

Nepal Ship (Registration and Logbook) Act, 2027 (1971)

Date of Authentication and Publication

2027.12.30(12 April 1971)

Amendments:

1. Judicial Administration Reforms Act,
2031(1974) 2031.4.18(2 Aug. 1974)
2. Judicial Administration Reforms
(Fourth Amendment) Act, 2043(1986) 2043.7.24(10 Nov. 1986)
3. Administration of Justice Act,
2048(1991) 2048.2.16(30 May 1991)
- 4¹. Republic Strengthening and Some
Nepal Laws Amendment Act,
2066(2010) 2066.10.7 (21 Jan. 2010)

.....²

Act Number 16 of the year 2027(1971)

An Act Made to Provide for Certificates and Logbooks of Nepalese Ships Travelling at Sea

Preamble: Whereas, it is expedient to provide for the certificates and logbooks of Nepalese ship travelling at sea;

Now, therefore, His Majesty King Mahendra Bir Bikram Shah Dev has, on the advice and with the consent of the National Panchayat, made this Act.

¹ This Act came into force on 15 *Jesta* 2065(28 May 2008).

² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

Chapter-1

Preliminary

1. **Short title, extent and commencement:** (1) This Act may be called as “Nepalese Ships (Certificates and Logbooks) Act, 2027 (1971).”

(2) It shall come into force throughout.....³ Nepal, and apply to any ship registered or required to be registered pursuant to the Ship Registration Act, 2027(1971) and the owner, navigator and employee of the ship, wherever situated.

(3) It shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

(a) "Nepal Ship Office" means the Nepal Ship Office established under the Ship Registration Act, 2027(1971).

(b) “Ship” means a vessel that travels at sea and has the bearing capacity of at least ten gross register tons.

(c) “Passenger ship” means a ship authorized to carry more than 12 passengers.

(d) “Cargo ship” means any other ship other than a passenger ship.

(e) “Tanker” means a cargo ship built or modified to carry liquids in huge quantity.

(f) “Prescribed” or “as prescribed” means prescribed or as prescribed in the Rules framed under this Act.

3. **Certificates and logbooks:** (1) Each Nepalese ship shall hold the certificates and logbooks as referred to in this Act.

³ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

(2) Such certificates and logbooks shall certify the identity of the ship, sea worthiness of the ship (capacity to travel at sea) and that the other requirements of a ship travelling at sea have been met.

(3) The language of such certificates and logbooks shall be Nepali.

Provided that, English may also be used as a second language, in addition to the Nepali language.

(4) Such certificates and logbooks shall at all times be held in the ship and be submitted as and when so required by any authorized officer of any ship office or by diplomatic or consular representative of Nepal.

Chapter-2

Documents of Ships

4. **Registration certificate:** Each ship of Nepal shall hold the registration certificate obtained under the Ship Registration Act, 2027(1971). Such a certificate shall certify the nationality of the ship, assigned function and class of navigation, and record the ownership of the ship and charges and restrictions imposed on the ship.
5. **Provisional certificate of nationality:** A newly purchased ship which is yet to be registered under the Ship Registration Act, 2027(1971) or which has lost the registration certificate or which has been damaged shall hold the provisional certificate of nationality obtained pursuant to this Act.
6. **Navigator manifesto:** (1) Each ship of Nepal shall hold a navigator manifesto as prescribed. Such a manifesto shall mention the name, age, status of appointment, qualification and nationality of each navigator of the ship.

(2) Such a manifesto shall also mention such minimum number of navigators and composition thereof as may be necessary to meet the requirement of safety of navigation.

7. **Certificate of safety:** After the capacity of any ship of Nepal to travel at sea (sea worthiness) has been certified by a competent classification society recognized by the Government of Nepal pursuant to the provisions set forth in the International Conventional for the Safety of Life at Sea, 1960, the navigator inspector at the Nepal Ship Office shall grant the following certificates of safety to the following ship, and the formats of such certificates shall be as prescribed:

- (1) To a passenger ship: Certificate of safety of passenger ship.
- (2) To a cargo ship:
 - (a) Certificate of safety of construction of a cargo ship of 500 or more than 500 gross tonnage.
 - (b) Certificate of safety of equipment of a cargo ship of 500 or more than 500 gross tonnage.
 - (c) Certificate of safety of radiography of a cargo ship of 1600 or more than 1600 gross tonnage.
 - (d) Certificate of safety of radio telephony of a cargo ship of more than 300 but less than 1600 gross tonnage and in which a radio telegraph station has not been installed.
- (3) To all ships set forth in Clauses (1) and (2), the seaworthiness certificate (capacity to travel at sea).
- (4) To a passenger or cargo ship of 150 or more than 150 gross tonnage, certificate of international load line.

(5) If any ship has to travel at sea owing to an extraordinary situation, to such a ship, a certificate of exemption to the effect that the ship has adequate safety to travel at sea one time despite that the ship has not met some requirements set forth in the International Conventional for the Safety of Life at Sea, 1960.

8. Certificate of tonnage: (1) Each ship of Nepal shall obtain the certificate of tonnage as prescribed. Such a certificate shall certify the gross and net tonnage of that ship.

(2) The navigator inspector of the Nepal Ship Office shall issue such a certificate by collecting the prescribed fees.

9. De-ratting certificate: (1) A rat victim ship shall obtain the certificate of de-ratting as prescribed as evidence to the effect that the ship has satisfactorily completed the de-ratting.

(2) If a ship is not victim of rat or is not suspect of being victim of rat or if the number of rats is negligible, the ship has to obtain a certificate showing that the ship is not victim of rat as well as a certificate that such a ship has been exempted from de-ratting for any specific period, where the ship has been held permanently.

(3) The de-ratting certificate or certificate of exemption from de-ratting granted by the quarantine officer at any port where a ship of Nepal takes a halt shall be valid.

10. Period of certificate: (1) The period of certificates as referred to in Clauses (1), (2) and (3) of Section 7 shall be One year and that period may be extended for a maximum period of One Hundred Twenty days.

Provided that, in the case of the sea worthiness certificate, such period may be extended for a maximum period of One Hundred Fifty days.

(2) If any ship is damaged, causing adverse effect to its sea worthiness (capacity to travel at sea), all certificates obtained by that ship pursuant to Section 7 shall be invalid.

(3) The certificate of international load line shall be invalid after the expiration of the period specified in that certificate.

Provided that, such period shall not be so specified as to exceed the period of more than Five years after the date of its issue.

(4) The certificate of exemption shall not be valid after the expiration of the period specified in it.

11. Logbook of ship: (1) A ship of Nepal of 50 or more than 50 gross tonnage and travelling at sea and of motive power exceeding 150 horse power irrespective of its tonnage shall hold a logbook of ship as prescribed.

(2) Details of navigation, works at the ship, navigators, passengers, weather observation, big accidents and hazards happened at sea, and officers of the ship office, owners of ship, consigner or consigners of cargo by ship, insurers, underwriters and events of interest to all the concerned person shall be set down in such a logbook.

12. Logbook of engine: (1) A ship of Nepal of 50 or more than 50 gross tonnage and of motive power of 150 horse power or more, and travelling at sea, shall hold a logbook of engine as prescribed.

(2) Details relating to the motive power installed with the ship, particularly the situation of installations, functioning and use of engine, date of overhauling, type of function performed and operation thereof and all details relating to services shall be set down in such a logbook.

13. Logbook relating to sanitation: (1) A ship of Nepal of 400 or more than 400 gross tonnage, and travelling at sea, shall hold a logbook relating to sanitation as prescribed.

(2) Details relating to the condition of sanitation of navigators and passengers of the ship, names, ages, citizenship, home addresses, occupations of the navigators and passengers vaccinated on board, details of navigators or passengers who have been injured or sick, if any, while travelling and details relating to measures taken in relation to sanitation on board.

(3) The master of the ship shall sign such a logbook and show it as and when so required by the quarantine officer at any port where the ship takes a halt or by a diplomatic or consular representative of Nepal.

14. Logbook of radio: (1) A ship of Nepal to which the equipment of radio telegraph has been installed shall hold a logbook of radio as prescribed. Such a logbook shall be held in a room operating the radio telegraph while travelling.

(2) The radio officer shall set down in such a logbook his or her name, time of putting the radio on and off, and all events relating to the radio service which he or she considers important for the safety of life at sea.

15. Cargo-book: A ship of Nepal of 500 or more than 400 gross tonnage or carrying cargo shall hold a cargo-book as prescribed. Details relating to cargo loaded in the ship, particularly the type and quantity of the cargo and place and manner of loading of cargo shall also be set down in such a cargo-book.

16. To return certificates and logbooks: (1) If the registration of a ship of Nepal is voided, all certificates and logbooks of the ship shall be surrendered to the Nepal Ship Office.

Provided that, in the case of a ship which have been transferred to a foreign country, it is not required to surrender such certificates and logbooks.

(2) After any logbook of a ship of Nepal travelling at sea has been fully used, such logbook shall be held in the ship until One year and then surrendered to the Nepal Ship Office.

(3) The Nepal Ship Office shall safely retain the certificates and logbooks of ships received pursuant to this Section until Ten years after the date of receipt thereof.

Chapter-3

Miscellaneous

17. Punishment: (1) A person or body corporate that gives permission to any ship which does not hold certificates and logbooks pursuant to this Act to make navigation shall be punished with a fine not exceeding Eight Thousand Rupees.

(2) If any ship of Nepal that does not have a logbook pursuant to this Act is taken for sea voyage or if a ship holding certificates of which validity has expired is engaged in navigation, the person or body corporate that so carries the ship for sea voyage or engages the ship in navigation shall be punished with a fine not exceeding One Thousand Five Hundred Rupees.

(3) The master of a ship shall be punished with a fine not exceeding One Thousand Rupees in the following circumstance:

- (a) In the event of failure to hold any such document as required to be held in ship pursuant to this Act,
- (b) In the event of failure to properly maintain logbooks,

- (c) In the event of failure to submit the certificates and logbooks as and when so required by the competent authorities,
- (d) In the event of failure to surrender the certificates and logbooks of the ship of which registration has been voided to the Nepal Ship Office, or
- (e) In the event of failure to hold the logbooks fully used in the ship until the time-limit specified in Sub-section (2) of Section 16.

(4) A navigator who fails to do any act required to be done pursuant to this Act shall be punished with a fine not exceeding Five Hundred Rupees.

18. To try cases: (1) The Registrar of the Nepal Ship Office shall have the powers to originally try and settle cases relating to the offenses punishable under this Act.

(2) In trying and settling cases pursuant to Sub-section (1), the Registrar shall exercise all such powers as may be exercisable by the District Court pursuant to the prevailing Nepal law, and follow the procedures of that Court.

(3) If the Registrar considers necessary, he or she may carry out necessary inquiry even outside.....⁴ Nepal by himself or herself or through other officer.

(4) One who is not satisfied with a decision made by the Registrar pursuant to Sub-section (1) may make an appeal to the Court of Appeal⁵ within Thirty Five days.

19. Power to frame Rules: The Government of Nepal may frame Rules to implement the objectives of this Act, and such Rules shall be deemed to have come into force after being published in the Nepal Gazette.

⁴ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

⁵ Amended by Administration of Justice Act, 2048(1991).