

CHAPTER 236**REGISTRATION OF MERCHANTS SHIPS**
(REGISTRATION AND MISCELLANEOUS PROVISIONS)
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CHAPTER 236

REGISTRATION OF MERCHANTS SHIPS
(REGISTRATION AND MISCELLANEOUS PROVISIONS)
REGULATIONS
(Section 24)

111 of 1991.
Act 32 of 1989.

[31st August, 1991.]

1. These Regulations may be cited as the

Short title.

**REGISTRATION OF MERCHANT SHIPS (REGISTRATION
AND MISCELLANEOUS PROVISIONS) REGULATIONS.**

PART I
REGISTRATION OF SHIPS

2. (1) A ship which is not registered under the Act shall not be recognized for the purposes of the Act or any regulations made thereunder as a Belizean ship or as being entitled to the rights and privileges accorded to Belizean ships.

Belizean Ships.

(2) Notwithstanding subregulation (1) above, the Attorney General may in special circumstances by Order grant the Status of Belizean ship to other vessels not registered under the Act.

3. (1) The Director General of the International Financial Services Commission, for the time being, shall be the Registrar of Merchant Shipping for the purpose of the Act.

Registrar and
Deputy
Registrars.

(2) In accordance with Section 3 (2) of the Act, the Head Office for IMMARBE is located at Belize City.

(3) The Registrar shall keep a register in Belize City (or at, such other place as the Attorney General may by further regulation so designate as the Designated offices for IMMARBE) and this register shall contain the particulars required to be entered in the register by the provisions of the Act and the Regulations made pursuant thereto in respect of all ships registered by him and of all ships registered by Deputy Registrars.

(4) Each Deputy Registrar shall have the powers of the Registrar of Belizean ships whether at a port in Belize or at a foreign port and the register kept by each Deputy Registrar shall contain the particulars required to be entered in the register by the provisions of the Act and the Regulations made pursuant thereto in respect of all ships registered by him and, if the Registrar so requires, of all ships registered by other Deputy Registrars.

Entries in the Register.

4. For the purpose of the Act, entries in the register (whether by the Registrar or by any Deputy Registrar) shall be in accordance with the following provisions:-

- (a) Any person of the age of majority or the duly authorized representative of such person may be registered as owner of a ship.
- (b) A body corporate, whether established in Belize or else where, may be registered by its corporate name as owner of a ship.
- (c) Any number of persons or bodies corporate or any combination thereof may be registered as joint owners of a ship.

Application for registration.

5. (1) Any person of the age of majority or the duly authorized representative of such person, or a body corporate (whether established in Belize or elsewhere), may apply to register a vessel in IMMARBE by submitting

Appendix I.

an application in the prescribed form as continued in Appendix I to any of the offices of IMMARBEL whether within or outside Belize.

(2) Every such application, as is referred to in subregulation (1), shall be accompanied by the appropriate fee as set out in the First Schedule of the Act and the documents as specified in Regulation 7 of these Regulations.

6. (1) Every vessel accepted for registration in IMMARBEL shall first be granted a provisional registration which shall be valid for one year.

Types of
registration and
radio licences.

(2) Every vessel accepted for registration in IMMARBEL shall first be granted a provisional radio license which shall be valid for one year.

(3) Prior to the expiration of the provisional registration, an applicant may obtain a permanent registration upon compliance with the conditions set out in these Regulations.

(4) The applicant may, in lieu of permanent registration, apply for quarterly extensions of the provisional registration and/or the provisional radio license, upon payment of the appropriate fee as set out in the First Schedule to the Act.

7. (1) Subject to section 7 (1) of the Act, every application for provisional or permanent registration of a vessel in IMMARBEL shall be accompanied by the following documents:

Documents
necessary for
registration.

(a) a duly authenticated builder's certificate, if the vessel is a new building.

(b) In the case of vessels previously registered in foreign countries:-

(i) duly authenticated affidavit by the applicant undertaking to complete the vessel's

deregistration from the previous registry;
and

(ii) an original or a duly authenticated copy of a vessel's last navigation license, tonnage certificate, registered title and certificate of ownership and encumbrances.

(c) A written confirmation of the appointment of the vessels Shipping Agent.

(2) Where at the time of a vessel's provisional registration, the applicant is unable to deliver the documents specified in sub-regulation (1) above, the provisional registration may be granted on the production of a duly authenticated affidavit by the applicant undertaking to deliver all such documents within a period not exceeding sixty calendar days, and the applicant's failure to comply with this obligation may result in the cancellation of the vessel's registration.

(3) The Registrar may direct that, upon it being shown to his satisfaction that the owner has attempted to comply with obtaining the documents referred to in this Regulation but that due to exceptional and abnormal circumstances beyond the control of the owner he has failed to do so, then the applicant's failure to comply will not result in the cancellation of the ship's registration provided that the foregoing direction may be subject to any further direction as to the production of such other like document as the Registrar may further direct.

(4) In order for the applicant to be issued the permanent registration, he shall have his ownership title permanently registered, and this registration must be done by the corresponding Deputy Registrar in the Designated Offices or in IMMARBE'S Head Office.

(5) In order for the applicant to be issued the permanent radio license, he shall have presented the corresponding application duly filed before the corresponding Deputy Registrar in the Designated Offices or in IMMARBE'S Head Office.

8. (1) All vessels under construction, may be registered in IMMARBE, following the same method as for a regular enrollment, and if the permanent registration of such vessel is to be made, a Tonnage Certificate must be presented, as well as the pertinent documentation for a regular enrollment, as set out in Regulation 7.

Vessels under construction.

(2) In case of enrollment of vessels under construction, other taxes and charges besides registration fees, will be paid from the time that vessel starts to sail.

9. (1) There shall be paid to IMMARBE the several fees set out in the First Schedule to the Act for the registration of vessels and for the maintenance of such vessels in good-standing under the flag of Belize.

Fees.

(2) Applicants for registration of yachts, pleasure crafts or house boats shall only be required to pay an initial registration fee of \$500.00 and an annual tax of \$1,000.00. Such crafts shall be exempt from the payment of annual service tax and the annual inspection tax specified in the Schedule to the Act.

(3) The Attorney General may from time to time by Order published in the *Gazette*, amend the First Schedule to the Act.

10. (1) There shall be maintained in the Office of the Registrar and of every Deputy Registrar a register to be known as the "International Merchant Marine Register of Belize" and upon registration (whether provisional or permanent), a Registrar shall enter into this register the following particulars respecting the ship:

International Merchant Marine Register of Belize.

- (a) the name of the ship;
- (b) the official number and call letters of the ship;
- (c) the name and address of owners;
- (d) type of vessel;
- (e) gross and net tonnage;
- (f) name of Shipping Agent;
- (g) date of entry into the register.

(2) On the completion of the registration of a ship, and upon payment of the prescribed fees, the Registrar shall grant a certificate of registry (provisional or permanent) containing the official number of the vessel and the assigned international call letters, as well as the other particulars indicating the respective entry number in the register. Such certificate shall contain the following information:-

- Name of vessel
- Previous Name
- Name of Owners
- Complete address of owners
- Where built
- Year built
- Name of Builder
- Number of: decks
- masts
- bridges
- funnels—
- Material of the Hull

- Dimensions: length
- breadth
- depth
- gross tonnage
- net tonnage
- Number of engines
- Number of Cylinders
- Name of engine makers
- Speed
- Type of vessel
- Name and address of entity responsible for radio accounts
- Type of radio equipment (radio- telegraph or radiotelephone) Registration Number
- Entry Number
- Place of entry
- Call Letters

(3) Before a certificate of registry is issued by the Designated offices, it would be necessary to receive confirmation from the IMMARBE'S Head Office (by telex, facsimile or other means of communication) that the name of the vessel(s) is available.

(4) Where the registration is effected by a Designated Office, it shall forthwith transmit a copy of the certificate of registry to the Head Office.

11. The Port of registry of every Belizean ship shall be Belize City.

Port of Registry.

12. (1) Every ship, after being provisionally registered, shall be surveyed by a surveyor appointed in accordance with the Act, and its tonnage ascertained, and the surveyor shall grant a certificate specifying the Ship's tonnage, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Registrar, and such certificate shall be delivered to a Registrar.

Measurement and Survey of Ships.

(2) Where a ship which is not registered as a Belizean ship has been measured and registered as a foreign Ship, the requirements of subparagraph (1) above may be fulfilled by delivery of a photocopy of the ship's existing tonnage certificate to the surveyor.

(3) Where a ship which is not registered as a Belizean ship has been measured without having been so registered, the surveyor may, for the purposes of subparagraph (1) of this regulation, accept and use any suitable figures of measurement contained in the latest register relating to that ship, or, in the case of an unregistered ship, in the latest certificate of measurement relating to that ship.

Change or reconstruction of ship after survey.

13. The owner or master of a Belizean ship shall advise a Registrar of any alteration, change or reconstruction of the ship which could affect her classification, measurement, tonnage or load line, within thirty days from the completion of the alteration, change or reconstruction setting forth the details thereof.

Marking of ships after registration.

14. (1) Every ship, after being registered, shall be marked permanently and conspicuously to the satisfaction of the Registrar as follows:

- (a) her name shall be marked on each of her bows, and her name and her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters;
- (b) if he is satisfied that a ship is insufficiently or inaccurately marked, a Registrar may suspend the certificate of registry of the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

15. Where, in the surveyor's certificate or tonnage certificate of a ship, more than one net registered tonnage is specified, the registration fees and the annual taxes shall be calculated by reference to the greatest of those tonnages.

Computation of fees in case of varying particulars.

16. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatsoever.

Use of certificate of registry.

17. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect to the ship, he shall be guilty of an offence and shall be liable on summary conviction to the penalties prescribed in section 26 of the Act.

Use of unlawful certificate of registry.

18. Where a certificate of registry of a ship is mislaid, lost or destroyed, the Registrar or any Deputy Registrar may grant a new certificate of registry in its place.

Loss of certificate of registry.

19. (1) Whenever a change occurs in the ownership of a ship the Registrar shall be notified accordingly and a new certificate of registry shall be applied for by the new owner.

Change in ownership of ship.

(2) The new owner or owners, operators or the master shall for the purpose of obtaining a new certificate, deliver the certificate of registry to any Deputy Registrar as soon as practicable after the change occurs.

20. In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing to be a Belizean ship, the owner of the ship shall, immediately on obtaining knowledge of the event, give notice thereof to the registrar, and the Registrar shall make an entry thereof in the register, and the registration of the ship shall be considered as closed, except so far as relates to any unsatisfied mortgages entered therein.

Loss etc. of registered ship.

Transfer of
Belizean ship to
foreign Registry.

21. The owner of a Belizean ship who wishes to transfer the Ship to a foreign registry may do so if there are no claims outstanding in favour of the Government of Belize and shall submit to the Registrar:

- (a) a written application specifying the name of the ship;
- (b) the reason for the proposed transfer;
- (c) the name and nationality of the proposed new owner, if any;
- (d) the name of the country to whose registry transfer is desired; and
- (e) the cancellation or written consent of every registered mortgage.

Grant of
temporary permit.

22. Where it appears to the Registrar that by reason of special circumstances it would be desirable that permission should be granted to a ship to pass without being previously registered from a port in Belize to a port outside Belize, the Registrar may grant a temporary permit accordingly, and that permit for the time, and within the limits therein mentioned, shall have the same effect as a certificate of registry.

Forms of
certificates of
registration.
Appendix 2.

23. Unless otherwise ordered by the Attorney General, the prescribed forms of certificate of registration (provisional and permanent) shall be set out in Appendix 2 to these Regulations.

PART II **TRANSFERS AND TRANSMISSIONS**

Transfer of
ownership of
vessel.

24. (1) The ownership of a registered vessel shall be transferred by

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Bill of Sale followed by the delivery of the vessel to the purchaser.

(2) A Bill of sale under section 10 (1) of the Act shall contain such description of the ship as is contained in the surveyor's certificate or some other description sufficient to identify the ship to the satisfaction of a Registrar.

25. (1) In addition to the document referred to in section 10 (2) of the Act, the Registrar may accept any evidence he considers appropriate as evidence of delivery as required by section 10 (1) of the Act.

Documents necessary for transfer.

(2) The execution by the buyer of Bill of Sale and Acceptance duly authenticated shall be deemed sufficient evidence that the vessel has been delivered to the buyer.

26. The registration of the title of the vessel at IMMARBE'S Head Office or Designated Offices, shall be necessary to complete the vessel's permanent registration and to register a mortgage thereon.

Registration of title of vessel necessary for Permanent Registration.

27. (1) Where the property in a registered ship is transmitted to another person on the death or bankruptcy of any registered owner, or by any lawful means other than by a voluntary transfer-

Death, bankruptcy, etc. of registered owner.

(a) that person shall authenticate the transmission by making and signing a declaration (in this paragraph called a declaration of transmission) identifying the ship and a statement of the manner in which, and the person to whom, the property has been transmitted;

(b) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in a court as proof of the title of persons claiming under a bankruptcy;

- (c) if the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation or an official extract therefrom.

(2) The Registrar, on receipt of the declaration of transmission and accompanying matter shall enter in the register the name of the person entitled under the transmission to be registered as owner of the ship, the property in which has been transmitted and where there is more than one such person, the names of all those persons.

Sale of ship by order of Court.

28. Where a court of competent jurisdiction orders the sale of any ship, the order of the Court shall contain a declaration of vesting in some person named by the Court the right to transfer that ship, and that person shall thereupon be entitled to transfer the ship in the same manner and to the same extent as if he were the registered owner thereof, and every Registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

PART III **MORTGAGES**

Mortgage of vessel.

29. (1) The owner of a vessel may execute a mortgage as security for a loan or other valuable consideration whether or not related to the vessel, or to meet any lawful obligation, present or future.

(2) It is permissible for the owner, to execute more than one mortgage as security for a Loan or other valuable consideration whether or not related to the vessel, or to meet any lawful obligation, present or future, so however, that the first mortgage to be entered into the registry books of a Deputy Registrar and/or into the Head Office, will be treated to have the highest rank, and in case of a foreclosure, the mortgagee with the highest priority rank, will rank first to satisfy his credit.

(3) Where there is more than one mortgage registered in respect of the same ship, the mortgagees, shall, notwithstanding any express, implied or constructive notice, be entitled in priority between each other according to the date at which each mortgage is recorded in the register and not according to the dates of the mortgages.

30. (1) After the mortgage of a registered ship, the Registrar shall on the production of the prescribed mortgage instrument record it in the register.

Recording of mortgages.

(2) Mortgages shall be recorded in the order in time in which they are presented and recorded by the Registrar for that purpose, and the Registrar shall note in writing on each mortgage that has been recorded by him, the date and hour of recording.

(3) After compliance with section 12 of the Act, if the ship has been previously registered in a foreign country and mortgages were registered against that ship, and at the time of its registration as a Belizean ship there is produced to the Registrar the written consent of every mortgage, on the production of the prescribed instruments those mortgages on being registered shall be recorded in the same order of precedence as was indicated in the previous register.

31. Where a registered mortgage of a ship is discharged, the Registrar shall, on the production of the mortgage instrument with a receipt for the mortgage money or other release endorsed thereon duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged, and on that entry being made, the estate, if any, that passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances if any) it would have vested had the mortgage not been made.

Discharge of mortgage.

32. Except as far as may be necessary for making a mortgaged ship available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed the owner of the ship, nor shall the mortgagor be deemed

Effect of mortgage.

Mortgagee's
power of disposal
etc.

to have ceased to be owner thereof.

33. (1) Every registered mortgagee shall, if the mortgage deed grants such a power of disposal to the mortgagee, have power absolutely to dispose of the ship in respect of which he is registered, and to give effectual receipts for the purchase money, but, where there are more persons than one registered as mortgagees of the same ship, a subsequent mortgagee shall not, except pursuant to an order of a court of competent jurisdiction, sell the ship without the concurrence of every prior mortgagee.

(2) The mortgage deed may stipulate that in the event of default, the mortgagee may undertake the full control and management of the vessel either directly or through the appointment of a third party or entity, giving written notice to the mortgagor, at least thirty (30) days in advance.

Bankruptcy of
mortgagor not to
affect registered
mortgagee.

34. A registered mortgagee of a ship shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship in his possession, order or disposition or was reputed owner thereof and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt, or any trustee or assignee on their behalf.

Voluntary
transfer of
registered
mortgage.

35. A registered mortgage of a ship may be transferred to any person, and on the production of an instrument of transfer the Registrar shall record it by entering in the register the name of the transferee as mortgagee of the ship, and endorse on the instrument of transfer a note that it has been recorded by him, stating the date and hour of the record.

Transmission of
mortgage on
death,
bankruptcy, etc.

36. (1) Where the interest of a mortgagee in a ship is transmitted on death or bankruptcy, or by any lawful means other than by a voluntary transfer, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, and shall be accompanied by like evidence as is required in the case of a transmission of an interest in a ship therein under the Act and these Regulations.

(2) The Registrar, on receipt of such declaration and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register as mortgagee of the ship or in respect of which the transmission has taken place.

37. (1) The registration of a ship, whether provisional or permanent, shall not be revoked unless sixty days' prior notice in writing has been given to the registered mortgagees of a ship registered under the provisions of the Act and these Regulations.

Notice of mortgagees before revocation of registration.

(2) In the case contemplated in subparagraph (1) above the preferred mortgagee shall have power absolutely to dispose of the ship in respect of which he is registered in the register, notwithstanding that the mortgagor has complied fully with any other requirements of the mortgage instrument.

38. (1) The vessels which are subject to a registered mortgage in their previous registry shall deliver to the Registrar the mortgagee's written consent to the transfer of flag prior to or simultaneously with its provisional registration at IMMARBE.

Vessels subject to mortgage in previous registry.

(2) The vessels which are subject to a registered mortgage in the previous registry, and with the consent of the registered mortgagee, are transferred to the registry of IMMARBE, will be required to transfer such registered mortgage with or without canceling it in the previous registry, to the Registry of IMMARBE, and in case of a foreclosure, the mortgagee registered in Belize, will honour the mortgage lien and its priority status in accordance with the place where the mortgage was registered first if said mortgage is still valid.

(3) The mortgagee's written consent shall be required for the issuance of a new navigation license due to transfer of ownership, or the change of name of the vessel or its deletion, as well as for the Bareboat Charter registration to another registry.

Execution of
Deed of
mortgage.

39. The deed of mortgage may be executed in the form prescribed by the Regulations or by the regulations in force in the place where the mortgage is executed and shall be signed by the owner or his duly appointed representative as mortgagor and shall contain the following information:

- (a) Names and addresses of the mortgagor and the mortgagee.
- (b) Maximum amount secured by the mortgage, including (in addition to the capital) interests, costs, collection expenses, amounts resulting from currency fluctuations, and other sums agreed between the parties.
- (c) Maturity dates of both capital and interest or the manner of determining these dates, unless the mortgage has been executed as security for obligations repayable on demand or as security for future obligations or for obligations which have not arisen at the date of execution of the mortgage.
- (d) Rate of interest payable (in cases where the parties have agreed on the payment of interest) or the manner of determining such rate of interest.
- (e) Full description of the vessel, including its tonnage, dimensions, registration number and radio call letters.
- (f) Any other provisions that may be agreed between the parties.

40. (1) Registration of titles, mortgages, assignments and other documents relating thereto which are governed by the Act shall be of the following kinds:-

Registration of titles and other documents.

(a) Preliminary registration, which may be made by fax, telex or any other means of communication; and

(b) Permanent registration.

(2) The preliminary registration of documents shall be valid for six calendar months and shall have the same legal effect as permanent registration.

41. (1) The preliminary registration of documents shall be effected by IMMARBE'S head office on the basis of the applications submitted in Belize or at one of its Designated Offices abroad, using the "Preliminary Registration Book".

Procedure for preliminary registration of documents.

(2) The applications for preliminary registration shall be in the prescribed form and shall contain all the required information.

(3) Where any such application is received and processed at one of IMMARBE'S Designated Offices abroad, it shall be promptly transmitted to IMMARBE'S head office by telex, faxing service or any other written means of communication.

(4) Upon verification that the application complies with the necessary requirements and upon payment of the prescribed fees set out in the Second Schedule to the Act and upon confirmation with IMMARBE'S Head Office regarding other mortgages, the Deputy Registrars, upon approval, shall issue the certificates of preliminary registration.

Second Schedule.

(5) After the preliminary registration has been completed, one set of the documents shall be stamped by the corresponding Deputy Registrar

Procedure for permanent registration of documents.

attending such preliminary registration and shall be sent to the Registrar by telex or fax or by any other means of communication. The set of documents stamped with the preliminary registration, shall be returned to the applicant, confirming that the said documents are the ones used for the preliminary registration, together with the corresponding preliminary registration certificate.

42. (1) The permanent registration of titles, mortgages, assignments of mortgages, discharge of mortgages, supplements or addenda thereto, or any other documents relating to vessels which are subject to the Act shall be effected by IMMARBE'S designated Offices or Head Office if an application for that purpose is made in six months of the preliminary registration having been granted in respect of such documents pursuant to section 14 of the Act.

(2) An applicant for permanent registration shall submit to IMMARBE'S Designated Offices or Head Office, the same set of documents returned to him pursuant to subregulation (5) of regulation 41 after completing preliminary registration.

(3) Where a document for permanent registration is in a language other than the English language, it shall be officially translated into the English language.

(4) The document will then be officially filed by IMMARBE and thereupon it will be permanently registered.

(5) After completing permanent registration in a Designated Office, a registered certified true copy, duly sealed, shall be sent to IMMARBE'S Head Office. The other registered certified true copy, duly sealed, shall be delivered to the applicant by the Deputy Registrar performing the permanent registration with the corresponding permanent registration certificate.

(6) Permanent registration may also be made at IMMARBE'S Head Office, following the procedures prescribed above.

43. There shall be paid to IMMARBE the several fees set out in the Second Schedule to the Act for the preliminary and permanent registration of every document pursuant to Regulations 41 and 42 above.

Fees for registration of documents. Second Schedule.

PART IV
MARITIME LIENS

44. The maritime liens set out in section 21 of the Act and as further defined in regulation 45 and 46 of these regulations shall take priority over any other rights or claims whatever (including any rights arising under the Bankruptcy Act).

Maritime liens.

CAP. 244.

45. (1) In section 21 (a) of the Act, other similar collection expenses include salvage for the last voyage.

Explanation of maritime liens.

(2) In Section 21 (b) of the Act, salaries and other labour payments owed to the captain and other crew members are limited to the last voyage only.

(3) In Section 21 (c) of the Act, all amounts owed for the docking of the vessel and for its loading and unloading, are limited to the last voyage.

Priority of maritime liens.

46. (1) Ships and other vessels constitute a particular class of moveables whereby they form separate and distinct assets within the estate of their owners for the security of actions and claims to which the vessel is subject. In case of bankruptcy of the owner of a ship, all actions and claims to which the ship may be subject, shall have reference on the said ship over all other debts of the estate.

(2) A ship shall include together with the hull, all equipment, machinery and other appurtenances or accessories belonging to the ship, which are on board or which have been temporarily removed therefrom.

(3) A ship shall constitute a security for a debt or other obligation either by agreement or by operation of the law.

(4) A ship subject to a maritime debt callable on it may have an embargo laid on it, and be judicially sold at the port where it is lying, at the instance of a legitimate creditor. The Master will represent the owner in the respective legal proceedings.

(5) The several sums and credits set out below shall, in the order of priority shown herein, constitute maritime liens against the vessel:-

- (a) judicial costs and other similar collection expenses including salvage for the last voyage;
- (b) Salaries and any other labour payments owed to the Captain and other crew members for the last voyage only;
- (c) all amounts owed for the docking of the vessel and for its loading and unloading;
- (d) indemnifications owed by reason of damages caused during the operation of the vessel due to negligence or other causes attributable to the captain or any member of the crew;
- (e) the registered ship mortgage;
- (f) amounts owed by reason of obligations incurred to supply, maintain and operate the vessel;
- (g) amounts owed under the terms of any charter or cargo contracts;

- (h) the unpaid price of the last purchase of the vessel and interest owed thereon during the last two years.

47. (1) Notwithstanding the admiralty jurisdiction of the Supreme Court under the Supreme Court of Judicature Act, all maritime liens against a vessel shall be extinguished by:

Extinguishment
of maritime
liens.
CAP. 91.

- (a) judicial sale of the vessel; or
- (b) after three calendar months of a private sale of the vessel.

(2) For the purpose of paragraph (b) of subregulation (1) above, the period of three calendar months shall commence from the date on which the title of ownership is registered at IMMARBE'S head office or Designated Offices.

(3) Notwithstanding subregulation (1) (b) above, a registered mortgage shall continue in full force and effect until such time as the discharge has been duly executed by the mortgagee and registered at IMMARBE or the mortgage is cancelled as a result of the judicial sale of the vessel and payment of the amounts secured is effected to the mortgagee from the sale proceeds.

PART V **BAREBOAT CHARTER REGISTRATION**

48. (1) Vessels registered at IMMARBE may, in order to comply with the terms of a charter contract, obtain a second registration at the registry of another country without affecting their registration at IMMARBE.

Dual
registration.

(2) For the purpose of subregulation (1) above the applicant shall submit a formal application to IMMARBE giving full details of the contract, including the name and address of the charterer and the expiration date of the

said contract.

(3) IMMARBE shall, if satisfied that all formalities have been complied with by the applicant, authorize the vessel's dual registration for a period of up to two years in the first instance. This period may be extended on reasonable cause being shown to IMMARBE.

(4) In every case of dual registration, it shall be the responsibility of the applicant to obtain the necessary approval of the competent authority of the country in which the second registration is being sought.

Payment during period of dual registration and other matters.

49. (1) For the duration of the dual registration referred to in Regulation 48, the vessel shall continue to make all the relevant annual payments and other dues, and its title or any mortgage or documents shall be registered exclusively at **IMMARBE**.

(2) Notwithstanding subregulation (1), the applicant may deliver certified true copies of the documents registered at IMMARBE to the authorities of the second registry in order to render such documents a matter of public record at such registry.

Registration of vessels under a Charter Contract.

50. (1) Foreign vessels may be registered at IMMARBE under the terms of a charter contract.

(2) IMMARBE shall, upon payment of the fees specified in the First Schedule, to the Act, issue a special navigation and radio license to the vessel which shall be valid for one year but may be extended from time to time or for like periods when necessary.

(3) In every case of registration under this regulation, an authenticated copy of the charter contract shall be delivered by the applicant to IMMARBE'S designated office for record.

(4) During the period of dual registration at IMMARBE under this regulation, no title deed, mortgage or other document relating to the said

vessel shall be registered at IMMARBE and all such documents shall be registered at the place of the vessel's original registry.

PART VI
NAME AND FLAG OF SHIP

Name of ship.

51. (1) A registrar shall refuse the registration of a ship by the name by which it is proposed to be registered, if it is already the name of a registered ship or a name so similar as to be calculated to deceive.

(2) A change shall not be made in the name of a Belizean ship without the previous written permission of the registrar, and such permission shall not be granted unless the Registrar is satisfied that all registered mortgagees have given their consent to the proposed change of name.

(3) Application for such permission shall be in writing, and if the Registrar is of the opinion that the application is reasonable he may entertain it and the ship's name shall forthwith be altered in the register, in the ship's certificate of registry, and on her bows and stern.

(4) Where it is shown to the satisfaction of the Registrar that the name of a ship has been changed without permission, he shall direct that her name be altered into that which she bore before the change.

(5) If any person acts or permits any person under his control to act in contravention of this regulation, or omits to do, or permits any person under his control to omit to do, anything required by this regulation, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$250.00 and in addition, the Registrar may suspend the certificate of registry of the ship until this regulation has been complied with.

Flag of Ship.

52. (1) The national color of a Belizean ship shall be the national flag of Belize and such ship shall wear no other flag.

Penalty for false
use of flag.

- (2) Belizean ship shall hoist at all times the national colors.
53. (1) If any person uses or permits any person to use any flag of Belize on board a foreign ship wherever located for the purpose of making that ship appear to be a Belizean ship he shall be guilty of an offence and shall be liable on summary conviction to the penalties prescribed in Section 26 of the Act.

(2) In any proceedings under this regulation, the burden of proving the right to use the flag and assume the character of a Belizean ship shall be upon the person using and assuming the same.

PART VII

REVOCATION OF REGISTRATION OF A VESSEL

Revocation of
registration of a
vessel.

54. The Registrar in accordance with Section 25 of the Act shall have the right to revoke the registration of a vessel registered in IMMARBE, if it is established in any court of law (whether in Belize or elsewhere) that such a vessel is engaged in the transportation of drugs or is involved in other illegal activities.

PART VIII **FORMS**

Prescribed forms.

55. (1) The several instruments and documents specified in these Regulations and its appendices and in any other regulations for the time being pertaining to the Act shall be the prescribed forms for the purposes of the Act and shall be utilised for those purposes in that form or as nearly thereto as circumstances permit.

(2) The registrar shall cause the prescribed forms to be supplied to all Deputy Registrars for distribution to persons required to use the same.

Instructions to
Deputy
Registrars.

56. The Registrar may, for carrying into effect these Regulations, give such instructions to Deputy Registrars as to the manner of making entries in the

registers, the execution and attestation of Powers of attorney, any evidence required for identifying any person, or the referring to him of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of these Regulations, as he thinks fit.

PART IX
FORGERY AND FALSE DECLARATIONS

57. Any person who forges or fraudulently alters any register, builder's certificate, surveyor's certificate, tonnage certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or any entry or endorsement made in or on any of those documents, shall be guilty of an offence and shall be liable on summary conviction to the penalties prescribed in section 26 of the Act.

Penalty for
forgery etc.

58. Every person who, in the case of a declaration made in the presence of or produced to a Registrar under these Regulations or any other regulations made pursuant to the Act, or in any document or other evidence produced to a registrar:

Penalty for false
statements, etc.

- (a) wilfully makes any false statement concerning the title to, or ownership of, or the interest existing in, any ship;
- (b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$250.00.

PART X
SUPPLEMENTAL

Powers of
Inspector.

59. (1) For the purpose of ensuring that the provisions of the Act and regulations made thereunder, or of any international convention, are duly observed and complied with, and for the effective carrying out of his powers and duties under the Act and such regulations, an inspector in Belize may:

- (a) go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof to which the said provisions apply;
- (b) require answers or returns to be given or made by the master or any other member of the crew of a ship to any inquiries he is required or thinks fit to make;
- (c) require the production of any books, papers or documents; and
- (d) administer oaths for obtaining sworn testimony.

(2) The powers conferred upon an inspector by subregulation (1) of this Regulation may be exercised by a Registrar or his designate on or in respect of a Belizean ship outside Belize.

(3) Powers conferred by this regulation shall not be exercised so as to unnecessarily detain or delay any ship.

(4) Any person who:

- (a) obstructs the Registrar or his designate in the

exercise of his powers under this regulation or under any other power conferred by the Act or any regulations made thereunder; or

- (b) without reasonable excuse fails to comply with any requirement made under this regulation; or
- (c) knowingly gives a false answer to any question put to him by an inspector or registrar or his designate,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$250.00.

60. (1) Where under any of the provision of the Act or any Regulations made thereunder the certificate of registry of a Belizean ship is suspended, the person by whom the suspension is made shall give to, or cause to be served on, the master of the ship a written notice of the suspension, and thereupon the ship shall not proceed to sea and the master shall forthwith deliver up the certificate of registry to the person by whom it was suspended or, if such person not immediately available, to a Registrar or consular officer.

Suspension of Certificate of registry.

(2) In the case of any contravention of this regulation the master of the ship shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$250.00.

Application of Regulations.

61. (1) These regulations shall not, except as specifically provided by order of the Minister, apply to any ship that is owned by and is in the service of the Government of Belize, other than for commercial purposes.

PART XI
INTERPRETATION

Interpretation.

CAP. 236.

62. (1) In these Regulations, unless the context requires otherwise:-

“Act” means the Registration of Merchant Ships Act;

“approved” means approved by the Registrar;

“Belizean ship” means a ship for the time being registered as a Belizean ship under the Act;

“certificate of registry” in relation to a Belizean ship, means the certificate granted under the Act in respect of that ship;

“consular employee” means a person appointed to be a Deputy Registrar, or to perform the functions of a Belizean consular employee in a foreign country;

“the Court” means the Supreme Court exercising its admiralty jurisdiction;

“dollar” or “\$” means a dollar in the currency of the United States of America;

“foreign country” means any country or place other than Belize and “foreign port” shall be construed accordingly;

“gross tonnage” is the gross tonnage stated in the certificate of registry or tonnage certificate of a ship or, where a ship is not registered, the figure found in accordance with the rules for the time being in force for the measurement of ships in respect of tonnage;

“inspector” means a surveyor or a Nautical Inspector appointed under the Act;

“master” includes every person (except a pilot) having command or charge of a ship, seaplane or other craft when it is on or in close proximity to the water;

“owner” as applied to an unregistered vessel means the actual owner, and as applied to a registered ship means the registered owner;

“register” means the register of Belizean ships kept under the provisions of the Act, and “registered” shall be constructed accordingly;

“Registrar” means the Registrar of Merchant Ships designated under section 4 of the Act;

“Registrar” means:

- (a) The Registrar; and
- (b) any Deputy Registrar; or each or any of them;

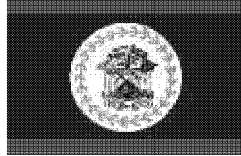
“ship” means and includes every description of vessel, boat or other craft used in navigation including but not limited to, for the avoidance of doubt, oil rigs, submarines, floating docks, vessels under construction and any of the hull made from any floating material and intended for the maritime trade;

“surveyor” means a person appointed or authorized by the Registrar to survey and measure ships.

MADE by the Attorney General this 19th day of August, 1991.

(GLENN D. GODFREY)
Attorney General

APPENDIX 1



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE "IMMARBE"
REGISTRATION OF MERCHANT SHIPS ACT: PROVISIONAL PATENT OF NAVIGATION
APPLICATION FOR REGISTRATION OF SHIPS

1. APPLICANTS NAME _____
2. APPLICANTS ADDRESS _____
3. NAME OF OWNERS _____
4. ADDRESS OF OWNERS _____
5. NAME OF VESSEL _____

PREVIOUS NAME (IF ANY) _____ PREVIOUS NATIONALITY (IF ANY) _____

TYPE OF VESSEL	MATERIAL OF THE HULL	DESCRIPTION OF VESSEL GROSS TONNAGE	NET TONNAGE	UNDER DECK

NO. DECKS	NO. MASTS	NO. BRIDGES	NO. FUNNELS	NAME OF BUILDERS	YEAR BUILT

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED

TYPE OF RADIO EQUIPMENT (RADIO TELEGRAPH OR RADIO, TELEPHONE): _____

RESPONSIBLE FOR RADIO ACCOUNTS: _____

COMPLETE ADDRESS OF ENTITY

RESPONSIBLE FOR RADIO ACCOUNTS: _____

RESIDENT AGENT: _____

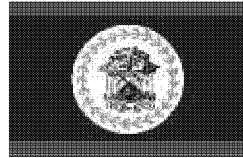
ADDRESS: _____

IF DIFFERENT FROM THE PLACE OF APPLICATION, PLEASE INDICATE THE DESIGNATED OFFICE THROUGH WHICH THE PERTINENT DOCUMENTS SHOULD BE ISSUED.

FOR OFFICIAL USE ONLY

NAME OF VESSEL			
CALL LETTERS	AUTHORIZATION NO.	DATE	REGISTRATION NO.

APPENDIX 2



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE "IMMARBE"
 REGISTRATION OF MERCHANT SHIPS ACT: PROVISIONAL PATENT OF NAVIGATION

NAME OF VESSEL

CALL LETTERS

REGISTRATION NO.

NAME AND ADDRESS OF OWNERS

TYPE OF VESSEL	MATERIAL OF THE HULL	DESCRIPTION OF VESSEL GROSS TONNAGE	NET TONNAGE	UNDER DECK

NO. DECKS	NO. MASTS	NO. BRIDGES	NO. FUNNELS	NAME OF BUILDERS	YEAR BUILT

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED

PREVIOUS NAME: _____ PREVIOUS NATIONALITY: _____

TYPE OF RADIO EQUIPMENT: _____

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: _____

COMPLETE ADDRESS OF ENTITY
RESPONSIBLE FOR RADIO ACCOUNTS: _____

RESIDENT AGENT: _____

DATE OF ISSUANCE

DATE OF EXPIRATION

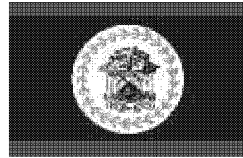
THE REGISTRAR OF THE INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE, BY THE POWERS VESTED THEREUPON BY REGISTRATION OF MERCHANT SHIPS ACT, AND AMENDMENTS THERETO, HEREBY AUTHORIZES AND EXTENDS THE PRESENT PROVISIONAL PATENT OF NAVIGATION.

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Registrar

CONTROL NO. 02-001

APPENDIX 2 B



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE "IMMARBE"
 REGISTRATION OF MERCHANT SHIPS ACT: PROVISIONAL PATENT OF NAVIGATION

NAME OF VESSEL

CALL LETTERS	REGISTRATION NO.

NAME AND ADDRESS OF OWNERS

TYPE OF VESSEL	MATERIAL OF THE HULL	DESCRIPTION OF VESSEL GROSS TONNAGE	NET TONNAGE	UNDER DECK	
NO. DECKS	NO. MASTS	NO. BRIDGES	NO. FUNNELS	NAME OF BUILDERS	YEAR BUILT
LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED

[Printed by the Government Printer,
 No. 1 Power Lane,
 Belmopan, by the authority of
 the Government of Belize.]

PREVIOUS NAME: _____ PREVIOUS NATIONALITY: _____

TYPE OF RADIO EQUIPMENT: _____

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: _____

COMPLETE ADDRESS OF ENTITY
RESPONSIBLE FOR RADIO ACCOUNTS: _____

RESIDENT AGENT: _____

DATE OF ISSUANCE

DATE OF EXPIRATION

THE REGISTRAR OF THE INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE, BY THE POWERS VESTED THEREUPON BY REGISTRATION OF MERCHANT SHIPS ACT, AND AMENDMENTS THERETO, HEREBY AUTHORIZES AND EXTENDS THE PERMANENT PATENT OF NAVIGATION.

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Registrar

CONTROL NO. 04-002