



No. 5 of 1996

I assent,

(DR. COLVILLE N. YOUNG)

(Governor-General)

30th March, 1996

AN ACT to amend the Registration of Merchant Ships Act, Chapter 196 C of the Laws of Belize, Revised Edition 1980 - 90, to provide for the better regulation and control of the International Merchant Marine Registry of Belize; to provide for the appointment of Senior Deputy Registrar at the Head Office of the Registry; to increase the powers of the Head Office with respect to Deputy Registrars at designated offices outside Belize; to prescribe the qualifications and requirements for appointment as shipping agents; to streamline the technical operations of the Registry; to strengthen the powers of the Registrar to deregister vessels or impose penalties on shipowners for violating the provisions of the Act or any international conventions or United Nations sanctions; and to provide for matters connected therewith or incidental thereto.

(Gazetted 30th March, 1996.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-

1. This Act may be cited as the

Short title.

REGISTRATION OF MERCHANT SHIPS
(AMENDMENT) ACT, 1996

and shall be read and construed as one with the Registration of Merchant Ships Act, which is hereinafter referred to as the principal Act.

**Amendment of
section 2.**

2. Section 2 of the principal Act is hereby amended by the addition of the following new definitions in their proper alphabetical order:-

"Head Office" means the office designated by the Registrar from time to time under section 3 of this Act to house the main operations of IMMARBE.;

"Senior Deputy Registrar" means the Senior Deputy Registrar of Merchant Shipping appointed under section 4 of this Act.

**Amendment of
section 4.**

3. Section 4 of the principal Act is hereby amended by the repeal of subsection (2) thereof and the substitution therefor of the following new subsections:-

"(2) The Registrar may appoint Deputy Registrars of Merchant Shipping to facilitate the operations of IMMARBE, both within and outside Belize.

(3) The Registrar may appoint a Senior Deputy Registrar of Merchant Shipping to assume responsibility for the operations of the Head Office.

(4) The Senior Deputy Registrar shall have all the powers of the Registrar except the powers contained in this section or in section 3 (2).

(5) A Deputy Registrar shall have such powers as may be assigned in the instrument of appointment or as may from time to time be delegated to him by the Senior Deputy Registrar.

(6) The day-to-day operations of IMMARBE shall be conducted by the Head Office and the Senior Deputy Registrar, who shall have authority to pass resolutions and issue circular letters to facilitate the implementation of the provisions of this Act and any regulations made thereunder.

(7) All Deputy Registrars shall comply with and assist in the implementation of the resolutions and circular letters referred to in subsection (6) above and follow all instructions and directives given to them by the Registrar or by the Senior Deputy Registrar."

4. Section 6 of the principal Act is hereby repealed and replaced by the following:—

Repeal and
replacement of
section 6.

"6. (1) Every vessel accepted for registration in IMMARBE shall first be granted a provisional registration which shall be valid for six months.

(2) Notwithstanding subsection (1) above, an applicant may apply immediately for permanent registration of a vessel in accordance with section 7 (3).

(3) Prior to the expiration of the period of provisional registration, an applicant shall apply for the permanent registration of the vessel in accordance with the provisions of this Act or any regulations made thereunder.

(4) Notwithstanding subsection (2) above, an applicant may apply for up to two quarterly extensions of the period of provisional registration upon payment of the prescribed fees."

5. Section 7 of the principal Act is hereby repealed and replaced by the following:—

Repeal and
replacement of
section 7.

"7. (1) Every application for provisional registration of a vessel in IMMARBE shall be submitted to the Head Office or a designated office in the prescribed form which shall be duly completed and signed by the shipowner or his authorised representative or the shipping agent of the vessel. Such application shall be accompanied by a duly notarized power of attorney in favour of the vessel's agent.

(2) Every application for permanent registration of a vessel in IMMARBE shall be preceded by the permanent registration of the title thereto at the Head Office.

(3) Subject to subsection (2) above, every application for permanent registration shall be submitted to the

Head Office, and shall be accompanied, where applicable, by the following documents:-

- (a) a duly notarised bill of sale, or a duly notarised builder's certificate, if the vessel is a new building;
- (b) an original deletion certificate or a certified copy of the extract of registry from the previous flag administration.
- (c) a duly notarised power of attorney in favour of the shipping agent of the vessel; and
- (d) in the case of a vessel which is over twenty years old, an inspection report prepared by an authorised Government Safety Inspection (GSI) Surveyor stating that the vessel has passed an inspection to determine seaworthiness."
- (e) an original or a certified true copy of a tonnage certificate issued by a survey company authorised by IMMARBE.

Repeal and
replacement of
section 9.

6. Section 9 of the principal Act is hereby repealed and replaced by the following:-

"9. (1) There shall be maintained at the Head Office of IMMARBE a register to be known as the "International Merchant Marine Register of Belize", containing information concerning all vessels registered in IMMARBE and such particulars as the Registrar may specify from time to time.

(2) All Deputy Registrars operating in designated offices shall maintain a record comprising of information concerning the vessels registered in IMMARBE through them and such particulars as the Registrar may specify from time to time.

(3) On the completion of the registration of a vessel and upon payment of the prescribed fees, the Registrar, the Senior Deputy Registrar, or the Deputy Registrar, as the case may be, shall grant a certificate of registry (provisional or permanent) comprising the particulars respecting the vessel entered in the Register.

(4) Where registration is effected by a Deputy Registrar, he shall forthwith transmit a copy of the certificate of registration and of all official receipts to the Head Office."

7. Section 10 of the principal Act is hereby amended by repealing subsections (2) and (3) thereof and substituting therefor the following:-

Amendment of
section 10.

"(2) The execution by the purchaser of a protocol of delivery and acceptance shall be deemed sufficient evidence that the vessel has been delivered to the purchaser.

(3) *The signatures on the bill of sale and protocol of delivery and acceptance shall be authenticated by a notary public or a Deputy Registrar of IMMARBÉ in the place where such documents are issued before they can be registered at the Head Office.*

(4) The registration of the title to the vessel at the Head Office shall be necessary to complete the vessel's registration and the permanent registration of a mortgage thereon."

8. Section 11 of the principal Act is hereby amended by renumbering subsection (4) as subsection (5) and by inserting the following as new subsection (4):-

Amendment of
section 11.

"(4) The signature(s) on the deed of mortgage shall be authenticated in like manner as prescribed in section 10 (3) of this Act before the deed can be registered at the Head Office."

9. Section 13 of the principal Act is hereby amended by repealing subsection (2) thereof and replacing the same by the following:-

Amendment of
section 13.

"(2) The preliminary registration of documents shall be valid for six months and shall have the same legal effect as permanent registration, provided that permanent registration, is effected within the six months' validity period of preliminary registration, failing which the preliminary registration shall lapse."

10. Section 14 of the principal Act is hereby amended as follows:-

- (a) by repealing subsection (1) thereof and replacing the same by the following:-

"(1) The preliminary registration of documents shall be effected at the Head Office through IMMARBE's Deputy Registrars and their designated offices on the basis of the applications submitted to them for that purpose";

- (b) by repealing subsection (4), (5) and (6) and replacing the same by the following:-

"(4) With every application for preliminary registration, the applicant shall deliver, in duplicate and duly authenticated in like manner as provided in section 10(3) and 11(4) of this Act, the documents desired to be so registered.

(5) Upon verification that the application complies with all the necessary requirements, and upon payment of the prescribed fees, the Head Office shall effect the preliminary registration and shall issue or authorise the corresponding designated office to issue the certificate of preliminary registration.

(6) After the completion of the preliminary registration, one set of documents delivered by the applicant under subsection (4) above shall be filed at the designated office through which the preliminary registration was effected, and the other set shall be returned to the applicant with a special seal affixed thereto confirming that preliminary registration was effected by the said documents."

11. Section 15 of the principal Act is hereby repealed and replaced by the following:-

"15. (1) The permanent registration of titles, mortgages, assignments of mortgages, discharges of mortgages, supplements or addenda thereto, or any other documents relating to vessels which are subject to this Act shall be

effected at the Head Office provided that such documents are in the prescribed form and comply with all the requirements of this Act or any regulations made thereunder.

(2) If the documents presented for permanent registration have been preliminarily registered at IMMARB in accordance with section 14 of this Act, the applicant shall resubmit the same set of documents returned to him pursuant to subsection (6) of that section.

(3) Where a document for permanent registration is in a language other than the English language, it shall be translated into the English language, by a competent and qualified translator.

(4) The documents shall then be officially filed at the Head Office and shall be permanently registered in the corresponding record book provided that they are in the prescribed form and comply with all the requirements of this Act or any regulations made thereunder.

(5) After permanent registration has been completed, one registered certified true copy of the filed documents, duly sealed, together with a certificate of permanent registration containing the official date and time of permanent registration, shall be delivered to the applicant, and the original documents used for permanent registration shall be kept on the vessel's file at the Head Office."

12. Section 17 of the principal Act is hereby repealed and replaced by the following:-

Repeal and
replacement of
section 17.

"17. (1) Every vessel registered in IMMARB shall have at all time a shipping agent in Belize appointed by the shipowner.

(2) Only -

- (i) an attorney-at-law who holds a current practicing certificate issued in accordance with section 11 of the Legal Profession Act.

CAP. 150.

- CAP. 356A. (ii) an accountant who possesses a current practising certificate in accordance with section 9 of the Accountancy Profession Act;
- CAP. 306. (iii) a company registered under the Companies Act which is a licensed bank or a financial institution within the meaning of the Banks and Financial Institutions Act; or
- No. 13/1995. (iv) a person designated for the purpose by the Attorney General

may act as a shipping agent.

(3) The Attorney General shall, after consultation with such persons and interest groups as he may consider appropriate, prescribe qualifications for persons who may be designated as shipping agents under paragraph (iv) of subsection (2) above.

(4) Notwithstanding the provisions of subsection (2) above, the Attorney General may, after consultation with such persons and interest groups as he may consider appropriate, disqualify any person or company from acting or continuing to act as a shipping agent if he is satisfied that such person or company is engaged in undesirable or unscrupulous activities or is otherwise not a fit and proper person or company to act as a shipping agent."

(5) Every formal application submitted to IMMARBEE shall be signed by the shipping agent of the vessel as well as by the shipowner or his duly authorised representative.

Amendment of
section 18.

13. Section 18 of the principal Act is hereby amended by repealing subsection (2) thereof and replacing the same by the following:-

"(2) For the purpose of subsection (1) above, the applicant shall submit a formal application to IMMARBEE giving full details of the contract, including the name and address of the charterer and date of expiration of the said contract. If the vessel has a mortgage recorded on it, a notarised letter of consent from the mortgagee shall also be submitted."

14. Section 19 of the principal Act is hereby repealed and replaced by the following:-

Repeal and replacement of section 19.

"19 (1) For the duration of the dual registration provided for in section 18, the vessel shall continue to make all the relevant annual payments and other dues, and its title and any mortgage or other documents shall be registered exclusively at the Head Office.

(2) Notwithstanding subsection (1) above, the applicant may deliver certified true copies of the documents registered at the Head Office to the authorities of the second Registry in order to render such documents a matter of public record at such Registry."

15. Section 20 of the principal Act is hereby amended by repealing subsections (2), (3) and (4) thereof and replacing the same by the following:-

Amendment of section 20.

"(2) IMMARBE shall, upon payment of the fees specified in the First Schedule, issue a special navigation and radio licence to the vessel which shall be valid for two years, but may be extended from time to time for like periods as and when necessary.

First Schedule.

(3) In every case of registration under this section, a notarised copy of the charter contract and a certificate of freedom from registered encumbrances or a registered lienholder's letter of consent shall be delivered by the applicant to IMMARBE's designated office for record.

(4) During the period of dual registration of a vessel at IMMARBE under this section, no title, deed, mortgage or other document relating to such vessel, shall be registered at IMMARBE, and all such documents shall be registered at the vessel's mother registry."

16. Section 21 of the principal Act is hereby amended by repealing paragraph (b) thereof and replacing the same by the following:-

Amendment of section 21.

"(b) salaries and any other labour payments owed to the captain and other crew members for the last voyage of the vessel."

**Amendment of
section 22.**

17. Section 22 of the principal Act is hereby amended as follows:-

- (1) by repealing paragraph (b) of subsection (1) and replacing the same by the following:-

"(b) after three calendar months following the permanent registration of a change of ownership of the vessel;"

- (2) by repealing subsection (3) thereof and replacing the same by the following:-

"(3) Notwithstanding subsection (1) above, the registered ship mortgage shall continue in full force and effect until such time as the discharge has been duly executed by the mortgage and registered at the Head Office or the mortgage is cancelled as a result of the sale of the vessel pursuant to a court order."

**Amendment of
section 24.**

18. Section 24 of the principal Act is hereby amended by renumbering that section as subsection (1) thereof and by adding the following as subsection (2):-

"(2) Such regulations may provide that any contravention or breach thereof shall be punishable by Order of the Registrar to a fine not exceeding ten thousand dollars, or on summary conviction before a Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment."

**Repeal and
replacement of
section 25.**

19. Section 25 of the principal Act is hereby repealed and replaced by the following:-

"25. Where a vessel registered in IMMARBEE infringes, violates or engages in an activity in breach of this Act, or any regulations, resolutions or circular notes or letters made or issued thereunder, or any international convention to which Belize is a party, or any United Nations sanctions, the Registrar may revoke the registration of such vessel from IMMARBEE or impose a fine not exceeding fifty thousand dollars."

20. Section 26 of the principal Act is hereby amended by deleting all the words *after* the words "not exceeding five years" and replacing the same by the following:-

Amendment of
section 26.

"or to a fine not exceeding fifty thousand dollars, or to both such fine and imprisonment, and in every such case the ship in respect of which the offence was committed shall be forfeited."

21. The amendment made by section 12 of this Act to section 17 of the Principal Act shall be without prejudice to the position of shipping agents existing at the date of commencement of the said amendment who may continue to perform their functions as if this Act had not been passed, and all vessels registered in IMMARBE at the date of such commencement may in like manner continue to employ existing shipping agents.

Saving in
respect of
existing
shipping
agents.

22. This Act shall come into force on a day to be appointed by the Attorney General by Order published in the *Gazette*, and different days may be appointed for different provisions of this Act or for different purposes of the same provision.