

No. 26



Sierra Leone

1965

**The Registration of Shipping Act, 1965**  
**Being an Act to Provide for the Registration of**  
**Ships in Sierra Leone**

Short title.

[22nd July, 1965.] *Date of commencement.*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

1. In this Act, unless a contrary intention appears—  
“authorised person” means any person duly authorised in writing by the Prime Minister to perform in a foreign port any or all of the functions conferred or imposed by this Act on the Comptroller: *Interpretation.*

“certificate of registration” means a certificate granted under sections 6 or 8;

“Comptroller” means the Comptroller of Customs and Excise;

“consular officer” has the meaning assigned to it in the Consular Fees Act, 1964;

“public officer” has the meaning assigned to it in the Constitution;

“recorded” means recorded under the provisions of this Act;

“register book” means one of the register books referred to in section 49;

“registered” means registered under this Act.

#### REGISTRATION OF VESSELS

General provisions.

2. (1) No self propelled or sailing vessel exceeding fifteen net tons engaged in trade exclusively between ports in Sierra Leone and no vessel engaged in foreign trade shall fly the flag of Sierra Leone or be accorded the rights and privileges of a Sierra Leone vessel unless such vessel shall be registered.

(2) The home port of every vessel registered shall be the Port of Freetown and the name of the home port shall be shown on the certificate of registration.

Vessels eligible for registration.

3. Vessels of the following classes shall be eligible for registration—

(a) any vessel of more than fifteen net tons engaged in trading in the territorial waters of or between ports in Sierra Leone;

(b) any sea-going vessel, engaged in foreign trade, wherever built, owned by a person who is a citizen of Sierra Leone or is a national of any other country.

Vessels exempt from registration.

4. Any vessel not exceeding fifteen net tons engaged solely in trade in the territorial waters shall not be required to be registered.

Registration fee and annual tonnage tax.

5. (1) There shall be an initial registration fee of 85 cents per net ton and an annual tonnage tax of 7 cents per net ton.

(2) The annual tonnage tax on vessels shall be payable in advance on the first day of January in each year.

(3) Failure to pay the tonnage tax when due shall invalidate the certificate of registration of the vessel with respect to which such tax is payable.

(4) On the initial registration of a vessel the tonnage tax payable shall be calculated at the rate of 7 cents per net ton for the proportionate part of the year remaining between the date of such registration and the 31st of December next following.

(5) A registration certificate shall not be returned to the master of a vessel by the Comptroller, or an authorised person, where it has been deposited with him, until proof is furnished that the annual tonnage tax for the then current year has been paid.

6. Upon receipt of a written application of an owner of a vessel eligible for registration requesting a certificate of registration for such vessel, accompanied by the oath or oaths required by section 7, the Comptroller or an authorised person, upon payment of a fee of £18, may cause to be issued a permanent certificate of registration for the vessel if the owner shall prove to the issuing officer's satisfaction—

Conditions of issue of permanent certificate of registration.

- (a) that he is the owner of the vessel;
- (b) that any outstanding foreign marine document for the vessel has been surrendered with the consent of the Government or other authority that had issued it, or has been lawfully cancelled;
- (c) that the vessel is in a seaworthy condition;
- (d) that the owner has paid the fee and tax in accordance with section 5;
- (e) that the markings of name, official number, net tonnage, home port, and draught required by section 20 have been actually made; and
- (f) that a certificate of measurement under section 11 has been issued.

7. (1) In order to register a vessel the owner, part owner, or his agent authorized by power of attorney, or in the case of vessel owned by a corporation the officer or agent of the Corporation duly authorized in writing, shall take an oath declaring—

Oaths.

- (a) the name of the vessel,
- (b) its net tonnage,
- (c) the place where built,
- (d) the date when built,
- (e) the name and residence of any other owner and his citizenship,
- (f) each owner's proportion,
- (g) the name of the master and his citizenship,
- (h) the name of the deponent and his citizenship.

(2) The oath may be taken before the Comptroller or an authorised person or a consular officer or before a notary public or other officer authorized to administer oaths by the laws of the place where the oath is administered.

(3) The names of persons holding shares in an incorporated company owning such vessel need not be stated.

(4) An agent or attorney who purchases any vessel shall take oath as to the ownership of the vessel and that he is the agent or attorney for the owner and in such capacity has made such purchase in good faith.

(5) When the master of a vessel is at the port where the vessel is when she is to be registered, and application is made for registration, he instead of the owner, agent or attorney shall execute the oath regarding citizenship referred to in paragraph (h) of subsection (1).

Pro-  
visional  
registration  
of vessels  
abroad.

8. (1) Upon compliance with the provisions set forth in section 9, a provisional certificate of registration may be issued by an authorised person, to vessels abroad which are to be registered under the flag of Sierra Leone.

(2) Such provisional certificate shall unless sooner invalidated, entitle the vessel to the privileges of a vessel of Sierra Leone in foreign trade until the expiration of one year from its date or until ten days after the vessel's arrival at a port in Sierra Leone, whichever first happens. On arrival at such port the vessel shall become subject to all the other provisions of this Act relating to the issue of a permanent certificate of registration.

(3) The Comptroller shall prescribe the conditions in accordance with which provisional certificates shall be issued and renewed and the manner in which they shall be surrendered in exchange for permanent certificates of registration.

(4) A provisional certificate shall include the name of the vessel and of her master, the time and place of purchase and the names of the purchasers and the best particulars respecting her tonnage, build, description and inspection of survey which the issuing officer is able to obtain.

(5) Copies of provisional certificates shall be forwarded by the issuing officer as soon as practicable to the Comptroller.

Conditions  
of issue of  
provisional  
certificate.

9. (1) Upon receipt of a written application of an owner of a vessel eligible for registration requesting a certificate of registration for such vessel, accompanied by the oath or oaths required by section 7, and upon payment of a fee of Le14, an authorised person may issue a provisional certificate of registration for the vessel if the owner shall prove to the satisfaction of the authorised person—

(a) that he is the owner of the vessel;

(b) that, if there is an outstanding foreign marine document for the vessel, the government or other authority that issued it has consented to its surrender and that either the said marine document

has been surrendered for cancellation or that the owner has issued orders to the master of the vessel to surrender the said document for cancellation immediately upon receipt of the provisional certificate of registration on board the vessel;

- (c) that the vessel is in a seaworthy condition;
- (d) that the owner has paid the fee and tax in accordance with section 5;
- (e) that either the markings of name, official number, net tonnage, home port, and draught required by section 20 have been actually made or that the owner has issued orders to the master to have the said markings made immediately upon receipt of the provincial certificate of registration on board the vessel.

(2) Unless the owner within thirty days after the issue of the provisional certificate shall furnish satisfactory proof to the officer to whom the application for registration is presented, showing that the vessel's outstanding foreign marine document has actually been surrendered for cancellation and that the markings required by section 20 have actually been made, or if before such thirty day period it is established that any of the obligations hereunder will not or cannot be complied with, the said officer may declare the provisional certificate to be invalidated.

(3) As soon as reasonably possible after the measurement of the vessel, the surrender for cancellation of any outstanding foreign marine document for the vessel and the making of the markings required by section 20, a permanent certificate of registration shall be issued in place of any provisional certificate issued to such vessel, and such provisional certificate shall be surrendered as promptly as circumstances permit to the Comptroller.

(4) When the permanent certificate is so issued the charges paid for the issue of the provisional certificate shall be adjusted in accordance with the tonnage established by the certificate of measurement.

(5) For reasonable cause shown the Comptroller or an authorised person may renew a provisional certificate or registration for a period not exceeding one year.

10. (1) A vessel shall not be permanently registered until measured by a person (hereinafter called the Surveyor) appointed by the Ports Authority. Measurements of vessels.

(2) A registered vessel shall not be required to be measured anew unless alteration has been made in her form or capacity.

57 and 58  
Vict. c. 60.

Certificate  
of measure-  
ment.

(3) Measurement shall be, *mutatis mutandis*, in accordance with the tonnage regulations of the Act of the United Kingdom entitled, the Merchant Shipping Act, 1894.

11. (1) The Surveyor shall by certificate of measurement specify the building of the vessel, number of decks and masts, length, breadth, depth, tonnage, and such other particulars usually descriptive of the identity of a vessel, and that the names, numbers and markings required by section 20 are in accordance therewith.

(2) The owner of any vessel seeking registration thereof must apply in writing for a certificate of measurement for the vessel and such application shall be accompanied by the vessel's latest marine document or certificate of measurement, if available.

(3) Subject to subsection (4), where a vessel has been previously registered outside Sierra Leone, or where a vessel has never before been registered but has been measured by a representative of a country other than Sierra Leone, the Surveyor, without physically measuring the vessel, may accept the figures contained in her latest marine document or certificate of measurement (making all adjustments required to make the same conform with the tonnage regulations referred to in subsection (3) of section 10).

(4) The Surveyor shall not accept such figures unless furnished with a sworn statement by the owner or some person on behalf of the owner that no changes affecting the form or capacity of the vessel have been made since the issue of the said latest marine document or certificate of measurement.

(5) Where such sworn statement discloses that charges affecting her form or capacity have been made since such issue, the Surveyor may limit his physical measurements to such spaces of the vessel as are affected by such changes.

(6) Such fees as the Minister of Finance may determine shall be paid in respect of the measurement of a vessel's tonnage.

(7) Such fees shall be paid at the time of the issue of the certificate of measurement and shall be payable by the owner of the vessel.

Tonnage  
statements  
in certi-  
ficate of  
registration.

12. (1) Each vessel's certificate of registration, after stating the number of decks, shall separately state—

- (a) the tonnage under the tonnage deck;
- (b) the tonnage of the between decks above the tonnage deck;
- (c) the tonnage above the upper deck, and
- (d) the total gross tonnage, which is the sum of the three preceding items.

(2) Each such certificate shall state separately the deductions made from the gross tonnage, and also the net or register tonnage.

(3) Upon the application of the owner or master of a registered vessel the Comptroller may attach to the certificate of registration an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are there permitted to be deducted from gross tonnage.

(4) If a new certificate of registration is not issued on re-measurement, the statement of re-measurement shall be attached by an appendix to the current certificate of registration, with a certificate of the Comptroller that the original estimate of tonnage is amended, where necessary.

13. As soon as the requirements of this Act preliminary to registration have been complied with the Comptroller shall enter in the register book and in the vessel's certificate of registration—

Entry of particulars in certificate of registration.

- (a) the name of the vessel and the name of her home port;
- (b) the details comprised in her certificate of measurement including the name of her Surveyor;
- (c) the name of the person making the required oath;
- (d) the names and descriptions of the owners of the vessel and the proportions of their shares in ownership;
- (e) the name of her master or person countersigning the certificate of measurement on behalf of the owners stating that he has agreed to the description and measurement therein stated.

14. (1) In the event of the certificate of registration of a vessel being mislaid, lost or destroyed, the master of the vessel, or some other person have knowledge of the facts shall make a declaration stating the facts of the case and the names and descriptions of the registered owners of such vessel to the best of the declarant's knowledge and belief.

Provision for loss of certificate of registration.

(2) Such declaration shall be made before any authorised person at or nearest to the port where the vessel is first located after such mislaying, loss or destruction.

(3) Upon the declaration being so made the person before whom the declaration is made shall grant to the vessel a temporary certificate of registration containing a statement of the circumstances under which it was granted.

(4) The said authorised person shall forthwith send to the Comptroller a written notice, accompanied by a copy of the declaration, advising that such declaration has been made and such temporary certificate granted.

(5) Upon receipt of such notice the Comptroller, upon being satisfied that the vessel is entitled to a certificate of registration, may grant a new certificate of registration.

(6) As soon as possible after the granting of such new certificate the aforementioned temporary certificate shall be surrendered to the Comptroller for cancellation.

Numbering of certificates.

15. The Comptroller shall number progressively the certificates granted by him beginning anew at the commencement of each year, and shall make a record thereof in the register book kept for that purpose. He shall also retain permanently copies of all such documents issued by or surrendered to him.

Issue of certificates, etc. subject to this Act.

16. The Comptroller or an authorised person shall not grant any certificate or issue papers to any vessel until all applicable provisions of this Act have been complied with.

Sale of certificates prohibited.

17. A certificate shall be used solely for the vessel for which it is granted and shall not be sold lent or otherwise disposed of to any person.

Re-registration of vessel altered.

18. When a registered vessel is so altered as not correspond with the particulars relating to tonnage or description in her registration certificate she shall be registered anew by her former name.

Delivering up of certificate where vessel lost, etc.

19. (1) If a registered vessel is lost, taken by an enemy, burned, broken up, or otherwise prevented from returning to the port to which she belongs, every owner of the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the Comptroller, give him notice thereof, and the Comptroller shall make an entry thereof in the register book and the registry of the vessel in that book shall be considered as closed except so far as relates to any unsatisfied liens or mortgages entered therein.

(2) In any such case, except where the vessel's certificate of registration is lost or destroyed, the master of the vessel shall, if the event occurs in port, immediately, but if it occurs elsewhere then within ten days after his arrival in port, deliver the certificate to the Comptroller or, if such port is outside Sierra Leone, to the nearest authorised person and such person shall forthwith forward the certificate to the Comptroller.

Names, numbers and marks on vessels.

20. (1) Every registered vessel shall have her name marked upon the port and starboard side of the bow, and her name and her home port marked upon her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, and such letters shall be of a height of not less than four inches, and of proportionate thickness.

(2) The official number and the net tonnage of each vessel shall be carved deeply or otherwise marked permanently on her main beam.

(3) The draught of water of every registered vessel shall be marked on each side of her stern post, in feet or in decimetres, in either Arabic or Roman numerals.

(4) (a) If a registered vessel is found without the names being marked in accordance with subsection (1) her owner shall be liable to a penalty of Le. 7 for each name omitted.

(b) If any registered vessel ceases to be marked in accordance with subsections (2) or (3), her owner shall be liable to a penalty of Le. 21 on every arrival in Sierra Leone.

21. (1) The Comptroller may prescribe a system of numbering registered vessels. Numbering  
of Vessels.

(2) Upon the initial registration, either permanent or provisional of a vessel, the Comptroller or an authorised person shall assign to the vessel an official number.

22. (1) A vessel shall not be described by any name other than that by which she is for the time being registered. Rules as to  
name of  
Vessel.

(2) A change shall not be made in the name of a vessel without the previous written permission of the Comptroller and on payment of the prescribed fee.

(3) Application for that permission shall be made by the owner in writing and the Comptroller may call for the production of evidence as to the age of the vessel, its condition, place where built and any liens, unsatisfied mortgages or existing certificates of mortgage relating thereto.

(4) If the Comptroller is of opinion that the application is reasonable he may require notice thereof to be published in such form and manner as he thinks fit, such publication to be at the expense of the owner.

(5) On permission being granted to change the name, the vessel's name shall forthwith be altered in the certificate of registration of the vessel and in the register book, and on her bows and stern.

(6) The following fees shall be paid by the owner before the issue to him of written permission to change the name of his vessel—

(a) for vessels of under one hundred gross tons, Le. 7;

(b) for vessels of one hundred gross tons or more but under five hundred gross tons, Le 18;

(c) for vessels of five hundred gross tons or more but under one thousand gross tons, Le 35;

(d) for vessels of one thousand gross tons or more but under five thousand gross tons, Le 53;

(e) for vessels of five thousand gross tons or more. Le. 71.

(7) Whenever the name of a registered vessel is changed, or any device, advertisement or contrivance is used, with intent to deceive as to its true name or character, such vessel shall be forfeited to the Crown.

Builder's  
certificate.

23. In order to register for the first time a vessel newly built and not previously registered under any flag, the builder by whom or under whose direction the vessel has been built shall certify the following—

- (a) that it was built by him or under his direction;
- (b) the place where it was built;
- (c) the time when built;
- (d) the person for whom built;
- (e) the build;
- (f) the number of decks and masts;
- (g) the length;
- (h) the breadth;
- (i) the depth;
- (j) the tonnage,

and such other details as are usually descriptive of the identity of a vessel.

Sale or  
transfer  
abroad.

24. A registered vessel sold or transferred in whole or in part while outside Sierra Leone, but without change of flag, shall comply with the provisions of this Act relating to the registration of vessels and a new certificate of registration shall be obtained.

Transfer of  
vessels or  
shares.

25. (1) A registered vessel or share therein shall be transferred by bill of sale which shall recite the entire certificate of registration and which shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.

(2) A registered vessel so transferred shall be registered anew.

(3) Whenever the Comptroller is satisfied that any vessel has been legally transferred and that her certificate of registration is retained by her former owner he may grant a new certificate of registration upon the new owner complying with the requirements of this Act, excepting only the delivering up of the former certificate of registration.

Presump-  
tion of  
Nationality

26. Any vessel required by this Act to be registered anew which is not so registered shall not be deemed to be a Sierra Leone vessel.

Transfer to  
foreign  
registry, and  
surrender of  
certificate.

27. (1) The owner of a registered vessel who desires to transfer her to a foreign registry may do so but before such transfer is effected he shall surrender the vessel's certificate of registration to the Comptroller or an authorised person.

(2) Before a certificate of registration of a vessel shall be accepted for surrender the registered owner shall submit to the Comptroller a written application specifying the name of the vessel, the reasons for the proposed surrender, the name and nationality of the proposed new owner (if any) and, if a transfer to a foreign registry is contemplated, the name of the country to whose registry transfer is desired.

28. (1) Any public officer may, where the course of his duty requires or necessitates it, inspect the certificate of registration of a vessel. Inspection of certificate.

(2) A master who fails to produce such certificate for inspection by any such officer in such circumstances shall be liable to a penalty not exceeding Le70, and if his failure so to produce such certificate is wilful shall be liable to a penalty not exceeding Le700 or to imprisonment not exceeding twelve months or to both such penalty and imprisonment.

29. Upon the arrival of a registered vessel in a foreign port her master shall on the request of an authorised person, deposit her certificate of registration with such person, if there be any at such port, and the certificate shall be returned to the master when he produces clearance from the proper officer of the port and complies with the laws relating to the discharge of seamen in a foreign country and the payment of fees and taxes. Deposit of certificate with consular officer.

#### SALES, MORTGAGES AND LIENS

30. (1) A sale, conveyance, hypothecation, mortgage or assignment of a mortgage of any vessel shall not be valid in respect to such vessel, against any person other than the grantor or mortgagor, his successors or assigns and persons having actual notice thereof, until the instrument evidencing such transaction is recorded in the office of the Comptroller or of an authorised person. General provisions as to recording of sales, mortgages etc.

(2) The Comptroller or such authorised person shall record such instruments in the order of their reception in register books indexed to show—

- (a) the name of the vessel;
- (b) the names of the parties;
- (c) the time and date of the reception of the instrument;
- (d) the interest in the vessel transferred or affected; and
- (e) the amount and date of maturity of any mortgage.

31. A valid mortgage, which, at the time it is made, includes the whole of any vessel shall be entitled to priority in respect to such vessel according to the date at which it is recorded, if— Priority of mortgage.

- (a) the mortgage is endorsed upon the certificate of registration;
- (b) the mortgage is recorded as provided herein;

- (c) an affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay or defraud any existing or future creditor of the mortgagor or any person having a lien on the mortgaged vessel; and
- (d) it is not stipulated in the mortgage that the mortgagee waives the entitlement to priority thereof.

**Mortgagee's interest not terminated by forfeiture.** 32. The interest of a mortgagee in a registered vessel shall not be terminated by a forfeiture of the vessel for a violation of any law of Sierra Leone unless he authorised, consented, or conspired to effect the illegal act, failure or omission which constituted such violation.

**Requirements for recording.** 33. (1) A bill of sale, conveyance or mortgage shall not be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed or mortgaged.

(2) A bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof shall not be recorded unless previously acknowledged before the Comptroller or an authorised person or before a notary public or other officer authorised by the laws of the place where the acknowledgement is made to take acknowledgements of deeds.

**Recording of bills of sale.** 34. Subject to section 33, the Comptroller or an authorised person may accept for recording in his office, upon payment of a fee of Le20, any bill of sale of a vessel, but where such vessel was registered prior to the sale such bill of sale must have incorporated therein a true copy of the latest certificate of registration of the vessel.

**Recording of mortgages.** 35. (1) Subject to section 33 the Comptroller or an authorised person may accept for recording in his office, upon payment of a fee of Le160, any mortgage on a vessel upon written proof being furnished to him of the amounts and dates of any documents or evidences of debts in support thereof.

(2) The Comptroller or authorised person shall if requested at the time of recording, certify without charge two copies of any mortgage so recorded.

**Priority mortgage.** 36. (1) A mortgage which complies with the provisions of this section and section 31 is hereinafter called a priority mortgage.

(2) There shall be endorsed upon the certificate of registration of a vessel subject to a priority mortgage—

- (a) the names of the mortgagor and mortgagee;
- (b) the time and date the endorsement is made;
- (c) the amount and date of the maturity of the mortgage; and

(d) any amount required to be endorsed under subsections (4) or (5).

(3) (a) Such endorsement shall be made by the Comptroller at the port of Freetown or by an authorised person at any foreign port, and clearance shall not be given in respect of a vessel subject to a priority mortgage until such endorsement is made.

(b) A certificate of such endorsement, giving the place, time, and description of the endorsement, shall be recorded with the records of registration;

(c) Where the endorsement, is made by a person other than the Comptroller, such certificate shall be forthwith furnished to the Comptroller for recording.

(4) A mortgage which includes property other than a vessel shall not be deemed to be a priority mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage debt; and if a priority mortgage so provides for the separate discharge, the amount of such specified portion shall be endorsed upon the certificate of registration of the vessel.

(5) If a priority mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage debt, the amount of such portion shall be endorsed upon the certificate of registration of the vessel.

37. A priority mortgage shall constitute a maritime lien upon the mortgaged vessel in the amount of the outstanding mortgage debt secured by such vessel. Lien of priority mortgage.

38. (1) The mortgagor, before executing a priority mortgage shall disclose to the mortgagee in writing the existence of any prior mortgage, maritime lien, or other obligation or liability upon the vessel to be mortgaged, which is known to the mortgagor. Disclosure of prior claims.

(2) The mortgagor shall not, without the consent of the mortgagee, after the execution of such mortgage and before the mortgagee has had reasonable time in which to have it recorded and have the proper endorsements made upon the certificate of registration of the vessel, incur any contractual obligation creating a lien upon the vessel, other than liens for wages of stevedores when employed directly by the owner, operator, master, ship's husband or agent of the vessel, for wages of the crew of the vessel, for general average or for salvage (including contract salvage) in respect of the vessel.

(3) Any person contravening the provisions of this section with intent to defraud shall be liable to a fine not exceeding Le 1,000 or to imprisonment not exceeding two years or to both such fine and imprisonment.

Exhibition of copy of mortgage and certificate.

39. (1) After the recording of a priority mortgage the mortgagor shall place and use due diligence to retain one certified copy thereof on board the mortgaged vessel and cause such copy and the certificate of registration of the vessel to be exhibited by the master to any person having business which may give rise to a maritime lien or to the sale, conveyance, or mortgage of the vessel.

(2) The licence of a master who wilfully fails or refuses to so exhibit such copy and certificate may be suspended or revoked by the Comptroller.

Recording of lien and discharge thereof.

40. (1) The Comptroller or an authorised person shall upon the request of any person record notice of his claim of a lien upon a registered vessel, together with the nature, date of creation, and amount of the lien and the name and address of such person.

(2) Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the debt, forthwith file a certificate of such discharge with the Comptroller or an authorised person, who shall thereupon record the certificate.

Recording discharge of mortgage.

41. (1) The mortgagor of a registered vessel upon the complete discharge of the mortgage debt shall forthwith file a certificate of such discharge duly executed by the mortgagee, his successors or assigns, with the Comptroller or an authorised person, who shall thereupon record the certificate and such mortgagor may in the same manner file a certificate of partial discharge of the mortgage debt which shall be likewise recorded.

(2) In the case of a complete or partial discharge of a priority mortgage, the Commissioner or an authorised person shall cause an endorsement of the fact of such discharge to be made on the certificate of registration of the vessel, and a certificate of such endorsement, giving the time, place and description of the endorsement, shall be recorded with the records of registration.

Enforcement of mortgage in Sierra Leone.

42. (1) In addition to any other remedy available, the lien of a priority mortgage may, upon default of any term or condition thereof, be enforced by proceedings in the Supreme Court.

(2) Notice of the commencement of such proceedings shall be given by the plaintiff, in such manner as the Court may direct, to the master or care-taker of the vessel and to every person who has recorded a notice of claim of an undischarged lien or mortgage upon the vessel, unless after search by the plaintiff, satisfactory to the Court, such person is not found within Sierra Leone.

(3) Failure to give such notice to any such person shall not deprive the Court of jurisdiction, but the plaintiff shall be liable in damages to that person in the amount of that person's interest in the vessel where such interest is terminated by the proceedings.

43. Notwithstanding any remedy granted by this Act nothing in this Act shall prevent the lien of a priority mortgage from being enforced by proceedings in admiralty or otherwise in any foreign country in which the vessel shall be found, pursuant to the procedure of such country for the enforcement of ship mortgages constituting maritime liens on vessels registered under the laws of that country.

Enforcement of mortgage abroad

44. (1) Upon the sale of a vessel under proceedings for the enforcement of a priority mortgage lien, all pre-existing claims in the vessel, including any possessory lien, shall terminate and shall thereafter attach, in like amount and, subject to subsection (2), in accordance with their respective priorities, to the proceeds of sale.

Priority of priority mortgage.

(2) Such priority mortgage lien shall have priority over all claims against the vessel excepting:—

- (a) liens arising prior in time to the recording and endorsement of the priority mortgage in accordance with this Act;
- (b) liens for damages arising out of tort;
- (c) liens for crew's wages;
- (d) liens for general average;
- (e) liens for salvage (including contract salvage);
- (f) expenses and fees allowed and costs taxed by the Court.

45. (1) Any person who furnishes repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any vessel upon the order of the owner thereof or person authorised by such owner, shall have a maritime lien on such vessel.

Lien of necessaries men.

(2) The managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is entrusted, including any such person appointed by a charterer or agreed purchaser in possession, shall be presumed to have authority from the owner to procure such necessaries, but a person tortiously or unlawfully in possession or charge of the vessel shall not have authority to bind it.

(3) Nothing in this section shall be construed so as to confer a lien on the person furnishing necessaries when such person knew, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter-party, agreement for sale of the vessel, or for any other reason, the person ordering the necessaries was without authority to bind the vessel therefor.

46. A person who has a maritime lien on a vessel by reason of his furnishing necessaries thereto, or a mortgagee, may waive his right to the lien or, in the case of a priority mortgage lien to the preferred status of such lien at any time.

Waiver of lien.

## CREW AND OFFICERS

Full Com-  
plement  
required.

47. A registered vessel shall not be navigated unless she has in her service on board such complement of officers and crew as are necessary for safe navigation.

Officers'  
licences  
of com-  
petence.

48. (1) As soon as is reasonably practicable, all officers on registered vessels shall obtain licences of competence to fill their relative positions from the Ministry of Transport and Communications, or an authorised person, on the exhibition by the person desiring the licence of a similar licence issued to him by any maritime nation recognized for the purpose as such by the Governor-General.

(2) The Governor-General may make Regulations governing the examination of persons for, and the issue of, such licences of competence.

## ADMINISTRATION

Records  
relating to  
vessels.

49. (1) There shall be maintained at the office of the Comptroller in Freetown and at the office of each authorised person a central office where there shall be recorded and filed in indexed register books all documents of the following nature—

- (a) bills of sale and other instruments of conveyance of vessels;
- (b) mortgages and hypothecations of vessels;
- (c) assignments of mortgages;
- (d) certificates of permanent, provisional and temporary registration;
- (e) licences and certificates of officers and members of vessels' crew;
- (f) all other documents relating to vessels required or entitled to be recorded.

(2) Upon recording a document relating to a vessel in his office or upon issuing such document therefrom, an authorised officer shall promptly forward a copy thereof to the Comptroller for recording in the Comptroller's office.

(3) All documents required or entitled to be recorded shall be submitted to the Comptroller in duplicate or to an authorised officer in triplicate.

Administra-  
tion of  
oaths and  
acknow-  
ledgements.

50. The Comptroller and each authorised officer may administer all oaths and take all acknowledgements required by this Act.

Issue of  
ship radio  
licences.

51. Notwithstanding any thing contained in the Wireless Telegraphy Act, the Comptroller and each authorised person may issue ship radio station licences in respect of radio transmitting apparatus located on board registered vessels.

52. (1) The Comptroller, The Ministry of Transport and Communications and each authorised officer may issue all such licences, certificates or other documents for officers and personnel on registered vessels as are necessary or proper for carrying out the purposes of this Act or of any international convention to which Sierra Leone is or may become a party. Issue of licences and certificates.

(2) The Comptroller after consultation with the Ministry of Transport and Communications shall from time to time establish such standards and Regulations as shall be deemed by him to be necessary and appropriate in connection with the licensing, certification and grading of vessels' officers and personnel.

53. The Comptroller may establish by Regulations all necessary and proper fees for services rendered under this Act except in cases where a fee is specified herein. Fees.

#### OFFENCES

54. If the master or owner of a vessel uses or attempts to use for her navigation a certificate of registration, or a temporary certificate of registration, not legally granted in respect of the vessel, he shall, in respect of each offence be liable— Penalty for use of improper certificate.

- (a) on indictment, to imprisonment not exceeding three years;
- (b) on summary conviction, to a fine not exceeding four hundred leones or to imprisonment not exceeding twelve months or to both such fine and imprisonment, and the vessel shall be subject to forfeiture to the Crown.

55. (1) If any person, in the case of any declaration made in the presence of or produced to the Comptroller or an authorised person under this Act, or in any document or other evidence produced to the Comptroller or an authorised person— False declarations.

- (a) wilfully makes, or assists in making, or procures to be made any false statement concerning the title to or ownership of, or the interest existing in any vessel, or any part thereof; or
- (b) utters, produces, or makes use of any declaration, or document containing any such false statement,

he shall be guilty of an offence and liable to imprisonment not exceeding three years, and that vessel or part thereof shall be subject to forfeiture to the Crown, to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without his authority that of any person on behalf of whom the declaration is made.

## MISCELLANEOUS

Appropriation of fees.        56. All fees paid under this Act shall form part of the general revenue of Sierra Leone.

Regulations.     57. The Comptroller may make Regulations generally for carrying out the provisions of this Act.

Forms.            58. (1) The Comptroller shall prescribe and furnish all forms of certificates and other documents required by this Act.

(2) The Comptroller may prescribe forms of endorsements that may be made on vessels' certificates from time to time, without the issue of a new certificate or surrender of the old certificate, to show exchange of certificates, permanent, provisional or temporary registration, the nature of trade permitted, renewal of annual licences, and changes of name, ownership or command.

Act not to apply to Government vessels.     59. The provisions of this Act shall not apply to vessels owned by or in the service of the Government.

Passed in the House of Representatives this 30th day of April, in the year of Our Lord one thousand nine hundred and sixty-five.

J. W. E. DAVIES,  
*Acting Clerk of the House of Representatives.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES,  
*Acting Clerk of the House of Representatives.*