

Ship Registration Act, 2027 (1971)

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Amendments:

1. Ship Registration (First Amendment) Act,
2029(1972) 2029.6.5(21 Sept 1972)
2. Judicial Administration Reforms Act,
2031(1974) 2031.4.18(2 Aug. 1974)
3. Judicial Administration Reforms (Fourth
Amendment) Act, 2043(1986) 2043.7.24(10 Nov. 1986)
4. Administration of Justice Act,
2048(1991) 2048.2.16(30 May 1991)
- 5¹. Republic Strengthening and Some Nepal
Laws Amendment Act, 2066(2010) 2066.10.7 (21 Jan. 2010)

.....²

Act Number 17 of the year 2027(1971)

An Act Made to Provide for Registration of Nepalese Ships

Preamble: Whereas, it is expedient to provide for the registration of ships of Nepal ships 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 *Jestha* 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 “Ship Registration Act, 2077 (1971).”

(2) It shall come into force throughout.....³ Nepal, and apply to any ship registered or required to be registered pursuant to this Act 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) “Ship” means a vessel of whatever tonnage or of whatever description/specification that is suitable for navigation, irrespective of whether or not navigation is made for profit motive, and this term includes the hull, rigging and equipment of any vessel of any class or type or size which is operated by *Paal, Bahana*, steam or motor.

(b) “Commercial ship” means a ship travelling at sea, with the carrying capacity of 10 gross register tons or more, which is used or to be used in the transportation or carriage of people or goods by sea or fishing, towing or in the operation of any other type of navigation work at sea.

(c) “Boat” means a navigating craft with the carrying capacity of less than 10 gross register tons, which is used or to be used in the transportation or carriage of people or goods by sea or fishing, towing or in the operation of any other type of navigation work at waters.

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

- (d) "Nepal Ship Office" means the Nepal Ship Office established under the Ship Registration Act, 2077(1971).
- (e) "Registrar" means the registrar appointed pursuant to Sub-section (3) of Section 4 of this Act.
- (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the rules framed under this Act.

Chapter-2

Nationality of Ship

- 3. **Ship to obtain nationality:** (1) A ship which is registered pursuant to Section 4 and has the right and duty to use the flag of commercial ship ofNepal shall obtain Nepalese nationality, and such a ship shall be considered as a Nepalese ship.

Chapter-3

General Provisions

- 4. **To register ship:** (1) Any of the following commercial Nepalese ships shall be registered in the ship registration book of the Nepal ship Office pursuant to this Act:
 - (a) At least 51 percent share of the ship is owned by a Nepalese citizen or a body corporate established pursuant to the prevailing Nepal law,
 - (b) The principal place of transaction of a body corporate as referred to in Clause (a) is situated within.....Nepal,
 - (c) The manager appointed and majority members of the board of directors formed for the operation of the body corporate operating the ship are Nepalese citizens,

- (d) The owners or co-owners of the ship have made an application upon being agreed to register their ship in the ship registration book of the Nepal Ship Office, and
- (e) The foreign registration, if any, of the ship has been cancelled.

(2) The fees and procedures for the registration of a ship shall be as prescribed.

5. **Masters and other navigators to be Nepalese citizens:** (1) At least Seventy Five percent of the masters and other navigators of Nepalese ships shall be Nepalese citizens.

Provided that, owing to the occurrence of a special need, as a provisional arrangement, the Government of Nepal may give permission to so keep on appointing Nepalese citizens as master, other navigators and officers of any Nepalese ship that Seventy Five percent is achieved by the eighth year by proportional percentage each year from the second year of the registration of the ship.

(2) Notwithstanding anything contained in Sub-section (1), a citizen of a country with whom⁴Nepal is in cold war shall not be appointed as the master, navigator or employee of a Nepalese ship.

Chapter-4

Registration Book of Ships

6. **Registration book:** The registration book of Nepalese ships shall be maintained with the Nepal Ship Office, and the registration book shall be considered as a public book and its transcript as a public deed. Any interested person may inspect such a registration book or transcript.

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

7. **Registration book to be of two types:** (1) The registration book of ship shall be of Two types as follows:

- (a) The registration book of commercial ships, and
- (b) The registration book of boats.

(2) The commercial ships of 10 gross register tons or more than that shall be registered with the registration book of commercial ships, and the vessels of less than ten gross register tons shall be registered with the registration book of boats irrespective of the purpose for which they are engaged in or irrespective of their service plan or irrespective of any watercourse through which they navigate.

(3) The formats of the registration books shall be as prescribed.

8. **Registration book of boats:** The registration book of boats shall be a record of Nepalese boats enlisted in order of registration, setting out the symbol or figure of identity, and such book shall record all necessary identification details of boats and the names, addresses and principal place of business of their respective owners.

9. **Registration book of commercial ships:** (1) The registration book of commercial ships shall be the record of commercial ships, containing the following documents:

- (a) Main book, and
- (b) Its set of supporting documents.

(2) The main book shall be formed of inserted parts held in the same envelope, and each of the inserted parts shall contain the following documents:

- (a) Descriptive folio,
- (b) Ownership folio,
- (c) Folio of charges and restrictions.

(3) Each commercial ship shall be registered with a separate inserted part, and the envelope of each commercial ship shall be given the title, indicating the inserted part number, and serial number of the main book, name and card in figure or letters or in both.

10. Descriptive folio: The descriptive folio inserted in the main book shall record the following details of the concerned ship:

- (a) Type of ship according to the motive power (such as Pal, steam, turbine, diesel, diesel-electricity etc.),
- (b) Place of registration,
- (c) Number of deck, mast and funnel,
- (d) Gross and net register tonnage,
- (e) Type of ship and purpose for which it is engaged,
- (f) Made from which material (such as timber, concrete, iron, steel or mixture),
- (g) Principal dimensions (full length to be set by taking measurement of stain to eastern post in the main deck, breadth of *Sattari*, height from the shelf to the main deck,
- (h) Description of the motive power (number and type of engines, number of cylinders, horse power, number and type of boiler, name of manufacturer of engine and year of manufacture),
- (i) Name of manufacturer of ship, place of manufacture of ship and year of embark on the water,
- (j) Draft on the summer load line,
- (k) Net weight capacity on the summer load line,
- (l) Free board from the summer load line, indicated in inch and centimeter,
- (m) Maximum speed of the ship when in ballast and fully loaded,

- (n) Number of passengers to be accommodated,
- (o) Minimum number of navigators and employees required for the security of navigation,
- (p) Where registered anywhere previously, place of registration and previous nationality,
- (q) Date of present registration, and date of issue of the registration certificate, and
- (r) Such other available details as required for the identification of the ship.

11. Ownership folio: (1) The ownership folio inserted in the main book shall also indicate the name or names of the owner or owners of the ship, their addresses and principal places of business.

(2) If the two or more persons are the owners of a ship, the ownership folio shall also indicate the share of each owner or the number of shares subscribed by each owner, and only the persons or bodies corporate who are indicated in the ownership folio as the owners of the ship shall be considered as the real owner of the ship.

12. Folio of charges and restrictions: (1) The folio of charges and restrictions inserted in the main book shall indicate the right of mortgage etc. creating charges on some parts of the concerned ship, counter rights on these rights, rent contracts, rights to use and exercise, right of priority to purchase and all restrictions on the sale and disposal of the ship.

(2) Each inserted part shall contain all documents supporting the matters indicated in that part, and these documents shall be put orderly.

13. Other documents to be held in Nepal Ship Office: In addition to the registration book of ship, the following documents shall also be held in the Nepal Ship Office:

- (a) A booklet attached with the main book to record the application made for the registration of any specific ship, complaints and objections made and received.
- (b) A list prepared as per the alphabetical order of ships, also indicating the registration book of ships and inserted parts therein, and
- (c) A list prepared as per the alphabetical order of the persons or bodies corporate who are entitled to ships, also indicating the registration book setting the names of such persons or bodies and inserted parts therein.

Chapter-5

Certificate of Nationality

- 14. Certificate of registration:** (1) After a commercial ship is registered in the registration book of the Nepal Ship Office, the Registrar shall issue the transcript of the contents mentioned in the registration book by collecting the prescribed fees, and the transcript so issued shall be the certificate of nationality of the ship, and it shall be considered the certificate of registration. The format of such certificate of registration shall be as prescribed.
- (2) The certificate of registration shall be held at all times in the ship.
- (3) The certificate of registration shall be considered as a public document.
- (4) In the event of alteration in the name, tonnage, class or other principal details of a ship, a new certificate of registration shall be issued to such a ship by collecting the prescribed fees.

15. Prohibition on making alteration in certificate of registration:

No owner of a ship or other person shall make any alteration in the certificate of registration.

16. Provisional certificate of nationality: (1) The Nepalese consulate or diplomatic office may, in the following circumstance, issue a provisional certificate of Nepalese nationality to any ship by collecting the prescribed fees:

(a) If persons who are allowed to hold a Nepalese ship obtain the recommendation of the Nepal Ship Office and acquire the ownership of a ship held at any foreign port, and the persons or some of them who so acquire such ownership, make an application, with declaration of the desire to have the ship registered in the Nepal Ship Office, to the nearest Nepalese consulate or diplomatic office for the provisional certificate of Nepalese nationality or if the master of the ship makes such application, setting out that he or she has been authorized to make application making such a declaration.

(b) If the certificate of registration of a Nepalese ship is lost or the ship is damaged while at a foreign port or if any alteration is made in the details mentioned in such a certificate, and the master of the ship makes an application to the nearest Nepalese consulate or diplomatic office for the provisional certificate of Nepalese nationality.

(3) The format of the provisional certificate of nationality shall be as prescribed, and the following details shall be set out in the certificate:

(a) Name of ship,

- (b) Date and place of purchase of ship,
- (c) Names and addresses of the purchasers of ship,
- (d) Name of master, and
- (e) Details relating to the tonnage, structure and description/specification of ship.

17. Validity period of provisional certificate of nationality: A ship may be operated as per the provisional certificate of nationality until six months after the date issuance of the provisional certificate of nationality while action is being taken for the registration of the ship or until the ship arrives at any port of India, whichever date occurs earlier, and in such a situation, the provisional certificate of nationality shall be the same as the registration certificate.

Provided that, any ship shall not obtain the provisional certificate more than once except in the circumstance as referred to in Clause (b) of Sub-section (1) of Section 16.

18. Provisional certificate of nationality to be returned: After a ship which received the provisional certificate of nationality pursuant to Section 16 of this Act has obtained the certificate of registration, the provisional certificate of nationality of such a ship shall be returned to the Nepal Ship Office.

Chapter-6⁵

Name and Place of Registration of Ship

19. Name of ship: (1) Each Nepalese commercial ship shall have a name. Such a name shall not be changed without permission of the Registrar, and two Nepalese ships shall not bear the same name.

⁵ Inserted by First Amendment.

(2) Each Nepalese commercial ship with the provision of radio transmission station or radio telephone shall also have a code name of its registration internationally.

(3) Each Nepalese commercial ship shall have its name written on both sides of its boe, and its name and place of registration written on its stern.

20. **Place of registration:** The place of registration all Nepalese ships shall be Kathmandu.

Chapter-7⁶

Transfer of Ships

21. **Transfer of ship to be recorded in registration book:** The transfer of a Nepalese commercial ship or of a Nepalese ship being built and the charges, if any, on such a ship shall be recorded in the ship registration book.
22. **Statement as to transfer to be made:** If a registered ship or the share of such a ship is transferred to any person or body corporate, the transferee or, where the ship has been transferred to a body corporate, the body corporate shall not be recorded as the owner of ship until the transferee or a person authorized by such a body makes a statement about such transfer and signs to that effect before the Registrar, along with an evidence indicating the qualification to hold the Nepalese ship.
23. **Prohibition on transfer to foreigner:** No share or partial ownership of any Nepalese ship shall be so transferred to any foreign citizen or foreign body corporate nor shall any transaction be so done creating any charges on a Nepalese ship in favor of such a foreign citizen or body as to be in contravention of Section 4.

⁶ Inserted by First Amendment.

Chapter-8⁷

Revocation of Registration

24. Circumstances where registration is revoked: (1) If any Nepalese ship meets the following circumstances, the registration of such a ship shall be revoked:

- (a) If it is withdrawn from the sea trade permanently,
- (b) If it is lost,
- (c) If it is destroyed,
- (d) If it cannot be used permanently, and
- (e)⁸ If the terms set forth in Section 4 or 5 are not observed.

(2) If a ship meets the circumstances as referred to in Sub-section (1), the owner of the ship shall give a notice thereof to the Registrar within Fifteen days after the date of knowledge of that matter.

24A.⁹ Power of Government of Nepal to have inspection or demand details: (1) The Government of Nepal may, at any time, depute a team of officers and carry out inspection a Nepalese ship registered pursuant to this Act and inquire into the activities of a body corporate managing the operation of such a ship.

(2) The Government of Nepal may give order to a body corporate managing the operation of a ship pursuant to this Act to submit necessary details relating to the activities of the body corporate and progress report within at least Fifteen days as specified by the Government of Nepal, and if such an order is given, it shall be the duty

⁷ Inserted by First Amendment.

⁸ Amended by First Amendment.

⁹ Inserted by First Amendment.

of the chief of the concerned body corporate to submit such details or report.

Chapter-9¹⁰

Miscellaneous

25. Punishment: (1) If false details are submitted to register a ship as referred to in Sub-section (3) of Section 4, the owner of such a ship and a person who acts in contravention of Section 15 or 24A. may be liable to the punishment of a fine not exceeding Fifty Thousand Rupees or imprisonment for a term not exceeding Two years or both punishments, and in such a case, the right of the concerned commercial ship to use the flag of commercial ship of¹¹ Nepal may also be withdrawn or suspended for some period.

(2) If the name and place of registration as required to be written on a ship pursuant to Section 19 are not written or unauthorized name is written or the name of a ship is altered without the permission of the Registrar, the owner of such a ship shall be liable to the punishment of a fine not exceeding Ten Thousand Rupees.

(3) The owner of a ship who fails to give a notice to the Registrar pursuant to Sub-section (2) of Section 24 shall be liable to a fine not exceeding Ten Thousand Rupees.

26. 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.

¹⁰ Inserted by First Amendment.

¹¹ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

(3) If the Registrar considers necessary, he or she may carry out necessary inquiry even outside.....¹² 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 Appeal¹³ within Thirty Five days.

27. **Some provisions relating to contract:** The type of contract to be concluded in relation to the renting or hiring of a ship registered or to be registered pursuant to this Act or the carriage/transportation of cargos or passengers or engagement in any navigation work shall be so provided by the Rules under this Act as not to be inconsistent with the prevailing Nepal laws.
28. **Qualification of body corporate operating ship:** Fifty One percent of shares of anybody corporate carrying on the business of operation of a ship registered or to be registered pursuant to this Act shall have to be subscribed by Nepalese citizens or the Government of Nepal.
29. **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.

¹² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

¹³ Amended by Administration of Justice Act, 2048 (1991).