.
July 23, 1954.

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note of to-day's date which reads as follows:

[*As in No. 1 (a).*]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an agreement between the two governments abrogating, with effect from to-day, the Additional Article of the Convention signed in London on the 24th of June, 1901.

I have, etc.

(*For the Secretary of State*)
H. A. F. HOHLER.

⁸ "Treaty Series No. 5 (1903)," Cd. 1530.

No. 2 (a)

The Danish Chargé d'Affaires at London to Her Majesty's Principal
Secretary of State for Foreign Affairs
Royal Danish Embassy,
London, April 22, 1955.

Sir,

I have the honour to refer to the discussions between representatives of our two Governments, relating to the Convention between Denmark and the United Kingdom for regulating the fisheries outside territorial waters in the ocean surrounding the Farøe Islands, signed in London on the 24th of June, 1901. Following upon these discussions, the Government of Denmark, in concert with the local administration of the Farøe Islands, propose to the Government of the United Kingdom of Great Britain and Northern Ireland to modify the said Convention in the following respects.

2. (A) The limits within which Farøe Islanders and other Danish citizens shall enjoy the exclusive right of fishery shall be defined as indicated below; all the arcs mentioned are to be drawn at a radius of three miles from low water mark of the islands or off-lying rocks (drying); all geographical positions are taken from the Danish chart No. 80, edition of 1905, (corrected to 1953).

North Coast

From the arc centered on the rock close north of Myling along the common tangent to that arc and the arc round Rivtange. From the intersection of this tangent with the common tangent between the arcs round Rivtange and Kadlur, the limit runs along the tangent, thence following the arc off Kadlur, thence along the common tangent to the arc off Kadlur and the arc off the outermost drying rock off Enniberg. Along the arc round Enniberg and the common tangent between this arc and that round Nordberg in Fuglø. Thence along the arc round Nordberg and along the common tangent between that arc and that off the north east point of Fuglø.

East Coast

Along the arc round the north east point of Fuglø, to its intersection with the arc round Bispen, thence along that arc and the common tangent to this arc and that round the most easterly point of Svinø. Thence along the arc round the most easterly point of Svinø and the common tangent between it and the arc round the south easterly point of Svinø. Along the arc round the south easterly point of Svinø, and the common tangent between it and the arc round Skoren. From the intersection of this tangent and the common tangent between the arcs round Skoren and round the eastern point of Nolsø the limit is formed by this tangent, until its intersection with the common tangent between the arc round the eastern point of Nolsø and the arc round the eastern Fleserne, thence along this common tangent. Thence along the arc round the eastern Fleserne to its intersection with the arc round the Munken rock.

West Coast

Along the arc round the Munken rock and along the common tangent between this arc and the arc round the south western islet off Famarasund. Thence along the latter arc and the common tangent between that arc and the arc round Bergstange. Thence along the arc round Bergstange and along the common tangent between that arc and the arc round Kobbetange to a position 61 degrees 35.0 minutes north, 7 degrees 04.9 minutes west, which is 247 degrees 3.05 miles from Kobbetange. From this position the limit follows a straight line to a position 61 degrees 51.5 minutes north, 7 degrees 23.4 minutes west, which is 253½ degrees, 13.1 miles from the northern point of Troldhoved off Sandø. Thence as a straight line to the position on the arc round the outermost rock off Myggenæs at 62 degrees 03.9 minutes north, 7 degrees 45.95 minutes west,

which is 236 degrees 3.3 miles from Myggenaes lighthouse. Then the limit follows the arcs round the rocks off Holm at the western end of Myggenaes.

North West Coast

From the arc round the most northerly rock off Holm along the tangent to this arc which passes through the rock close north of Myling (not the arc round this rock) to a distance of three miles from the west coast of Strømø. Thence as a tangent from this position to the arc round the rock close north of Myling and continuing round that arc to the common tangent to that arc and the arc round Rivtange.

B. The Danish Government intend that the fishery limits indicated above shall be applied to all foreign fishing vessels. British fishing vessels shall receive treatment no less favourable than that accorded to the fishing vessels of any other foreign country.

3. If the proposals contained in this Note are acceptable to the Government of the United Kingdom, I suggest that this Note, and your reply to that effect, should be regarded as constituting an Agreement between our two Governments modifying the Convention of the 24th of June, 1901, accordingly.

4. I further suggest that the modifications to the said Convention thus agreed upon shall enter into effect on the 1st of July, 1955.

5. Finally, I suggest that the Convention, as modified by the Exchange of Notes of the 23rd of July, 1954, and by your Government's acceptance of the proposals in this Note, shall remain in force for ten years before becoming subject to the provisions for denunciation contained in Article XXXIX of the said Convention.

I have, etc.

E. KNUTH.

No. 2 (b)

Her Majesty's Principal Secretary of State for Foreign Affairs to the
Danish Chargé d'Affaires at London
Foreign Office, S.W.1.
April 22, 1955.

Sir,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[*As in No. 2 (a).*]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an agreement between our two Governments, modifying the Convention of the 24th of June, 1901, accordingly.

I have, etc.

HAROLD MACMILLAN.

5. France-United Kingdom [4]

[No change]

6. Italy-Yngoslavia [5]

[No change]

7. Portngal-Spain [6]

[No change]

**CHAPTER 2. OTHER TREATIES RELATING TO SUPERVISION
OF VESSELS ON THE HIGH SEAS, AND LEGISLATION
CONNECTED THEREWITH**

1. Protection of Submarine Cables

[No change]

2. Liquor Traffic in the North Sea

[No change]

3. African Slave Trade

(a) GENERAL ACT OF THE BRUSSELS CONFERENCE RELATIVE TO THE AFRICAN SLAVE TRADE, 2 JULY 1890

[No change]

(b) SLAVERY CONVENTION⁹

Signed at Geneva, 25 September 1926. Entered into force 9 March 1927. Ratified or acceded to by Bulgaria, Denmark, British Empire, Union of South Africa, Australia, India, New Zealand, Latvia, Austria, Norway, Spain, Finland, Portugal, Sweden, Hungary, Haiti, Sudan, Nicaragua. "League of Nations Treaty Series", vol. 60, No. 1414, p. 255

. . .

Article 3. The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

The High Contracting Parties undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided for in the Convention of 17 June 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24, and paragraphs 3, 4 and 5 of Section II of Annex II), with the necessary adaptations, it being understood that this general Convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties.

It is also understood that, before or after the coming into force of this general Convention, the High Contracting Parties are entirely free to conclude between themselves, without, however, derogating from the principles laid down in the preceding paragraph, such special agreements as, by reason of their peculiar situation, might appear to be suitable in order to bring about as soon as possible the complete disappearance of the slave trade.

. . .

(c) SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY, THE SLAVE TRADE, AND INSTITUTIONS AND PRACTICES SIMILAR TO SLAVERY

Signed at Geneva, 7 September 1956. Entered into force 30 April 1957. "U.K. Treaty Series", No. 59 (1957), Cmd. 257

. . .

⁹ See the amendment by Protocol opened for signature or acceptance at the Headquarters of the United Nations, New York, 7 December 1953 which entered into force 7 July 1955. "United Nations Treaty Series", vol. 212, No. 2861, p. 18. Article 3 of the 1920 Convention remains unchanged.

SECTION II

The Slave Trade

Article 3. 1. The act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to very severe penalties.

2. (a) The States Parties shall take all effective measures to prevent ships and aircraft authorized to fly their flags from conveying slaves and to punish persons guilty of such acts or of using national flags for that purpose.

(b) The States Parties shall take all effective measures to ensure that their ports, airfields and coasts are not used for the conveyance of slaves.

3. The States Parties to this Convention shall exchange information in order to ensure the practical co-ordination of the measures taken by them in combating the slave trade and shall inform each other of every case of the slave trade, and of every attempt to commit this criminal offence, which comes to their notice.

Article 4. Any slave who takes refuge on board any vessel of a State Party to this Convention shall *ipso facto* be free.

...

4. Trade in arms and ammunition

[No change]

5. Safety of life at sea

(a) CONVENTION FOR THE SAFETY OF LIFE AT SEA

Signed at London, 10 June 1948. Entered into force 19 November 1952. "U.K. Treaty Series" No. 4 (1954) Cmd. 9050. "United Nations Treaty Series", vol. 164, No. 2163, p. 113.

Article 1. (a) The Contracting Governments undertake to give effect to the provisions of the present Convention and of the Regulations annexed thereto, which shall be deemed to constitute an integral part of the present Convention. Every reference to the present Convention implies at the same time a reference to these Regulations.

(b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

Article II. The ships to which the present Convention applies are ships registered in countries the Governments of which are Contracting Governments, and ships registered in territories to which the present Convention is extended under Article XIII.

Laws, regulations, reports

Article III. The Contracting Governments undertake to communicate to the Intergovernmental Maritime Consultative Organization (hereinafter called the Organization):

(a) The text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;

(b) All available official reports or official summaries of reports in so far as they show the results of the provisions of the present Convention, provided always that such reports or summaries are not of a confidential nature; and

(c) A sufficient number of specimens of their Certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

Cases of force majeure

Article IV. (a) No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure*.

(b) Persons who are on board a ship by reason of *force majeure* or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

Carriage of persons in emergency

Article V. (a) For the purpose of moving persons from any territory in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.

(b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

(c) Notice of any such permission, together with a statement of the circumstances, shall be sent to the Organization by the Contracting Governments granting such permission.

Suspension in case of war

Article VI. (a) In case of war, Contracting Governments which consider that they are affected, whether as belligerents or as neutrals, may suspend the whole or any part of the Regulations annexed hereto. The suspending Government shall immediately give notice of such suspension to the Organization.

(b) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Government when such ships are within their ports.

(c) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organization.

(d) The Organization shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

Prior treaties and conventions

Article VII. (a) As between the Contracting Governments the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on 31 May 1929.

(b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards:

(i) Ships to which the present Convention does not apply;

(ii) Ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(c) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

(d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

Special rules drawn up by agreement

Article VIII. When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Organization for circulation to all Contracting Governments.

Territories

Article XIII. (a) (i) The United Nations in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, may at any time by notification in writing given to the Organization declare that the present Convention shall extend to such territory.

(ii) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(b) (i) The United Nations or any Contracting Government which has made a declaration under paragraph (a) of this Article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by a notification in writing given to the Organization declare that the present Convention shall cease to extend to any such territory named in the notification.

Interim arrangements

Article XV. (a) Unless and until the Organization, in accordance with the Convention on the Intergovernmental Maritime Consultative Organization signed at Geneva on 6 March 1948, takes over the duties assigned to it under the present Convention, the following provisions shall apply:

(i) All duties which are assigned to the Organization, other than those set forth in Article IX, shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the Government of the United Kingdom).

(ii) Amendments to the present Convention may be proposed at any time by any Contracting Government to the Government of the United Kingdom and such proposals shall be communicated by the latter to the other Contracting Governments for their consideration and acceptance. If any such amendment is unanimously accepted by the Contracting Governments, the present Convention shall be amended accordingly.

(iii) A Conference for the purpose of revising the present Convention shall be convened by the Government of the United Kingdom whenever, after the present Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

(iv) The present Convention shall be deposited in the archives of the Government of the United Kingdom, which shall transmit certified true copies thereof to all Signatory Governments.

(b) When the Organization takes over the duties assigned to it under the present Convention, the Government of the United Kingdom will transmit to the Organization any documents which have been deposited with or received by the Government of the United Kingdom under the present Convention.

Note. This Convention forms Annex A to the Final Act of the International Conference on Safety of Life at Sea, 1948, which recites the object of replacing by this Convention the International Convention for the Safety of Life at Sea, 1929. For reasons of space it has not been possible to give the texts of the regulations which appear in six chapters appended to Annex A dealing with General Provisions, Constructions, Life Saving Appliances etc., Radiotelegraphy and Radiotelephony, Safety of Navigation, and Carriage of Grain and Dangerous Goods. Nor has it been possible to reproduce Annex B (Regulations for Preventing Collisions at Sea), Annex C (Resolutions of the Conference), Annex D (Recommendations), or Annex E (List of Persons Attending the Conference).

(b) AGREEMENT BETWEEN SWEDEN AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING CO-OPERATION FOR THE SAVING OF LIVES IN THE BALTIC SEA

Signed at Moscow, 29 September 1954. Entered into force 1 January 1956. "United Nations Treaty Series", vol. 202, No. 2733, p. 266

Article 1. Assistance and rescue operations in the Baltic Sea for the benefit of crews and passengers of vessels and aircraft shall be carried out by the sea rescue services of Sweden and of the Soviet Union with the personnel and rescue equipment at their disposal.

If the sea rescue service of either State receives information that a vessel or aircraft is in distress in the Baltic Sea, it shall be the duty of that service to take such steps for rendering assistance to the crew and passengers as are considered most appropriate. If the place of the disaster is situated nearer to the coast of the other State or if for any other reason it appears necessary to do so, the sea rescue service receiving news of the disaster shall get into touch with the sea rescue service of the other State and the rescue operations shall be planned in consultation between the two sea rescue services. Such consultation shall invariably take place whenever the sea rescue service of one State is informed that a vessel or aircraft belonging to the other State is in distress.

Rescue operations in the territorial waters of Sweden or of the Soviet Union shall be carried out in accordance with the law of the State concerned.

...

Article 3. The sea rescue service which first dispatches personnel and rescue equipment to render assistance or which first institutes rescue operations may, if necessary for carrying out the rescue, call upon the other sea rescue service for aid as provided in article 2.

The sea rescue service receiving such a call shall dispatch all available personnel and rescue equipment to the position given.

In conducting rescue operations, vessels belonging to the sea rescue services of each State shall communicate by radio with each other and with the vessel or aircraft in distress either over station SDJ or UMQ respectively or, if possible, directly on a frequency of 500 kilocycles per second (600 metres) or 2182 kilocycles per second (1375 metres).

Radio communication shall be carried on according to the International Code of Signals or, if possible, in plain language in English.

Article 4. The parties undertake to provide their rescue ships and the organs concerned with detailed instructions for complying with the provisions of this Agreement.

Article 5. The provisions of this Agreement shall not supersede the International Convention for the unification of certain rules of law respecting assistance and salvage at sea, signed at Brussels on 23 September 1910, or the International Convention for the safety of life at sea, signed in London on 10 June 1948.

...

(c) AGREEMENT BETWEEN THE GOVERNMENT OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING CO-OPERATION FOR THE SAVING OF LIVES IN THE BALTIC SEA

Signed at Helsinki, 7 December 1956. Entered into force 1 January 1957. "United Nations Treaty Series", vol. 258, No. 3673

Article 1. The sea rescue services of Finland and the USSR shall use the personnel and equipment at their disposal for rescuing the passengers and crews of vessels and aircraft in distress in the Baltic Sea, including the Gulf of Finland and the Gulf of Bothnia.

If the sea rescue service of either Contracting Party receives information that a vessel or aircraft is in distress at sea, it shall be the duty of that service to take such steps for rendering assistance as are considered most appropriate. If the place of the disaster is situated nearer to the coast of the other Contracting Party or if for any other reason it appears necessary to do so, the sea rescue service receiving news of the disaster shall get into touch with the sea rescue service of the other Contracting Party, and the rescue operations shall in such case be organized as agreed upon between them.

This procedure shall invariably be followed whenever the sea rescue service of one Contracting Party is informed that a vessel or aircraft belonging to the other Contracting Party is in distress.

Rescue operations in the territorial waters of Finland or of the USSR shall be carried out in accordance with the law of the country concerned.

Article 5. The sea rescue service which first dispatches its rescue equipment to render assistance or which first institutes rescue operations may, if necessary for the saving of human life, call upon the sea rescue service of the other Contracting Party to render joint assistance.

The sea rescue service receiving such a call shall do its utmost to dispatch the requested rescue equipment to the position given.

The sea rescue service receiving the call shall in all cases communicate its decision as soon as possible.

Article 6. At the request of the sea rescue service of one Contracting Party, the sea rescue service of the other Contracting Party shall render assistance in searching for vessels and aircraft lost without trace in the area to which this Agreement applies.

Article 8. The provisions of this Agreement shall not supersede the International Convention for the unification of certain rules of law respecting assistance and salvage at sea, signed at Brussels on 23 September 1910, or the International Convention for the safety of life at sea, signed in London on 10 June 1948.

(d) ISRAEL. PORTS REGULATIONS (PREVENTION OF COLLISIONS AT SEA). RESHUMOT, KOVETZ HA - TAKKANOT, 5716 - 1955, p. 955. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

By virtue of the authority vested in me under article 17 of the Harbours Ordinance,¹⁰ and articles 14 (a) and 2 (d) of the Administration and Justice Ordinance, 5709 (1948),¹¹ I hereby issue the following regulations:

1. Definitions. In these regulations "Convention" means the International Regulations for Preventing Collisions at Sea, 1948, which were approved in London on 10 June 1948 and accepted by Israel on 29 December 1953, entering into force in 1 January 1954, the text whereof is given in the Annex.

2. Application of the Convention. The provisions of the Convention shall apply in respect of all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels.

3. Compliance with the provisions of the Convention.

(a) The master or pilot of any vessel or seaplane to which the provisions of the Convention apply (hereinafter called "the responsible officer") shall be under a duty to comply with all the provisions of the Convention.

¹⁰ *Hukkei Eretz Israel*, vol. 2, section 114, p. 1146; *Sefer ha-Hukkim*, 130, 5713 (1952). p. 130.

¹¹ *Iton Rishmi*, 5709 (1948), Supplement 1, No. 2, p. 1.

(b) Without prejudices to the severality of the provisions referred to in sub-regulation (a) above, the responsible officer shall not navigate, or permit others to navigate, his vessel or seaplane, or drop anchor unless:

(1) It is equipped with all the devices, lights and signals required by the Convention, in good condition, ready for use, and carried in the manner specified therein, and

(2) Such devices, lights and signals are operated in the way specified in the Convention.

(c) The responsible officer shall not operate, pilot, navigate or anchor, or permit others to operate, pilot, navigate or anchor, his vessel or seaplane except in conformity with the provisions of the Convention and in compliance with its rules.

4. Sailing of a vessel which is not fit for navigation, and its navigation.

(a) A vessel which does not satisfy the requirements of the Convention referred to in regulation 3 (b) (1) above shall be deemed not fit for navigation.

(b) Any vessel in Israel which for the above reason is not fit for navigation is prohibited from sailing, and a vessel registered in Israel which for the above reason is not fit for navigation is prohibited from sailing even if it is not in Israel.

(c) The responsible officer of a vessel which for the above reason is not fit for navigation shall not navigate the same and shall not authorize its sailing so long as it is not fit for navigation.

5. Inspection of vessels and prevention of their sailing. A marine inspector within the meaning of the Harbours (Seagoing Vessels) Regulations, 1935,¹² or any other person acting by virtue of his authority, is empowered to board any vessel and to inspect it, and no responsible officer or other person on board shall interfere with him while he is carrying out the inspection. He is also empowered to prevent, or to order the prevention of, the sailing or navigation of any vessel which, for the reasons indicated in these regulations, is not fit for navigation.

6. Application. Nothing in these regulations shall affect any statutory provision governing navigation in an internal harbour, river, lake or sea.

7. Classification. These regulations are supplementary regulations and are without prejudice to the validity of any other statutory provisions.

8. Penalties. Any person who contravenes these regulations shall be liable to imprisonment for three months or a fine of fifty pounds, or both.

9. Title. These regulations may be cited as "The Ports (Prevention of Collisions at Sea) Regulations, 5716-1955".

(c) FRANCE. DECREE OF 1 JUNE 1953 ON RULES FOR THE PREVENTION OF COLLISIONS AT SEA. "JOURNAL OFFICIEL DU 7 JUIN," p. 5101.

Note. This decree, referred to in the Supplement to volume II under France, applies solely to French vessels.

ANNEX

Chapter 1. Continental Shelf

[No change]

Chapter 2. Contiguous Zones

[No change]

¹² *Ion Rishmi*, 1935, Supplement 2, No. 490, p. 85.

**LAWS AND REGULATIONS
ON THE REGIME OF THE HIGH SEAS
VOLUME TWO**

**LAWS RELATING TO JURISDICTION OVER CRIMES
COMMITTED ABROAD OR ON THE HIGH SEAS**

- | | |
|-------------|----------------------------------|
| [No change] | 1. Argentina [1] |
| [No change] | 2. Australia [2] |
| [No change] | 3. Austria [3] |
| [No change] | 4. Belgium [4] |
| [No change] | 5. Bolivia [5] |
| [No change] | 6. Brazil [6] |
| [No change] | 7. Bulgaria [7] |
| [No change] | 8. Canada¹ [8] |

(a) THE CANADA SHIPPING ACT. "REVISED STATUTES OF CANADA", 1952,

CHAPTER 29

87. (1) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship, the ship is 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 any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same. 1934, c. 44, s. 85.

88. If the master or owner of a Canadian ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by the law of Canada or of any other part of Her Majesty's dominions to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship is subject to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, is in respect of each contravention of this section guilty of an indictable offence. 1934, c. 44, s. 86; 1950, c. 26, s. 2.

. . . .

91. (1) The red ensign usually worn by merchant ships, with the shield of the Coat of Arms of Canada in the fly, is hereby declared to be the proper national colours for all Canadian ships and all ships and boats that would be

¹The entire entry under Canada at page 20 of the previous volume is replaced by the present entry.

registered in Canada if they were required to be registered at all, belonging to any British subject resident in Canada, except in the case of any ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or under regulations which may be made by the Governor in Council.

(2) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat registered in Canada or belonging to any British subject resident in Canada without warrant from Her Majesty or under the aforesaid regulations, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, are for each offence liable to fine not exceeding twenty-five hundred dollars.

(3) Any commissioned officer on full pay in the naval, army or air service of Canada or in the naval, army or air service of Her Majesty or any officer of Customs in Her Majesty's dominions, or any consular officer, may board any ship or boat registered in Canada or owned by any resident of Canada on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to her Majesty.

(4) A fine under this section may be recovered with costs in the Admiralty Court.

(5) Any offence mentioned in this section may also be prosecuted, and the fine for it recovered, summarily, but where any such offence is prosecuted summarily, the court imposing the fine shall not impose a higher fine than five hundred dollars.

(6) Nothing in this section authorizes the imposition of more than one fine in respect of the same offence. 1934, c. 44, s. 89; 1950, c. 26, s. 2.

...

Aircraft

524. The law, statutory and other, including the provisions of this Part, relating to wreck and to salvage of life or property and to the duty or obligation to render assistance to ships or vessels in distress, applies to aircraft on or over the sea or tidal waters and on and over the Great Lakes of North America, so called, as it applies to ships or vessels, and the owner of an aircraft is entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of the aircraft would be so entitled had it been a ship or vessel; but the Governor in Council may make modifications of an exemption from the provisions of such law, statutory and other, in its application to aircraft, to such extent and in such manner as appears necessary or expedient. 1934, c. 44, s. 517.

...

526. (1) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers, if any, render assistance to every person, even if that person be a subject of a foreign State at war with Her Majesty, who is found at sea and in danger of being lost, and if he fails to do so he is liable to a fine not exceeding one thousand dollars.

(2) Compliance by the master or person in charge of a vessel with the provisions of this section does not affect his right or the right of any other person to salvage. 1934, c. 44, s. 519.

...

Shipping casualties and accidents on ships

551. A shipping casualty shall be deemed to occur:

(a) When any ship is lost, abandoned, stranded or damaged in any of the

inland waters of Canada or on or near the coasts of Canada, or on a voyage to or from a port in Canada;

(b) When any ship causes loss or damage to any other ship in, on or near such inland waters or coasts;

(c) When, by reason of any casualty happening to or on board any ship in, on or near such inland waters or coast, loss of life ensues;

(d) When any such loss, abandonment, stranding, damage or casualty happens elsewhere, and any competent witness thereof arrives or is found at any place in Canada;

(e) When any loss of life occurs by reason of any casualty happening to or on board any boat belonging to a fishing vessel or other vessel registered or licensed in Canada; and

(f) When any ship is lost or supposed to have been lost, and any evidence is obtainable in Canada as to the circumstances under which she proceeded to sea or was last heard of. 1934, c. 44, s. 544.

522. (1) The Minister may order an investigation to be made by any person or persons into the cause of any accident on any ship, whether attended with loss of life or not.

(2) The person or persons so appointed may summon witnesses and compel their attendance by the same process as courts of justice, and may administer oaths and examine witness touching the cause of such accident, and shall report thereon to the Minister. 1934, c. 44, s. 545.

553. (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or within the limits of or on or near the coasts of Canada in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every such other person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination:

(a) At the office of the chief officer of Customs residing at or near the place where such casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto; or

(b) If the casualty occurred elsewhere at the office of the chief officer of Customs residing at or near the place of such landing; unless he has been previously examined or excused from attending for examination by any other chief officer of Customs residing at or near either of such places, or by any receiver of wreck in any part of Her Majesty's dominions outside of Canada.

(2) If any such person by this section required or by the Minister directed to attend and submit himself for examination without reasonable cause fails to do so, precisely as so required or directed, he is liable to a fine not exceeding two hundred dollars. 1934, c. 44, s. 546; 1950, c. 26, s. 2.

. . .
Preliminary inquiries into casualties

555. (1) The Minister may appoint a chief officer of Customs or any officer of the Government of Canada, or any other person to make preliminary inquiries respecting such shipping casualties, and may define the territorial jurisdiction of any such officer or person, and the persons so appointed shall make a preliminary inquiry respecting a shipping casualty wherever so directed by the Minister.

(2) Where, upon a preliminary inquiry, the officer holding it is of opinion that any loss, or damage, or the stranding of any ship, or any loss of life has been caused by the wrongful act or default or by the incapacity of the pilot in charge, or that such pilot has been guilty of any gross act of mis-

conduct or drunkenness, the licence of such pilot may be suspended by such officer until a formal investigation under this Part has been held and a further decision rendered upon the case; but the term of suspension shall not exceed a period of three days, unless the Minister notifies such pilot within that time that a formal investigation will be held. 1934, c. 44, s. 548.

...

560. A Court so appointed is authorized to hold a formal investigation upon that being ordered by the Minister in the following cases:

(a) A shipping casualty;

...

(b) Where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default whilst serving on board any British ship on or near the coast of Canada or in the course of a voyage to a port in Canada;

(c) Where a master, mate pilot or engineer is charged with incompetency, misconduct or default while serving as an officer on board a Canadian ship;

(d) Where a master, mate, pilot or engineer is charged with incompetency misconduct or default while serving on board a British ship is found in Canada;

(e) Where, in case of a collision, the master or certificated officer or pilot in charge of a vessel fails, without reasonable cause, to render to the other vessel, her master, crew and passengers, such assistance as is practicable and necessary to save them from any danger caused by the collision and to stay by the vessel until he has ascertained that she has no need of further assistance and also to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which he belongs and also the names of the ports from which he comes and to which he is bound; and

(f) Where the Minister has reason to believe that any master, mate, pilot or engineer is from any cause unfit to discharge or incapable of discharging his duties. 1934, c. 44, s. 553; 1950, c. 26, s. 2.

...

Adjudications by naval courts on the high seas and abroad

580. A court (in this Act called a naval court) may be summoned by any officer in command of any ship belonging to Her Majesty, on any foreign station, or, in the absence of such an officer, by any consular officer, in the following cases:

(a) Whenever a complaint that appears to that officer to require immediate investigation is made to him by the master of any Canadian ship, by a certified mate, or by any one or more of the seamen belonging to any such ship;

(b) Whenever the interest of the owner of any Canadian ship or of the cargo thereof appears to that officer to require it; and

(c) Whenever any Canadian ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any such ship which has been wrecked, abandoned, or lost abroad arrive at that place. 1934, 3. 44, s. 573; 1950, c. 26, s. 2.

581. (1) Whenever a naval court is summoned pursuant to the foregoing provisions of this Part to sit at a place in Her Majesty's dominions other than in Canada or on board a ship belonging to Her Majesty other than Her ship in right of Canada, the court is hereby authorized to proceed, with relation to Canadian ships, and with relation to their owners, masters, mates, engineers and crews, in all respects according to the law of the place or the ship where in or on board whereof the court is sitting, and such law shall, when so applied to such Canadian ships and their owners, masters, mates, engineers and crews, bind them as if it were the law of Canada.

...

(2) Alternatively, a naval court so summoned so to sit may proceed pursuant to the following provisions of this Part, which, with section 580, apply in any event to all naval courts summoned to sit on board any ship belonging to Her Majesty in right of Canada. 1934, c. 44, s. 574; 1950, c. 26, s. 2.

. . .

Jurisdiction

689. (1) For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

(2) Where, in any legal proceeding under this Act, a question arises whether any ship or person is or is not within the provisions of this Act or of some Part, the ship or person shall be deemed to be within those provisions unless the contrary is proved. 1934, c. 44, s. 681.

. . .

691. (1) Notwithstanding anything in the *Criminal Code*, or any other Act where any person, being a British subject domiciled in Canada, is charged with having committed any offence on board any Canadian ship on the high seas or in any port or harbour in Her Majesty's dominions other than Canada or in any foreign port or harbour or on board any British ship registered out of Canada or any foreign ship to which he does not belong, or, not being such a British subject, is charged with having committed any offence on board any Canadian ship on the high seas, and that person is found within Canada, any court that would have had cognizance of the offence if it had been committed within the limits of its ordinary jurisdiction has jurisdiction to try the offence as if it had been so committed.

(2) Where any person, being a British subject domiciled in Canada, is charged with having committed any offence on board any Canadian ship on the high seas or in any port or harbour in Her Majesty's dominions other than Canada or in any foreign port or harbour or on board any British ship registered out of Canada or any foreign ship to which he does not belong, or, not being such a British subject, is charged with having committed any offence on board any Canadian ship on the high seas and that person is found within the jurisdiction of any court in any part of Her Majesty's dominions other than Canada which court would have had cognizance of the offence if it had been committed on board a British ship registered in that part, that court has jurisdiction to try the offence as if it had been so committed. 1934, c. 44, s. 683; 1950, c. 26 s. 2.

692. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any Canadian ship, shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within Canada. 1934, c. 44, s. 684; 1950, c. 26, s. 2.

Damage occasioned by foreign ships

693. (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or place in Canada or within three miles of the coast thereof, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an

order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of Canada or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge or court, made in relation to the security, is conclusive evidence of the liability of the defendant to the proceeding. 1934, c. 44, s. 685.

Offences committed at sea or abroad

694. (1) Whenever any complaint is made to any consular officer:

(a) That any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, seaman, or apprentice, who at the same time when the offence was committed, or within three months before that time, was employed in any Canadian ship; or

(b) That any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any ship so registered; that consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to Canada.

(2) The consular officer may order the master of any ship registered in and bound to Canada to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, but so that the master is not required to receive more than one offender for every one hundred tons of his ship's register tonnage, or more than one witness for every fifty tons of that tonnage; the consular officer has the right to endorse upon the agreement of the ship particulars with respect to any offenders or witnesses sent in her as the Minister requires.

(3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in Canada, give the offender into the custody of some police officer or constable, and that officer or constable shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas.

(4) If any master of a Canadian ship when required by any consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and a subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as hereinafter directed, he is for each offence liable to a fine not exceeding two hundred and fifty dollars.

(5) The expense of imprisoning any such offender and of conveying him and the witnesses to Canada in any manner other than in the ship to which they

respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of monies provided by Parliament for that purpose. 1934, c. 44, s. 686; 1950, c. 26, s. 2.

. . .

(b) CRIMINAL CODE 1953-4. "STATUTES OF CANADA", CHAPTER 51

Section 46. (1) Every one commits treason who, in Canada:

(a) Kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;

(b) Levies war against Canada or does any act preparatory thereto;

(c) Assists an enemy at war with Canada, or any armed forces against whom Canadian forces are engaged in hostilities whether or not a state of war exists between Canada and the country whose forces they are;

(d) Uses force or violence for the purpose of overthrowing the government of Canada or a province;

(e) Without lawful authority, communicates or makes available to an agent of a State other than Canada, military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that State for a purpose prejudicial to the safety or defence of Canada;

(f) Conspires with any person to do anything mentioned in paragraphs (a) to (d);

(g) Forms an intention to do anything mentioned in paragraphs (a) to (d); and manifests that intention by an overt act; or

(h) Conspires with any person to do anything mentioned in paragraph (e) or forms an intention to do anything mentioned in paragraph (e) and manifests that intention by an overt act.

(2) Notwithstanding subsection (1), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada commits treason if, while in or out of Canada, he does anything mentioned in subsection (1).

(3) Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

. . .

Section 58. (1) Every one who, while in or out of Canada, for the purpose of procuring a passport or visa thereof or an endorsement thereon for himself or any other person, makes a written or verbal statement that he knows is false or misleading is guilty of an indictable offence and is liable to imprisonment for two years.

(2) In this section, "passport" includes:

(a) A document issued by or under the authority of the Secretary of State for External Affairs for the purpose of identifying the holder thereof; and

(b) An emergency certificate authorized by the Secretary of State for External Affairs to be issued in lieu of a passport by a person duly authorized to issue passports outside of Canada.

. . .

Section 75. (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death.

Section 76. Every one who, while in or out of Canada:

- (a) Steals a Canadian ship;
 - (b) Steals or without lawful authority throws overboard, damages or destroys anything that is part of the cargo, supplies or fittings in a Canadian ship;
 - (c) Does or attempts to do a mutinous act on a Canadian ship; or
 - (d) Counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c);
- is guilty of an indictable offence and is liable to imprisonment for fourteen years.
- . . .

Section 229. (1) Every one who sends or attempts to send or being the master knowingly takes a Canadian ship:

- (a) On a voyage from a place in Canada to any other place, whether that voyage is by sea or by coastal or inland waters, or
 - (b) On a voyage from a place on the inland waters of the United States to a place in Canada,
- in an unseaworthy condition from any cause, and thereby endangers the life of any person, is guilty of an indictable offence and is liable to imprisonment for five years.

(2) An accused shall not be convicted of an offence under this section where he proves:

- (a) That he used all reasonable means to ensure that the ship was in a seaworthy state, or
- (b) That to send or take the ship in that unseaworthy condition was, under the circumstances, reasonable and justifiable.

(3) No proceedings shall be instituted under this section without the consent in writing of the Attorney General of Canada.

. . .

Section 240. (1) Every one commits bigamy who:

- (a) In Canada:
 - (i) Being married, goes through a form of marriage with another person;
 - (ii) Knowing that another person is married, goes through a form of marriage with that person; or
 - (iii) On the same day of simultaneously, goes through a form of marriage with more than one person; or
- (b) Being a Canadian citizen resident in Canada leaves Canada with intent to do anything mentioned in sub-paragraphs (i) to (iii) of paragraph (a) and, pursuant thereto, does outside of Canada anything mentioned in those sub-paragraphs in circumstances mentioned therein.

(c) THE EXTRADITION ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 322, AS AMENDED BY 1953-4 "STATUTES OF CANADA", CHAPTER 51, SECTION 751

Interpretation

. . .

2. In this Act:

- (d) "Foreign state" includes every colony, dependency and constituent part of the foreign state; and every vessel of a foreign state is deemed to be within the jurisdiction of and to be part of the state;

(c) "Fugitive" or "fugitive criminal" means a person being or suspected of being in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of a foreign state;

. . .

12. Every fugitive criminal of a foreign state, to which this Part applies, is liable to be apprehended, committed and surrendered in the manner provided in this Part, whether the crime of conviction, in respect of which the surrender is sought, was committed or took place before or after the date of the arrangement or before or after the time when this Part is made to apply to such state, and whether there is or is not any criminal jurisdiction in any court of Her Majesty's dominions over the fugitive in respect of the crime. R.S., c. 37, s. 12.

. . .

First Schedule. List of Crimes

20. Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign state.

21. Criminal scuttling or destroying a vessel of a foreign state at sea, whether on the high seas or on the Great Lakes of North America, or attempting or conspiring to do so.

22. Assault on board a vessel of a foreign state at sea, whether on the high seas or on the Great Lakes of North America, with intent to destroy life or to do grievous bodily harm.

23. Revolt, or conspiracy to revolt, by two or more persons on board a vessel of a foreign state at sea, whether on the high seas or on the Great Lakes of North America, against the authority of the master.

. . .

(d) THE FUGITIVE OFFENDERS ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 127

Application

. . .

3. This Act applies to treason and to piracy, and to every offence, whether called felony, misdemeanour, crime or by any other name, that is, for the time being, punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, or by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and, for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour. R.S., c. 81, s. 3.

. . .

8. Whenever a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, the Governor General or a judge of a court, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse a such warrant in manner provided by this Act, and the warrant so endorsed is a sufficient authority to apprehend the fugitive in Canada and bring him before a magistrate. R.S., c. 81, s. 8.

9. A magistrate in Canada may issue a provisional warrant toward the apprehension of a fugitive who is or is suspected of being in or on his way to Canada, on such information and under such circumstances as would, in his opinion, justify the issue of a warrant, if the offence of which the fugitive is accused had been committed within his jurisdiction; and such warrant may be backed and executed accordingly. R.S., c. 81, s. 9.

. . .

(c) THE AERONAUTICS ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 2

4. (1) Subject to the approval of the Governor in Council, the Minister may make regulations² to control and regulate air navigation over Canada and the territorial waters of Canada and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to:

(a) Licensing pilots and other persons engaged in the navigation of aircraft, and the suspension and revocation of such licences;

(b) The registration, identification, inspection, certification and licensing of all aircraft;

(c) The licensing, inspection and regulation of all aerodromes and air-stations;

(d) The conditions under which aircraft may be used or operated;

(e) The conditions under which goods, mails and passengers may be transported in aircraft and under which any act may be performed in or from aircraft or under which aircraft may be employed;

(f) The prohibition of navigation of aircraft over such areas as may be prescribed, either at all times or at such times or on such occasions only as may be specified in the regulation, and either absolutely or subject to such exceptions or conditions as may be so specified;

(g) The areas within which aircraft coming from any places outside of Canada are to land, and the conditions to be complied with by any such aircraft;

(h) Aerial routes, their use and control;

(i) The institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada or within the limits of the territorial waters of Canada and of aircraft registered in Canada wherever such aircraft may be.

(2) Any regulation made under sub-section (1) may authorize the Minister to make orders or directions with respect to such matters coming within this section as the regulations may prescribe.

(3) Every person who violates the provisions of a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand

² See the Air Regulations 1954 (P.C. 1954-1821, 23 November 1954; Statutory Orders and Regulations, "Canada Gazette", Part II, August to 8 December 1954). These regulations apply in respect of all aircraft in Canada and all Canadian aircraft when flown outside of Canada. The only exceptions are military aircraft of Her Majesty when manoeuvring under the authority of the Minister of National Defence, or military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these regulations; nor do the regulations apply in respect of Canadian aircraft when flown within or over the territory of a country other than Canada, in so far as they are inconsistent with or repugnant to the laws and procedures of such other countries. Further, the Minister may exempt any person, aircraft or aerodrome in whole or in part from the application of such regulations or any portion thereof.

The Canadian *Air Regulations* apply to a multitude of matters relating to the flight of aircraft. In particular, so far as Canadian aircraft outside Canada are concerned (other than those manoeuvring under the authority of the Minister of National Defence as noted above), they prohibit any person flying or attempting to fly as a flight crew member of such aircraft under certain circumstances; they restrict the use to which such aircraft may be put in aerobatic and other exhibitions; they contain prohibitions against flying such aircraft in a negligent or reckless manner or in a manner which is dangerous to life or property; they prohibit the carriage of explosives and other dangerous articles or substances. Generally speaking they regulate the use of Canadian aircraft wherever they may be. Violation of these Regulations is punishable under section 4 (3) of the *Aeronautics Act* (R.S.C. 1952, Chapter 2) by a fine up to \$5,000 or imprisonment up to one year or both.

dollars, or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

(4) Every person who violates an order or direction of the Minister made under a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. R.S., c. 3, s. 4; 1950, c. 23, s. 3.

(f) THE NATIONAL DEFENCE ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 184 AS AMENDED BY "STATUTES OF CANADA", 1952-3, CHAPTER 24 AND "STATUTES OF CANADA", 1953-4, CHAPTER 13

Note. This Act enacts provisions applicable to persons subject to the Code of Service Discipline as set out in section 56 (1) and 2 (6) of the National Defence Act. The provisions are equally applicable inside or outside Canada. Particular reference might be made to sections 97, 99, 100 and 117 which deal with acts or omissions which may result in damage to property or loss of life or bodily injury. Sections 119 and 119A make provision for the punishment of prohibited acts or omissions which take place outside Canada.

9. Chile [9]

[No change]

10. China [10]

[No change]

11. Colombia [11]

[No change]

12. Costa Rica [12]

[No change]

13. Cuba [13]

[No change]

14. Czechoslovakia [14]

[No change]

15. Denmark [15]

[No change]

16. Dominican Republic [16]

[No change]

17. Ecuador [17]

[No change]

18. Egypt [18]

[No change]

19. El Salvador [19]

[No change]

20. Finland [20]

- (a) PENAL CODE OF 19 DECEMBER 1889. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS, BASED ON THE GERMAN TRANSLATION IN B. HONKASALO, "DAS FINNISCHE STRAFGESETZBUCH" (1954)³

Chapter I. Persons subject to the penal legislation of Finland

Article 1. A national of Finland shall be tried in accordance with Finnish law:

1. For an offence committed by him in Finland or on board a Finnish ship on the high seas; or

2. For an offence committed by him elsewhere than in Finland if he is subsequently found in Finland or is sent there for trial and if the crime or offence:

(a) Was committed against Finland or a part of Finland or against a Finnish national;

(b) Was committed against the supreme authority of a foreign State or against a national of such a State, and proceedings have been instituted against the offender by the Government of the foreign State or by the person injured; or

(c) Is counterfeiting legal currency.

If a person who is not a Finnish national has committed an offence elsewhere than in Finland and has subsequently acquired Finnish nationality he shall be subject to criminal proceedings in accordance with the same rules. Act of 27 May 1932.

Article 2. A person who is not a Finnish national shall be tried in accordance with this Penal Act for an offence committed by him in Finland or on a Finnish ship on the high seas provided that nothing to the contrary concerning the trial of such a person is laid down elsewhere.

The present Penal Act shall likewise be applied to any person who, not being a Finnish national, has committed an offence against Finland or a part of Finland or against a Finnish national, and who has been surrendered to Finland for trial or is discovered in Finland, provided that he has not been extradited to a foreign State in accordance with special provisions. Act of 11 February 1922.

In addition to the provisions of Chapter I, article 2, of the Penal Act concerning the application of Finnish law to a person who is not a Finnish national, the Act of 27 May 1932 provides further that:

If a person who is not a Finnish national has committed an offence elsewhere than in Finland for which he is to be prosecuted in Finland under the terms of a treaty between Finland and a foreign State, he shall, if he is subsequently discovered in Finland, be tried by a Finnish court and according to Finnish law even if his offence is not one of those mentioned in Chapter I, article 2, of the Penal Act.

Article 3. A person who is employed in Government service and has committed an offence while engaged in his official duties shall be tried in accordance with Finnish law and by a Finnish court regardless of whether the offence was committed in Finland or elsewhere.

In the case of proceedings in respect of an offence committed by a person in the employment of the State during the performance of his duties, or in connexion with his duties, the provisions which have been issued or may hereafter be issued for that purpose shall apply. Order of 21 April 1894.

Article 4. If an offence under Chapters 41, 42, 43 or 44, or any other similar offence, has been committed elsewhere than in Finland, it shall not be punishable unless specifically provided by law or by a treaty with a foreign State. Order of 21 April 1894.

³ This text replaces the text in the original volume which was based upon an older French translation of the Code.

Article 5. If a person sentenced for an offence has served a part or the whole of the penalty pronounced against him by a court of a foreign State for that offence, the penalty which he has already served shall be deducted, according to the circumstances of the case, from the penalty to which he would be liable in Finland for that offence, or it shall be deemed to be equivalent to the penalty for the offence. Nevertheless, if under Finnish law the offence entails dismissal from office, ineligibility for public office, temporary removal from office or loss of civil rights, such penalties shall be pronounced against the offender in Finland.

A sentence pronounced by a foreign court in a criminal matter shall not be carried out in Finland. Order of 21 April 1894.

21. France [21]

[No change]

Note. Reference should also be made to the Decree of 1 June 1953 on Rules for the Prevention of Collisions at Sea (*Journal officiel du 7 juin*, p. 5101) which applies to all French vessels as from 1 January 1954 and which implements the Final Act of the International Conference on the Safety of Life at Sea (London 1948); and to the Law of 6 January 1954 on the Safety of Life at Sea and the Habitability of Trading, Fishing, and Pleasure Vessels (*Journal officiel du 10 janvier 1954*, p. 371). The latter applies to all French vessels and, in section VI, to foreign vessels touching at French ports.

22. Germany (Federal Republic of) [22]

[No change]

23. Greece [23]

[No change]

Note. Reference should be made to article 10 of Act 376/14/18 December 1936⁴ concerning measures for the security of fortified zones which enacts that violations of the provisions of the Act shall be punishable by penalties laid down in Article 7 and shall be triable by naval or military courts.

24. Guatemala [24]

[No change]

25. Haiti [25]

[No change]

26. Honduras [26]

[No change]

27. Hungary [27]

[No change]

28. Iceland [28]

[No change]

29. India [29]

[No change]

30. Iran [30]

[No change]

⁴For text see above, p. 24.

31. Israel [31]

(a) CRIMINAL PROCEDURE (TRIAL UPON INFORMATION) ORDINANCE, 1 SEPTEMBER 1924
[No change]⁵

(b) EXTRADITION ORDINANCE, 1 DECEMBER 1926
[Deleted]⁶

(c) AREA OF JURISDICTION AND POWERS ORDINANCE (AMENDMENT) LAW, 5716-1956,
14 FEBRUARY 1956⁷

1. The following section shall be added after section 2 of the Area of Jurisdiction and Powers Ordinance, 5708-1948:

"2A. *Vessels and aircraft.* Any vessel or aircraft, wherever situated which is registered in Israel shall, for the purposes of the jurisdiction of the courts, be deemed to be a part of the area of the State of Israel."

(d) PENAL LAW AMENDMENT (EXTRATERRITORIAL OFFENCES) LAW, 5716-1955,
13 DECEMBER 1955⁸

1. *Property offences.* The courts in Israel are competent to try a national, resident or public servant of Israel who has committed abroad one of the following offences:

(1) An offence under the Penal Law Revision (Bribery) Law, 5712-1952⁹;

(2) Such an offence under one of the sections of chapters XII, XV and XXIX to XLIII of the Criminal Code Ordinance, 1936¹⁰ as harms the property or rights of the State or of a body or an association specified in the Schedule to this Law;

(3) "Public servant", for the purpose of this section, has the same meaning as in the Criminal Code Ordinance, 1936.

2. *Offences against the State.* The courts in Israel are competent to try a person who has committed abroad one of the following offences:

(1) An offence under the Flag and Emblem Law, 5709-1949¹¹;

(2) An offence under the State Seal Law, 5710-1949¹²;

(3) An offence under the Official Secrets Ordinance¹³;

(4) An offence under sections 49 to 62 of the Criminal Code Ordinance, 1936.

3. *No punishment after judgment abroad.* A person shall not be punished under this Law for an act of mission of which he has been convicted in his presence, or acquitted, abroad.

4. *Saving of Powers.* The provisions of this Law shall not derogate from any power under another law to try offences committed abroad.

⁵ Except for the note under this entry in the previous volume which cites Articles 5 and 6 of the Ottoman Code of Criminal Procedure of 26 June 1879 as still in force. These provisions were repealed by s. 6 of the Penal Law Amendment Law, 5716-1955, the text of which is given below under (d).

⁶ The Extradition Ordinance, 1926, was repealed by the Extradition Law, 5714-1954. There are no similar provisions in the new law.

⁷ *Sefer Ha-Chukkim* No. 198, 23 February 1956. Text submitted by Ministry for Foreign Affairs of Israel; no authorized translation into English yet published.

⁸ *Sefer Ha-Chukkim* No. 192, 21 December 1955. Text submitted by Ministry for Foreign Affairs of Israel; no authorized translation into English yet published.

⁹ *Sefer Ha-Chukkim* No. 92 of 5712, p. 126; *LSI* volume VI, p. 32.

¹⁰ P.G. of 1936, Suppl. I, No. 652, p. 285 (English Edition).

¹¹ *Sefer Ha-Chukkim* No. 8 of 5709, p. 37; *LSI* volume III, p. 26.

¹² *Sefer Ha-Chukkim* No. 28 of 5710, p. 15; *LSI* volume IV, p. 13.

¹³ *Laws of Palestine* volume II, cap. 100, p. 1023 (English Edition); P.G. of 1945, Suppl. I, No. 1457, p. 183 (English Edition).

5. *Variation of Schedule.* The Minister of Justice may, with the approval of the Constitution, Legislation and Juridicial Committee of the Knesset, vary the Schedule to this Law by adding or deleting names of bodies or associations.

6. *Repeal.* Sections 5 and 6 of the Ottoman Law of Criminal Procedure of 26 June 1879, are hereby repealed.

SCHEDULE (SECTION 1 (2))

The World Zionist Organization; The Jewish Agency; The Keren Kayemet Le-Israel; The Keren Hayesod-United Jewish Appeal; A supervised body, within the meaning of the State Comptroller Law, 5709-1949¹⁴.

Note. Under Israel Law, the Israel Courts have criminal jurisdiction over offences committed by Israel nationals in Israel ships on the high seas (Cr. Appeal 174/54 A. *Stampfer v. Attorney-General, Piskei Din*, volume 10 (1956) p. 5). The following laws and ordinances also contain provisions with extra-territorial effect:

(i) *Dangerous Drugs Ordinance, 1936.* Section 8 provides that aiding and abetting offences under Sections 4, 5, 6 and 7 of the Ordinance, in or out of Israel, are punishable offences. (Palestine Gazette No. 577, Suppl. No. 1 of 19 March 1936). Section 6 was amended in 1952 (*Laws of the State of Israel*, authorized translation from the Hebrew, volume 6, 5712-1912-1951/52, p. 91).

(ii) *Offences under the Military Jurisdiction Law, 5715-1955.* Under Sections 13-16 Military Courts are competent to try any person in the service of the Israel Defence Forces whether as a soldier or as civilian for military and non-military offences, whether committed in or out of Israel. (*Sefer Ha-Hukkim* No. 189, 5715-1955 of 20 July 1955. An authorized translation from the Hebrew is not yet available.)

(iii) *The Crime of Genocide (Prevention and Punishments) Law, 5710-1950.* Under section 5 of the Law, a person committing outside Israel an act which is an offence under this law may be prosecuted and punished in Israel as if he had committed the act in Israel. (*Laws of the State of Israel*, authorized translation from the Hebrew, volume 4, 5710-1949/50 p. 101.)

(iv) *Criminal Code Ordinance, 1936.* Section 78 dealing with piracy is of extraterritorial effect (see A/CN.4/19 p. 88, paragraph 36).

(v) *Merchant Shipping Act, 1884, Sections 686 and 687.* These Sections deal with jurisdiction in offences committed on board ship. (The text is to be found in *Drayton, Laws of Palestine*, volume III, p. 2558).

(vi) *Slave Trade Act, 1873; Admiralty Offences (Colonial) Act, 1849; and Admiralty Offences (Colonial) Act, 1860.* These Acts, dealing with extraterritorial criminal jurisdiction are in force in Israel.

(vii) *Nazis and Nazis Collaborators (Punishment) Law, 5710-1950.* Under Sections 1, 3-6, certain crimes, such as crimes against the Jewish people, crimes against humanity, war crimes and other offences, committed during the period of the Nazi regime, in an enemy country, are punishable in Israel. (*Laws of the State of Israel*, volume 4, 5710-1949/50, p. 154).

(viii) *Ports Ordinance (Amendment) Law, 5713-1953.* Under Section 14F desertion and failure to join a vessel registered in Israel constitute a punishable offence even if committed abroad.

Under Section 15 (5), navigating a vessel without being qualified as required by law also constitute a punishable offence. (*Laws of the State of Israel*, volume 7, 5713-1953/53, p. 108).

(ix) *Ships (Transfer and Mortgage Restriction) Ordinance, No. 9 of 5709-1948.* Under Section 3, contraventions against any of the provisions of the Ordinance are punishable offences even when committed abroad. (*Laws of the State of Israel*, volume II, Ordinances 57-09-1948/49, p. 21.)

(x) *Emergency Regulations (Foreign Travel) (Extension of validity) Ordinance No. 7 of 5701-1948.* Under Section 2 (c) of the Schedule of the Ordinance, the Minister of Interior may limit the time for which the holder of an exit permit may stay abroad, and under Section 8 (c) the use of an exit permit otherwise than in accordance with such a condition, constitutes an offence. (*Laws of the State of Israel*, authorized translation from the Hebrew, volume II, Ordinances 5709-1948/49, p. 16.)

¹⁴ *Sefer Ha-Chukkim* No. 8 of 5709, p. 33; *LSI* volume III, p. 23; *Sefer Ha-Chukkim* No. 104 of 5712, p. 266; *LSI* volume VI, p. 78; *Sefer Ha-Chukkim* No. 145 of 5714, p. 71; *LSI* volume VIII, p. 62.

(xi) *Defence Service Law, 5789-1949*. Under Sections 16-17, offences committed abroad are punishable in Israel. The Regulations referred to in Section 17 (2) were enacted on 17 October 1955, but no translation thereof is available. (*Reshumot, Kovetz ha-Takkanot, 5716-1955* of 17 October 1955, p. 88 and p. 397).

(xii) *Ports (Sea-going vessels) Rules, 1935, as amended in 1956 and 1957*. These Rules contain a prohibition for vessels registered in Israel to leave any port or to proceed on an international voyage unless certain conditions have been fulfilled. These conditions relate to the proper loading of the vessel, its equipment, crew, sea-worthiness, etc. International voyage under the Rules mean any voyage from any place in Israel or in a foreign State to an eventual destination, being a place outside the territorial waters of Israel or of a foreign State. No authorized translation of the relevant provisions (enacted in 1956 and 1957 in Hebrew) is available (*Palestine Gazette* No. 490 of 24 January 1935, Supplement No. 2, p. 85; *Reshumot, Kovetz ha-Takkanot, 5713-1953*, p. 1372; *5716-1956*, p. 1046; *5717-1957*, p. 712).

32. Italy [32]

[No change]

33. Japan¹⁵ [33]

(a) PENAL CODE, 24 APRIL 1907 AS AMENDED

Article 1. This Code shall apply to every person who commits a crime in Japan.

The same shall apply to every person who commits a crime on board a Japanese ship or aircraft which is outside Japan.

Article 2. This Code shall apply to every person who commits any one of the following crimes outside Japan:

1. (Deleted);
2. The crimes as provided in Articles 77 to 79;
3. The crimes as provided in Articles 81, 82, 87 and 88;
4. The crimes as provided in Article 148 and the attempts thereof;
5. The crimes as provided in Articles 154, 155, 157 and 158;
6. The crimes as provided in Articles 162 and 163;
7. The crimes as provided in Articles 164 to 166 and the attempts of the crimes as provided in paragraph 2 of Article 164, paragraph 2 of Article 165, and paragraph 2 of Article 166.

Article 3. This Code shall apply to any Japanese who commits any one of the following crimes outside Japan:

1. The crimes as provided in Article 108 and paragraph 1 of Article 109, and the crimes punishable as provided in Article 108 and paragraph 1 of Article 109, and the attempts thereof;
2. The crime as provided in Article 119;
3. The crimes as provided in Articles 159 to 161;
4. The crimes as provided in Article 167 and the attempt of the crime as provided in paragraph 2 of the same Article;
5. The crimes as provided in Articles 176 to 179, 181 and 184;
6. The crimes as provided in Articles 199 and 200 and the attempts thereof;
7. The crimes as provided in Articles 204 and 205;
8. The crimes as provided in Articles 214 to 216;
9. The crimes as provided in Article 218 and the crimes of causing injury or death of persons as result of the commission thereof;
10. The crimes as provided in Articles 220 and 221;

¹⁵ The present entry replaces in its entirety the entry relating to Japan in the previous volume at pp. 71-3. All texts were provided by the Permanent Mission of Japan to the United Nations.

11. The crimes as provided in Articles 224 to 228;
12. The crimes as provided in Article 230;
13. The crimes as provided in Articles 235, 236, 238 to 241 and 243;
14. The crimes as provided in Articles 246 to 250;
15. The crime as provided in Article 253;
16. The crime as provided in paragraph 2 of Article 256.

Article 4. This Code shall apply to the public servant of Japan who commits any one of the following crimes outside Japan:

1. The crime as provided in Article 101 and the attempt thereof;
2. The crime as provided in Article 156;
3. The crimes as provided in Article 193, paragraph 2 of Article 195, and Articles 197 to 197 (3); and the crime of causing injury or death of a person as result of the commission of the crime as provided in paragraph 2 Article 195.

Note. The Penal Code of Japan contains the following provision with respect to the destruction of vessels:

"Article 126. A person who overturns, damages or destroys a railroad train or an electric car in which persons are present shall be punished with penal servitude for life or for not less than three years.

"The same shall apply to a person who capsizes or destroys a vessel in which persons are present.

"A person who, by the commission of crimes provided in the preceding two paragraphs, causes the death of any other person shall be punished with death or with penal servitude for life.

"Article 129. A person who, through negligence, endangers the inovement of a railroad train, electric car or vessel, or overturns, damages or destroys a railroad train or electric car or capsizes or destroys a vessel shall be punished with a fine of not more than five hundred yen.

"When a person commits the crime as provided in the preceding paragraph in the conduct of his professional or occupational duties, he shall be punished with imprisonment for not more than three years or a fine of not more than one thousand yen."

N.B. The Fines provided in these Articles have been made 25,000 yen and 50,000 yen respectively being fifty times the amounts specified above, under Law for Temporary Measures Concerning Fine, etc. (Law No. 251, 18 December 1948.)

The contents of the provisions mentioned in Articles 2 to 4 are as follows:

Articles 77 to 79. Insurrection;

Articles 81 to 88. Foreign aggression;

Article 148. Counterfeiting currency, utterance, delivery and import of currency counterfeited;

Articles 154 to 158. Forgery of Imperial rescripts, official documents, false entry into the original of notarial deed, and utterance of documents through such illegal acts;

Articles 162 and 163. Counterfeiting securities;

Articles 164 to 166. Counterfeiting Imperial Seal, public seal or mark of public office, and utterance of such counterfeited things;

Articles 108 and 109. Arson;

Article 119. Inundation causing the flooding and damaging of buildings, etc.;

Articles 159 to 161. Forgery of private documents, etc.

Article 167. Counterfeiting private seals or signatures, etc.;

Articles 176 to 184. Indecency by violence or threat, rape and bigamy;

Articles 199 to 200. Homicide and killing of lineal ascendant;

Articles 204 and 205. Bodily injury, injury causing death;

Articles 214 to 216. Abortion in the conduct of profession and abortion without consent;

Article 218. Abandonment of a person in need of assistance (e.g. a child);

- Articles 220 and 221.* Unlawful arrest and confinement;
Articles 224 to 228. Kidnapping and abduction;
Article 230. Defamation;
Articles 235 to 243. Larceny and robbery;
Articles 246 to 250. Fraud and extortion;
Article 253. Embezzlement of property in one's custody in the conduct of business;
Article 256. Transporting, receiving for deposit, buying and acting as broker in the disposal of stolen property;
Article 101. Making prisoners escape by person responsible for guarding or escorting them;
Article 156. Preparation of false document by public official;
Articles 193 and 195 and Articles 197 to 197 (3). Official corruption.

(b) CODE OF CRIMINAL PROCEDURE, 10 JULY 1948

Article 2. The territorial jurisdiction of courts shall be determined by the place of offence, or the place of domicile or residence of the accused or by the place where the accused is at present.

With respect to the crime committed on board a vessel of Japan which is outside the territory of Japan, such jurisdiction shall be determined by the place where such vessel is registered, or the place where the vessel has lain at anchor subsequent to the commission of the offence, in addition to the places mentioned in the preceding paragraph.

With respect to the crime committed in an aircraft of Japan which is outside Japan such jurisdiction shall be determined by the place whereon such aircraft lands (including the waters), in addition to the places provided for in paragraph 1.

(c) THE MARITIME SAFETY BOARD LAW; LAW No. 28 OF 27 APRIL 1948

Article 1. For the purpose of protecting life and property at sea and preventing, detecting and suppressing violation of law at sea, the Maritime Safety Board shall be established as an external organ under the jurisdiction of the Minister of Transportation.

2. The line of demarcation between a port in the mouth of a river and the river shall be fixed by separate law.

Article 2. The Maritime Safety Board shall perform the functions concerning enforcement of laws and regulations at sea, rescue work at sea, prevention and suppression of crimes at sea, detection and arrest of criminals at sea, services concerning waterways and navigation aids, other services for insuring maritime safety, and those concerning matters incident thereto.

Article 17. A Maritime Safety official may, when necessary for performance of his duties, direct the shipmaster or other person in charge of vessel to produce the ship's official papers required to be kept aboard by Laws and Regulations; visit and inspect the vessel for the purpose of ascertaining her identity, port of registry, name of the shipmaster, last port or place of departure, port or place of destination, nature of her cargo or whether she is carrying any cargo or not, and other particulars deemed important concerning the vessel, cargo and navigation; and question the crew and passengers on matters necessary in the discharge of his duties.

2. When a Maritime Safety official visits and inspects a vessel and asks questions as mentioned in the preceding paragraph, he shall be in uniform or carry with him a certificate testifying to his official status.

3. The uniform of the Maritime Safety official shall be fixed by Ministry of Transportation Ordinance.

Article 18. A Maritime Safety official may, whenever deemed unavoidable from the various circumstances, for performance of his duties, take any of the following

measures, besides those specified in other laws and regulations regarding the performance of his duties:

- (1) To stop a vessel from proceeding or to suspend its departure;
- (2) To make a vessel change its course or to make it sail to a port designated by him;
- (3) To make the crew, passengers and other persons on board disembark the vessel or to restrict or prohibit their disembarkation;
- (4) To cause the cargo to be discharged or to restrict or prohibit its discharge;
- (5) To restrict or prohibit traffic between a vessel in question and other vessels or between the vessel and shore, when the vessel concerned is under quarantine, or is undergoing investigation, or is under seizure, or it constitutes a menace to life.

34. Jordan [34]

[No change]

35. Lebanon [35]

[No change]

36. Luxembourg [36]

[No change]

37. Mexico [37]

[No change]

38. Monaco [38]

[No change]

39. Netherlands [39]

(a) PENAL CODE, 3 MARCH 1881, AS AMENDED.

Note. To the text of Article 3 the words "or aircraft" should be inserted after "vessel". In Article 4 (1) the following articles should be enumerated: 92-96, 97a, 98-98c, 105, and 108-110.

(b) CODE OF CRIMINAL PROCEDURE, 15 JANUARY 1921.

[No change]

40. Nicaragua [40]

[No change]

41. Norway¹⁶ [41]

(a) GENERAL PENAL CODE, 22 MAY 1902, AS AMENDED. "NORGES LOV, 1682-1954," PP. 482-530. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

...

Article 12. Norwegian criminal law shall apply in so far as nothing else has been decided or agreed upon by treaty with a foreign State, to any act committed:

1. In the realm, including a Norwegian vessel on the high seas and Norwegian aircraft outside territories under the jurisdiction of any State;
2. In a Norwegian vessel or aircraft wherever it may be, by a member of its crew or others on board the craft;
3. Abroad by a Norwegian national or any person domiciled in Norway when the act:

¹⁶ This entry replaces in its entirety the entry relating to Norway at pages 85-88 of the previous volume.

(a) Belongs to the acts described in chapters 8, 9, 10, 11, 12, 14, 17, 18, 20, 23, 24, 25, 26 or 33, articles 135, 141, 142, 144, 163, 191-195, 199, 202, 204, cf. 202, 205-209, 223-225, 228-235, 242-245, 291, 292, 294 no. 2, 318, 326-328, 330 last paragraph, 338, 367-370, 380, 381 or 423 of this law, and in any case when;

(b) The act is a crime or an offence (misdemeanour) against the Norwegian State or a Norwegian authority, or;

(c) Is liable to punishment also according to the laws of the country in which it has been committed;

4. Abroad by a foreigner, when the act either:

(a) Is one described in articles 83, 88, 89, 90, 91, 91a, 93, 94, 98-104, 110-132, 148, 149, 152, 1st and 2nd paragraphs, 153, 1st, 2nd, 3rd and 4th paragraphs, 154, 159, 160, 161, 169, 174-178, 182-185, 187, 189, 190, 191-195, 202, 217, 220, 221, 223-225, 229, 231-235, 243, 244, 256, 258, 267-269, 276, 292, 324, 325, 328, 415 or 423 of this law or the Defence Secret Law, articles 1, 2, 3, or 5, or;

(b) Is a crime punishable also according to the laws of the country in which it has been committed, and the guilty person is domiciled in the realm or is staying here.

In cases where the punishability of the act depends on or is influenced by an actual or intended effect, the act shall be considered to have been committed if also where the effect has occurred or is intended to occur.

Article 13. An act referred to in paragraph 4 of article 12 may be prosecuted only by order of the King.

An act referred to in paragraph 4 (b) of article 12 may be prosecuted only if it is also punishable according to the laws of the country in which it has been committed. Nor can a more severe punishment be inflicted than that permitted by the laws of that country.

In any case when a person who has been punished in a foreign country is sentenced for the same offence in this country, the punishment previously suffered shall be deducted as far as possible from the punishment inflicted.

Article 14. The application of the aforementioned provisions shall be subject to the exceptions recognized in international law.

...

Note. The Norwegian General Penal Code provides for the punishment of certain crimes connected with collisions between ships. For instance, it punishes: persons causing an accident at sea (articles 148-151); the captain who by navigating an improperly equipped ship causes an accident at sea (article 304); the captain who does not render assistance to another ship after a collision with it (article 315); the captain who does not give the necessary details about his ship to the captain of a ship with which his ship has collided (article 415).

The provisions numerated in article 12, paragraphs 3 (a) and 4 (a) relate to the following acts:

Chapter

8	Crimes against the autonomy and security of the State;
9	Crimes against the Constitution and the head of government;
10	Crimes relating to the exercise of citizens' rights;
11	Crimes connected with the exercise of public functions;
12	Crimes against public officers;
14	Crimes against public security;
17	Counterfeiting;
18	Forgery;
20	Crimes related to family relations;
23	Defamation;
24	Embezzlement and theft;
25	Extortion and robbery;
26	Fraud and dishonesty;
33	Offences connected with the exercise of public functions;

<i>Article</i>	
135	Public disturbances;
141	Encouragement of emigration;
142	Ridiculing religious beliefs;
144	Revealing professional secrets;
169	False accusations;
191-209	Crimes against morals;
223-225	Deprivation of liberty;
228-245	Crimes against life and health;
291-292	International damage to property;
294 (2)	Abuse of confidential information;
318	Crimes related to stolen property;
326-328	Offences against public officers;
330 (2)	Criminal associations;
338	Offences connected with celebration of marriages;
367-370	Falsification and false statements;
380	Work endangering the morality of employees;
381	Work endangering children;
423	Illegal use of flags on vessels and illegal coast-wise trading;
83	Incorporation of Norway into a foreign State;
88	Crimes connected with supplying and transporting troops;
89	Crimes related to negotiations with foreign governments;
90-91	Divulging public secrets;
91 <i>a</i>	Collection of information;
93	Destruction of public documents;
94	Entering into alliances;
98-104	Crimes against the Constitution and the head of government;
110-132	Crimes connected with the exercise of public functions and against public officers;
148-149	Causing a catastrophe by fire, explosion, etc.;
152-153	Poisoning public water supplies or selling poisonous substances;
154	Spreading contagious diseases;
159-161	Crimes against public security;
169	False accusations;
174-178	Counterfeiting;
182-190	Forgery;
191-195	Crimes against morals;
202	Encouragement of prostitution;
217	Kidnapping;
220-221	Crimes connected with invalid marriages;
223-225	Deprivation of liberty;
229, 231, 232	Assault;
233-235	Murder;
243-244	Abandonment;
256	Serious cases of embezzlement;
258	Serious cases of theft;
267-269	Robbery;
276	Serious cases of fraud;
292	Damage to public objects;
324-325	Improper exercise of public functions;
328	Impersonating public officials;
415	Offences connected with collisions between vessels;
423	Illegal use of flags on vessels and illegal coast-wise trading.

(b) CODE OF CRIMINAL PROCEDURE, 1 JULY 1887, AS AMENDED. "NORGES LOVER, 1682-1954", P. 225. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

...

Article 135. Separate judicial acts shall as a rule take place within the jurisdiction where the person concerned is domiciled or staying or where the object concerned is located or is likely to be located.

Judicial inquiry shall be instituted within the jurisdiction where the offence has been committed or where the accused has been arrested or is domiciled or staying or where the major part of the evidence is likely to be found.

Article 136. An offence shall be tried in the jurisdiction where it was committed or, in case of doubt, in one of the jurisdictions where it is presumed to have been committed.

An offence committed on board a Norwegian ship situated abroad or on the high seas shall be prosecuted in the jurisdiction where the ship is registered or where it first puts in or where investigation is first commenced.

If there is no such jurisdiction, or if a trial there would entail material inconvenience for the accused or witnesses, the offence may be prosecuted in the place of domicile or, in default thereof, in the place of residence of the accused.

Article 137. If no jurisdiction according to article 136 can be found in the realm or, if prosecution within any of these jurisdictions would entail substantial inconvenience for the accused or witnesses, the case may be prosecuted where the accused has been arrested or where the evidence can be brought forth most easily.

...

42. Pakistan¹⁷

(a) PENAL CODE. ACT NO. XLV OF 1860.

...

3. *Punishment of offences committed beyond, but which by law may be tried within, Provinces, etc.* Any person liable, by any Pakistan Law to be tried for an offence committed beyond the Provinces and the Capital of the Federation shall be dealt with according to the provisions of this Code for any act committed beyond the Provinces and the Capital of the Federation in the same manner as if such act had been committed within the Provinces and the Capital of the Federation.

4. *Extension of Code to Extra-territorial offences.* The provisions of this Code apply also to any offence committed by:

(1) Any British subject domiciled in Pakistan in any place without and beyond the Provinces and the Capital of the Federation;

(2) Any other British subject within the territories of any Acceding State or the tribal areas;

(3) Any servant of the Queen, whether a British subject or not, within the territories of any Acceding State or the tribal areas;

(4) Any person on any ship or aircraft registered in the Provinces and the Capital of the Federation wherever it may be.

Explanation. In this section the word "offence" includes every act committed outside the Provinces and the Capital of the Federation which, if committed in the Provinces and the Capital of the Federation, would be punishable under this Code.

...

280. *Rash navigation of vessel.* Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

281. *Exhibition of false light, mark or buoy.* Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

282. *Conveying person by water for hire in unsafe or overloaded vessel.* Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either

¹⁷ Texts supplied by the Permanent Mission of Pakistan to the United Nations.

description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

283. *Danger or obstruction in public way or line of navigation.* Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees.

...

(b) CODE OF CRIMINAL PROCEDURE. ACT No. V OF 1898.

...

188. *Liability of British subjects for offences committed out of the Provinces, etc.* When a British subject domiciled in Pakistan commits an offence at any place without and beyond the limits of the Provinces and the Capital of the Federation, or

When any British subject commits an offence in an Acceding State or tribal area, or

When a servant of the Queen (whether a British subject or not) commits an offence in an Acceding State or tribal area, or

When any person commits an offence on any ship or aircraft registered in the Provinces and the Capital of the Federation wherever it may be,

He may be dealt with in respect of such offence as if it had been committed at any place within the Provinces and the Capital of the Federation at which he may be found.

...

(c) MERCHANT SHIPPING ACT. ACT No. XXI OF 1923.

...

245P. (1) The master of a British ship registered in the Provinces and the Capital of the Federation on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

(2) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(3) Any master failing to comply with the provisions of sub-section (1) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(4) Any master failing to comply with the provisions of sub-section (2) shall be liable to a fine which may extend to one thousand rupees.

...

246. (1) For the purpose of inquiries and investigations under this Part a shipping casualty shall be deemed to occur when:

(a) On or near the coasts of the Provinces and the Capital of the Federation, any ship is lost, abandoned, stranded or materially damaged;

(b) Any loss of life ensues by reason of any casualty happening to, or on board of, any ship on or near those coasts;

(c) On or near those coasts, any ship causes loss or material damage to any other ship;

(d) In any place any such loss, abandonment, stranding, damage or casualty occurs to, or on board of, any British ship, and any competent witness thereof is found at any place in the Provinces and the Capital of the Federation; or

(e) Any British ship is supposed to have been lost, and any evidence can be obtained in the Provinces and the Capital of the Federation as to the circumstances under which she proceeded to sea or was last heard of.

(2) In sub-section (1), the word "coasts" includes the coasts of creeks and tidal rivers.

(3) In the cases mentioned in clauses (a), (b) and (c) of sub-section (1), the master, pilot, harbour-master or other person in charge of the ship, or (where two ships are concerned) in charge of each ship, at the time of the shipping casualty, and,

in cases under clause (d) of sub-section (1), where the master of the ship concerned or (except in the case of a loss) where the ship concerned proceeds to any place in the Provinces and the Capital of the Federation from the place where the shipping casualty has occurred, the master of the ship,

shall, on arriving in the Provinces and the Capital of the Federation, give immediate notice of the shipping casualty to the nearest Magistrate and also to the officer appointed in this behalf by the Central Government.

(4) Any person bound to give notice under this section and wilfully failing to give the same shall be liable to a fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

247. (1) Whenever any such officer receives credible information that a shipping casualty has occurred, he shall forthwith report in writing the information to the Central Government, and also to the Provincial Government on or near whose coasts the casualty occurred, or within whose territories any witness resides, or evidence can be obtained as the case may be; and may proceed to make a preliminary inquiry into the casualty.

(2) Any such officer:

(i) May go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage;

(ii) May enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;

(iii) May, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make;

(iv) May require and enforce the production of all books, papers or documents which he considers important for such purpose; and

(v) May administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(3) An officer making a preliminary inquiry under this section shall send a report thereof to the Central Government and shall send a copy thereof to the Provincial Government.

...

282. Any person committing any offence against this Act or any rule thereunder, may be tried for the offence in any place in which he may be found or which the Central Government may, by notification in the official Gazette, direct in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

...

43. Panama [42]

[No change]

44. Paraguay [43]

[No change]

45. Peru [44]

[No change]

46. Philippines [45]

[No change]

47. Poland [46]

(a) PENAL CODE, ENACTED BY PRESIDENTIAL DECREE, 11 JULY 1932.

[No change]

(b) CODE OF CRIMINAL PROCEDURE, 19 MARCH 1928

Note. The text of this Code was the subject of some formal changes in a new uniform text of the Code published by a Pronouncement of the Polish Minister of Justice on 3 September 1950 (*Dziennik Ustaw*, 1950, No. 40, p. 364).

The effect of these changes is to re-number the former Articles 26 and 27 into paragraph 3 of the new Article 21 and to add the following as paragraph 2 of Article 21:

"If any difficulty is encountered in instituting proceedings in the court of the district in which the offence was committed, jurisdiction may be assumed by the court of the district in which the suspected person is to be found."

48. Portugal [47]

[No change]

49. Romania [48]

(a) PENAL CODE, 18 MARCH 1936

Note. Article 7 of the above Code has been amended by Law No. 13 of February 1948 so that para. 1 is now deleted and paras. 2 and 3 become 1 and 2 respectively.

(b) CODE OF CRIMINAL PROCEDURE, 19 MARCH 1936

Note. Articles 21-23 have become Articles 19-21. Article 24 has become Article 22 and the final part of the fourth paragraph, from the words "if such place is situated..." to the end of that paragraph, is to be deleted. Article 26 has been repealed by Law No. 345 of 29 December 1947 without being replaced by any similar provision.

50. Spain [49]

(a) PENAL CODE, 23 DECEMBER 1944

[No change]

(b) CODE OF CRIMINAL PROCEDURE, 14 SEPTEMBER 1882

[No change]

(c) PROVISIONAL LAW CONCERNING THE ORGANIZATION OF JUDICIAL POWER,
15 SEPTEMBER 1870

[No change]

(d) PENAL LAW OF THE MERCHANT MARINE, 21 JUNE 1923, RATIFIED BY ARTICLE 4
OF THE LAW OF 29 MARCH 1941

[Repealed: See under (f)]

(e) CODE OF MILITARY JUSTICE, 17 JULY 1945

[No change]

(f) PENAL AND DISCIPLINARY LAW OF THE MERCHANT MARINE, 22 DECEMBER 1955.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

CHAPTER 2. OFFENCES AGAINST INTERNATIONAL LAW AND CUSTOMS

Section I. Piracy

Article 9. The term "piracy" shall mean any act of depredation or violence against the person committed on or from the sea by the members of the crew of a ship who have placed themselves outside the jurisdiction of any State belonging to the international community and who commit such acts indiscriminately, and without being in possession of any lawful commission of war, against nationals of one or another country.

Article 10. In addition to the persons expressly included in the definition given in the preceding article, the following shall be liable to punishment for the offence of piracy:

(a) Any member of the crew of a ship or any person on board such ship who aids and abets any member of the crew of another ship or any person on board such other ship in the seizure of the first ship by violence or in robbing, harming or wounding persons on board the said first ship;

(b) Any person who, by the use of false signals or other fraudulent means from sea or land, causes the shipwreck, stranding (*varado*) or running aground (*encallamiento*) of a vessel for the purpose of committing an offence against persons or goods on board such vessel.

Article 11. The penalties laid down in this section shall be applicable in the case of the offences herein defined if committed on or from the sea against aircraft or similar craft.

Article 12. A person who is guilty of piracy against Spaniards or non-belligerent nationals of any other country shall be liable to a penalty varying from long term rigorous imprisonment with forced labour (*reclusión mayor*) to death if:

1. Any craft has been forced to collide or set on fire;
2. The offence was accompanied by murder, homicide in any other degree or any of the injuries referred to in article 418, 419 and 420, paragraphs 1 and 2, of the ordinary Penal Code;
3. The pirates have committed any of the offences against decency referred to in Book II, Title IX, Chapter 1, of the said Code;
4. The pirates left any person without means of self-preservation;
5. He is the chief, captain or leader of the pirates.

In all other cases the penalty shall vary from medium-term rigorous imprisonment with forced labour (*reclusión menor*) to long term rigorous imprisonment with forced labour.

Section II. Denial of assistance

Article 13. If any member of the crew of a merchant vessel fails to use every means in his power to rescue shipwrecked persons adrift in the sea or persons on board a vessel or aircraft in danger of sinking when he could do so without endangering his person he shall be liable to a penalty varying from medium-term imprisonment with light work (*prisión menor*) to long-term imprisonment with light work (*prisión mayor*).

If the master of a ship receives, while at sea, a signal for assistance from another vessel or from an aircraft and fails to proceed to its assistance with all speed in order to rescue all persons in danger he shall be liable to a penalty varying from detention for not more than six months (*arresto mayor*) to medium-term imprisonment with light work unless it is impossible or, owing to the existence or onset of special circumstances, unreasonable for him to do so. If

the master of a ship acts with evident and culpable negligence in the course of rescue operations he shall be liable to the same penalty.

Article 14. The master of a ship who, without a good and sufficient reason, fails in such circumstances to comply with the requisition of his ship by the master of a ship in danger, any radio operator who fails to act upon or communicate as quickly as possible any signal or request for assistance received by him and any member of the crew or person on board a ship who is aware that another vessel or an aircraft in danger has requested assistance and maliciously conceals such information or prevents it from taking effect, shall be liable to a penalty varying from detention for not more than six months arrest to medium-term imprisonment with light work.

Article 15. The master of a ship who fails to assist in saving a vessel with which the vessel under his command has collided, or the cargo thereof, shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with light work: the master of a ship who, in such circumstances, fails to inform the master of the other vessel involved in the collision of the name, port of registration, port of departure and destination of his own vessel shall be liable to detention for not more than six months.

Article 16. The master of a merchant ship who, on finding the signal buoy of a foundered submarine, fails to render the assistance indicated by the said buoy or to report the discovery forthwith to the nearest authorities by the most expeditious means available shall be liable to a penalty varying from long-term imprisonment with light work to medium-term rigorous imprisonment.

Article 17. Any member of the crew of a ship who, on being asked to do so by a port maritime authority, refuses to render emergency assistance to another ship or an aircraft in distress shall be liable to detention for not more than six months.

Section III. Breach of international rules

Article 18. Any person who, being on board a merchant ship or a member of its crew, ill-treats a wounded, sick or shipwrecked person or robs him of his clothing and effects shall be liable to medium-term imprisonment with light work.

Article 19. If the master of a merchant ship contravenes the international rules of maritime warfare in a manner likely to endanger the interests or neutrality of Spain he shall be liable to suspension from the practice of his profession for not less than six months nor more than three years and to detention for not more than six months.

Article 20. Any person who wilfully causes the breaking of or injury to international submarine cable shall be liable to medium-term imprisonment with light work.

Any person who causes such breaking or injury through culpable negligence or incompetence shall be liable to detention for not more than six months.

Article 21. Any person who wrongfully uses the Spanish flag by flying or using it on a merchant ship in any unlawful manner or without proper authority shall be liable to detention for not more than six months.

The maximum penalty shall be imposed if the offender is the master or the offence is committed outside Spain.

If the owner, whether an individual or a body, consignee or the charterer of the vessel commits or abets such an offence he shall be liable further to a fine of not less than 2,500 nor more than 10,000 pesetas.

Any person who maliciously flies another and different flag in place of the lawful national flag shall be liable to the penalties laid down in the three paragraphs last preceding.

Article 22. Any person who, on board a merchant ship not authorized under the regulations in force to wear them, misuses the distinctive markings prescribed by international Conventions for military hospital ships and for hospital ships equipped by private individuals or officially recognized relief societies or at the expense of neutral entities or States shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with work chosen by the prisoner.

Article 23. Any person who, on board a merchant ship which he knows to be in no danger, uses any of the signals established by national or international conventions or regulations for the purpose of requesting assistance at sea shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with work chosen by the prisoner.

Any person who deliberately uses any signal which may be confused with any of the said signals shall be liable to detention for not more than six months.

CHAPTER 5. OFFENCES AGAINST THE SAFETY OF SHIPS, COLLISION, SHIPWRECK, STRANDING AND DAMAGE

Article 59. Any person who, even with the consent of the owner, whether an individual or body, deliberately causes the collision, wrecking or destruction of a ship at sea shall be liable to a penalty varying from long-term imprisonment with compulsory labour (*presidio mayor*) to long-term rigorous imprisonment with forced labour.

Any person who commits such an offence through serious negligence or imprudence shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with work chosen by the prisoner.

Article 60. Any person who, even with the consent of the owner, whether an individual or body, deliberately causes the collision, wrecking or destruction of a vessel in port shall be liable to a penalty varying from long-term imprisonment with compulsory labour to medium-term rigorous imprisonment with forced labour.

Any person who commits such offence through serious negligence or imprudence shall be liable to detention for not more than six months or to the suspension of his master's certificate for not more than two years.

Article 61. Any person who maliciously causes a vessel to run aground shall be liable to medium-term imprisonment with compulsory labour (*presidio menor*).

Any person who commits such an offence through serious negligence or imprudence shall be liable to detention for not more than six months or to the suspension of his master's certificate for not more than two years.

Article 62. If any person contravenes the measures for the safety of navigation and the prevention of collisions in such a manner as to endanger the ship he shall, even if the offence does not cause any damage, be liable to detention for more than six months or a fine of not less than 1,000 nor more than 5,000 pesetas.

Article 63. Any person who, even with the consent of the owner, whether an individual or a body, maliciously causes damage to a ship shall be liable to a penalty varying from detention for not more than six months to long-term imprisonment with compulsory labour.

TITLE II. DISCIPLINARY PROVISIONS

Chapter I. Disciplinary powers and the exercise thereof

Article 80. The following shall be authorized to take disciplinary action in accordance with the rules laid down in this title against any person who commits any offence against discipline, service or good order on board a merchant ship or any act likely to prejudice the proper control thereof:

(a) With regard to all persons on board a merchant ship at sea or in a foreign port where there is no Spanish consul: the master of the ship;

(b) With regard to offences committed while the ship is in a foreign port: the Spanish consul;

(c) With regard to offences committed by any person in waters or territory under their jurisdiction: the local maritime authorities;

(d) With regard to offences committed by the master of a ship at sea: the local maritime authorities of the first Spanish port of call;

(e) With regard to offences committed by persons in any category or in any place: the Minister of Marine.

Article 84. With regard to the offences referred to in article 80, Spanish consuls in foreign ports shall possess the powers conferred on local maritime authorities under article 82 except the power provided by paragraph (a), subparagraph 4, thereof.

SUPPLEMENTARY PROVISIONS

1. The provisions of this Act shall not apply to offences which are committed by the non-Spanish crew of foreign vessels, even in Spanish jurisdictional waters, and which affect only the internal order of the vessel and are participated in solely by foreign nationals. In such cases the Spanish authorities shall confine their action to rendering to the master of the ship and to the consul of the home country of the ship such assistance as they may request and as is in accordance with international treaties.

51. Sweden [50]

(a) PENAL CODE, 16 FEBRUARY 1864, AS AMENDED. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Note. By an amendment effective from 1 January 1958 Articles 1 and 2 now read as follows:

Article 1. A Swedish national shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel or aircraft or committed outside the Kingdom against Sweden or a Swedish national, or for any other offence committed outside the Kingdom if His Majesty decrees that such offence may be prosecuted within the Kingdom.

Article 2. An alien within the Kingdom shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel or aircraft outside the Kingdom.

An alien within the Kingdom who in any other case has committed an offence outside the Kingdom may also, if His Majesty decrees that prosecution may take place, be judged in accordance with the provisions of the first paragraph if the offence was committed against Sweden or a Swedish national or if the act is punishable under Swedish law by imprisonment at labour and was not exempt from punishment under the law in force at the place where the act was committed.

(b) MARITIME LAW, 12 JUNE 1891, AS AMENDED.

[No change]

(c) EXTRADITION LAW, 4 JUNE 1913.

Note. A proposal of the Government, now before the *Rikstag*, envisages a new Extradition Law which, when introduced, will involve certain changes in Article 3 of the Law of 4 June 1913.

52. Switzerland [51]

[No change]

53. Syria [52]

[No change]

54. Thailand [53]

[No change]

55. Turkey [54]

[No change]

56. Union of South Africa¹⁸ [55]

- (a) MAGISTRATES' COURTS ACT, 1944 (ACT No. 32 OF 1944) AS AMENDED BY ACTS Nos. 40 OF 1952, 14 OF 1954, AND 62 OF 1955. TEXT FROM COOPER AND BAMFORD, "HANDBOOK ON THE CRIMINAL PROCEDURE ACT AND THE CRIMINAL PROVISIONS OF THE MAGISTRATES' COURTS ACT" (CAPETOWN, 1955), P. 185.

...

Section 90. Local limits of jurisdiction

(1) Subject to the provisions of section eighty-nine, any person charged with any offence committed within any district or regional division may be tried by the court of that district or of that regional division, as the case may be.

(2) When any person is charged with an offence:

(a) Committed within the distance of two miles beyond the boundary of the districts, or of the regional division; or

(b) Committed in or upon any vessel or vehicle on a voyage or journey any part whereof was performed within the distance of two miles of the district or of the regional division; or

(c) Begun or completed within the district or within the regional division, such person may be tried by the court of the district or of the regional division, as the case may be, as if he had been charged with an offence committed within the district or within the regional division respectively.

(3) Where it is uncertain in which of several jurisdictions an offence has been committed, it may be tried in any of such jurisdictions.

(4) A person charged with an offence may be tried by the court of any district, or any regional division, as the case may be, where in any act or omission or event which is an element of the offence took place.

(5) A person charged with theft of property or with obtaining property by an offence, or with an offence which involves the receiving of any property by him, may also be tried by the court of any district or of any regional division, as the case may be, wherein he has or had part of the property in his possession.

(6) A person charged with kidnapping, child-stealing or abduction may also be tried by the court of any district or of any regional division, as the case may be, through or in which he conveyed or concealed or detained the person kidnapped, stolen or abducted.

(7) Where by any special provision of law a magistrate's court has jurisdiction in respect of an offence committed beyond the local limits of the district, or of the regional division, as the case may be, such court shall not be deprived of such jurisdiction by any of the provisions of this section.

(8) Notwithstanding anything contained in this section, the Attorney-General may, with the consent of the person charged with having committed an offence within the area of jurisdiction of such Attorney-General, cause such person to be tried for such offence in the court of any district or any regional division, as may be required, in such area.

¹⁸ This entry replaces in its entirety the entry relating to the Union of South Africa in the previous volume at p. 120. The Magistrates' Courts Act, 1917 (Act No. 32 of 1917) there cited was repealed by the Act of 1944 given above (with the exception of the Second Schedule).

(b) MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951). "STATUTES OF THE UNION OF SOUTH AFRICA," 1951, P. 418.¹⁹

...

327. (1) If any person:

(a) Being a South African citizen, is charged with having committed an offence on board a South African ship on the high seas, or on board a South African ship in any port outside the Union, or on board any ship (other than a South African ship) to which he does not belong; or

(b) Not being a South African citizen is charged with having committed an offence on board a South African ship on the high seas, and that person is found within the area of jurisdiction of any court in the Union which would have had jurisdiction to try the offence if it had been committed within the said area, that court shall have jurisdiction to try the offence.

(2) If any South African citizen:

(a) Is charged with having committed an offence on board a South African ship during a voyage to a port in any part of the Commonwealth outside the Union, or on board a South African ship in a port in any part of the Commonwealth outside the Union; or

(b) Who is a seaman belonging to a South African ship which is in a port in any part of the Commonwealth outside the Union, is charged with having committed an offence in that part of the Commonwealth, and he is found within the area of jurisdiction of any court in that part of the Commonwealth which, according to the laws in force in that part of the Commonwealth, would have had jurisdiction to try the offence if the act or omission which under the laws in force in the Union constitutes the offence were also punishable under the criminal law in force in that part of the Commonwealth and if the act had been committed or the omission had occurred on board a ship registered in that part of the Commonwealth or within the said area, that court shall have jurisdiction to try the offence, provided the Minister has generally or in the particular case requested that the courts of that part of the Commonwealth shall exercise such jurisdiction.

(3) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sub-section (2) shall apply in respect of the courts of any foreign country mentioned in that proclamation as if that foreign country were a member of the Commonwealth; and thereupon the said provisions shall apply in respect of the courts of that foreign country as if it were a member of the Commonwealth.

(4) In this section the expression "offence" means any act or omission which is punishable under the criminal law in force in the Union.

...

57. Union of Soviet Socialist Republics [56]

[No change]

58. United Kingdom [57]

[No change]

59. United States [58]

[No change]

¹⁹ This Act has not yet come into force and is included as an indication of the Government's views on this matter.

60. Uruguay [59]

[No change]

61. Venezuela [60]

[No change]

62. Yugoslavia [61]

[No change]

**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 1957¹

Article 1. It shall not be permissible for a ship to fly the maritime flag of the Republic of Austria² 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;

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

² 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, 1934³***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

³To 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 1957⁴ 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;

⁴Translation 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 1957⁵

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.

⁵ 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.

...

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.

...

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 1927⁶

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]

⁶ 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:⁷

...

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.⁸

...

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.

⁷Text of Decree provided by the Permanent Delegation of Greece. Translation by the Secretariat of the United Nations.

⁸Text 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. Ireland⁹ [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 corporate¹⁰ and are not registered under the law of another country;

⁹ 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.

¹⁰ "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.¹¹

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.¹²

(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.

¹¹ Cf. footnote 10 *supra*.

¹² 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 5708-1948¹³
[No change]

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

(c) CODE DE COMMERCE MARITIME, 1863¹⁵

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.

¹³ This deals with the procedural aspects of nationality.

¹⁴ 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.

¹⁵ 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. Japan¹⁶ [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.

¹⁶ 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.¹⁷

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

¹⁷ 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.¹⁸

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.

¹⁸ 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".¹⁹

(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]

¹⁹ 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]