
THE MINISTRY OF TRANSPORT

**DECISION No. 51/2005/QĐ-BGTVT OF
OCTOBER 12, 2005, PROMULGATING THE
REGULATION ON REGISTRATION OF
VIETNAMESE SEAGOING SHIPS**

THE MINISTER OF TRANSPORT

*Pursuant to the June 14, 2005 Vietnam Maritime
Code;*

*Pursuant to the Government's Decree No. 34/
2003/ND-CP of April 4, 2005, defining the functions,
tasks, powers and organizational structure of the
Ministry of Transport;*

*At the proposal of the director of the Science
and Technology Department and the director of
Vietnam Register,*

DECIDES:

Article 1.- To promulgate together with this
Decision the Regulation on registration of
Vietnamese seagoing ships.

Article 2.- This Decision takes effect as from
January 1, 2006.

Article 3.- The director of the Office, the chief
inspector of the Ministry, the directors of the Science
and Technology Department, the Legal
Department, the Transport Department, the
Organization and Personnel Department and the
Finance Department, the director of Vietnam
Register, the director of the Vietnam Maritime

Administration, the directors of provincial/municipal Transport Services and Transport and Public Works Services, the heads of concerned agencies and organizations, and concerned individuals shall have to implement this Decision.

Minister of Transport
DAO DINH BINH

REGULATION ON REGISTRATION OF VIETNAMESE SEAGOING SHIPS

(Promulgated together with the Transport Minister's Decision No. 51/2005/QĐ-BGTVT of October 12, 2005)

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

1. This Regulation provides for the contents, principles and procedures for registration of Vietnamese seagoing ships and public-duty ships (hereinafter referred to as seagoing ships).

Seagoing ships not required to be registered in the Vietnam National Register of Ships (hereinafter referred to as small seagoing ships) shall also be subject to registry in accordance with this Regulation.

2. This Regulation shall apply to agencies, organizations and individuals related to the registry

of seagoing ships in the state management and management of operation, designing, construction, conversion, reconstruction and repair of seagoing ships.

Article 2.- Interpretation of terms

In this Regulation, the following terms shall be construed as follows:

1. Ship owners mean owners, managers, operators or bareboat charterers of seagoing ships.

2. International conventions mean conventions of the International Maritime Organization and the International Labor Organization on maritime safety, maritime security, prevention of environmental pollution and tonnage measurement of seagoing ships to which the Socialist Republic of Vietnam is a contracting party.

3. Safety management system means a management system developed in accordance with the provisions of the International Safety Management Code.

4. Security system means a system developed in accordance with the provisions of the International Ship and Port Facility Security Code.

5. Manuals mean documents compiled in accordance with Vietnamese rules and standards and international conventions to provide instructions for crews to ensure maritime safety and maritime security for seagoing ships and ensure prevention of environmental pollution.

6. Evaluation means activities that a registration organization must carry out in order to issue or certify the validity of certificates under the provisions of the International Safety Management Code and the International Ship and Port Facility Security Code.

7. International route means a route of navigation of seagoing ships from a Vietnamese port to a foreign port or vice versa or between two foreign ports.

Chapter II

REGISTRATION OF SEAGOING SHIPS

Article 3.- Contents of seagoing ship registration work

1. To formulate Vietnam's legal documents, rules and standards on maritime safety, maritime security and prevention of environmental pollution, serving as a basis for designing, construction, conversion, reconstruction, repair, management, exploitation and registration of seagoing ships and submit them to the Minister of Transport for promulgation or submission to competent state agencies for promulgation.

2. To participate in formulating, amending and supplementing international conventions.

3. To formulate and promulgate according to competence rules on registration operations, guiding, disseminating and applying the provisions of Vietnam's legal documents, rules and standards and international conventions.

4. To approve seagoing ship designs and manuals:

a/ To approve seagoing ship designs, including technical designs, construction designs, construction completion designs, technological processes in the construction, conversion, reconstruction and repair of seagoing ships, and equipment fitted onboard seagoing ships.

b/ To approve manuals.

5. To inspect the quality, technical safety and

classification of seagoing ships in the course of construction, conversion, reconstruction and repair under the provisions of Vietnam's legal documents, rules and standards and international conventions and in compliance with the approved design dossiers.

6. To survey seagoing ships in the course of operation in the following forms:

a/ Initial survey, which means survey conducted following the construction or importation of a new seagoing ship or a change of the registration organization in order to certify that the ship and equipment fitted onboard comply with Vietnam's legal documents, rules and standards and international conventions and the ship's use purpose.

b/ Periodical survey, which means survey conducted on a periodical basis so as to certify that the ships and equipment fitted onboard are maintained and preserved in satisfactory conditions as required by Vietnam's legal documents, rules and standards and international conventions and the ships' use purpose.

Periodical survey consists of annual survey, intermediate survey, on-skid survey and regular survey.

c/ Irregular survey or additional survey, which means survey conducted at the request of competent state agencies or in accordance with Vietnam's legal documents, rules and standards and international conventions.

7. To issue classification, maritime safety and environmental pollution prevention certificates to seagoing ships in accordance with Vietnam's legal documents, rules and standards and international conventions after completing the approval of their designs, manuals and survey under the provisions of Clauses 4, 5 and 6 of this Article.

8. To survey and issue quality and technical safety certificates to materials, machinery and equipment in the process of manufacture and importation for use in constructing, converting, reconstructing or repairing seagoing ships.

9. To survey and issue quality and technical safety certificates to containers in the process of manufacture and use.

10. To evaluate and issue certificates to the seagoing ship safety and security systems, approve seagoing ships' security plans, train and issue certificates to safety management officials, seagoing ships' security officers and company security officials in accordance with the International Safety Management Code the International Ship and Port Facility Security Code.

Evaluation of seagoing ship safety and security systems includes initial evaluation, annual evaluation, intermediate evaluation, periodical evaluation and additional evaluation.

11. To measure and determine the tonnage of seagoing ships and issue tonnage certificates in accordance with Vietnam's legal documents, rules and standards and international conventions.

12. To technically expertise and investigate to find out causes of accidents and incidents related to the technical conditions of seagoing ships.

13. To build up and preserve a data management system on the technical conditions of seagoing ships and annually publish the technical registers of Vietnamese seagoing fleets.

Article 4.- Principles of seagoing ships registration work

1. Seagoing ships must be surveyed and evaluated in terms of their maritime safety, maritime

security and prevention of environmental pollution and issued technical certificates to that effect in a systematic and continuous manner throughout the course of operation so as to ensure that they are kept always in satisfactory conditions as required by Vietnam's legal documents, rules and standards and international conventions.

2. The survey and evaluation of seagoing ships shall be conducted at the places where the ships are constructed, converted, reconstructed, repaired, anchored or are operating, even overseas.

3. Seagoing ships not operating on international routes shall be surveyed, classified and issued certificates in accordance with Vietnam's legal documents, rules and standards.

4. Seagoing ships operating on international routes shall be surveyed, classified and issued certificates in accordance with Vietnam's legal documents, rules and standards and relevant international conventions.

5. Seagoing ships operating on international routes may be surveyed and classified according to the rules and standards of authorized foreign recognized organizations provided that the requirements on quality, maritime safety and environmental pollution prevention are not lower than corresponding requirements of Vietnam's legal documents, rules and standards.

The authorization of foreign recognized organizations to survey, classify and issue certificates shall be effected with regard to each seagoing ship, according to one or more of the following contents:

a/ Surveying and issuing classification certificates according to rules of the authorized foreign recognized organization;

b/ Surveying and issuing technical certificates regarding maritime safety and environmental pollution prevention according to Vietnam's legal documents, rules and standards.

c/ Surveying and issuing technical certificates regarding maritime safety and environmental pollution prevention according to international conventions.

Article 5.- Approval of seagoing ship designs and manuals

1. A dossier of application for approval of a seagoing ship's design shall consist of:

- a/ An application for approval of the design;
- b/ Letter of designing tasks;
- c/ The design dossier as provided for.

2. A dossier of application for approval of a manual shall consist of:

- a/ A written application for approval of a manual;
- b/ The manual as provided for.

3. Within twenty working days as from the date of receiving complete and valid dossiers of application for approval of designs, registration organizations must complete the approval and issue design approval certificates to the applying organizations or individuals. For designs of seagoing ships of new or complicated types, the time for approval thereof shall be agreed upon between the concerned registration organization and the applying organization or individual.

Within three working days as from the date of receiving complete and valid dossiers of application for approval of manuals, registration organizations must complete the approval thereof and issue manual approval certificates to the applying

organizations or individuals.

Article 6.- Survey, evaluation and issue of registration dossiers with respect to maritime safety, maritime security and environmental pollution prevention for seagoing ships

1. Where there are needs for survey, evaluation and issue of registration dossiers with respect to maritime safety, maritime security and environmental pollution prevention for seagoing ships, ship owners or establishments constructing, converting, reconstructing or repairing seagoing ships must send written applications to registration organizations.

2. After receiving complete and valid dossiers of application for survey, the registration organizations must appoint registration officers to conduct survey at the place and time as agreed upon. If the survey results are satisfactory according to Vietnam's rules and standards and international conventions, the registration organizations must issue registration dossiers according to regulations to the applying organizations or individuals within the following time limit counting from the date of completion of survey:

- a/ Three working days, for initial survey and periodical survey;
- b/ One working day, for annual survey, on-skid survey, intermediate survey, irregular survey and additional survey.

3. After receiving complete and valid dossiers of application for evaluation, the registration organizations must appoint evaluators to conduct evaluation at the place and time as agreed upon. If the evaluation results are satisfactory under the provisions of the International Safety Management Code and the International Ship and Port Facility

Security Code, within one working day after completion of the evaluation, the registration organizations must issue registration dossiers according to regulations to the applying organizations or individuals.

4. Ship owners who have needs for foreign recognized organizations to survey, classify and issue technical certificates regarding maritime safety and environmental pollution prevention for seagoing ships must send written applications, made according to a set form, to competent agencies. Within one working day after accepting the applications, competent agencies must send authorization letters, made according to a set form, to the foreign recognized organizations and the ship owners for implementation.

5. When having needs for irregular or additional survey or evaluation to preserve the maritime safety, maritime security and environmental protection prevention for seagoing ships, registration organizations must notify the survey and evaluation contents to ship owners and reach agreement with the latter on the place and time for conducting such survey or evaluation.

6. If a seagoing ship fails to comply with the provisions of Vietnam's legal documents, rules and standards and international conventions, resulting in the degrading of its classification, deletion of its classification or invalidation of its certificates, the registration organization must inform the ship owner and concerned state agencies thereof.

Article 7.- Registration dossiers issued to seagoing ships

1. If seagoing ships not operating on international routes comply with the provisions of Vietnam's legal documents, rules and standards,

they shall be issued each a registration dossier, consisting of:

a/ The classification certificate;

b/ The tonnage certificate;

c/ Maritime safety and environmental protection certificates;

d/ The seaworthiness certificate;

e/ Appendices enclosed to the certificates, survey records and related dossiers and documents.

2. Seagoing ships operating on international routes shall, apart from registration dossiers specified at Points a, b, d and e, Clause 1 of this Article, be issued maritime safety, maritime security and environmental protection certificates according to the provisions of relevant international conventions.

3. The forms of dossiers stated in Clause 1 of this Article shall be set by the registration organizations. The forms of dossiers stated in Clause 2 of this Article shall comply with the provisions of the International Maritime Organization and the International Labor Organization.

Article 8.- Registration of small seagoing ships

1. The registration of small seagoing ships shall cover: approval of designs, manuals, tonnage measurement, survey of the quality, technical safety and environmental protection in the course of construction, conversion, repair, reconstruction, survey in the process of operation, and issue of registration dossiers.

2. The registration of small seagoing ships shall comply with the provisions of Clauses 1, 3, 4, 5, 6,

7, 8, 11 and 12 of Article 3; Clauses 1, 2 and 3, Article 4; Article 5, and Clauses 1, 2, 5 and 6, Article 6 of this Regulation.

2. Small seagoing ships that satisfy the provisions of Vietnam's legal documents, rules and standards shall be issued registration dossiers, each consisting of:

- a/ The technical survey register for coastal ships;
- b/ The seaworthiness certificate;
- c/ The survey record and related dossiers and documents.

3. The forms of dossiers stated in Clause 3 of this Article shall be set by the registration organizations.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 9.- Seagoing ship registration organization

Vietnam Register shall perform the function of the "Vietnamese registration organization," responsible for organizing a uniform system of registration organizations nationwide to register seagoing ships under this Regulation, collecting charges and fees according to rules, and responsible for biannually and annually reporting to the Minister of Transport.

2. The director of Vietnam Register shall authorize foreign recognized organizations to survey, classify and issue technical certificates of maritime safety and environmental protection to seagoing ships according to the provisions of Clause 5 of Article 4 and Clause 4 of Article 6 of this Regulation.

Article 10.- Responsibilities of authorized foreign recognized organizations

1. To survey, classify and issue technical certificates of maritime safety and environmental protection as authorized to seagoing ships according to the provisions of Vietnamese law and international conventions, and take responsibility for their survey, classification and certification results;
2. To implement the regime of information exchange and reporting as agreed upon with Vietnam Register;
3. To observe other provisions of Vietnamese law.

Article 11.- Responsibilities of ship owners, establishments designing, constructing, converting, reconstructing and repairing seagoing ships and establishments manufacturing, repairing and maintaining equipment fitted onboard seagoing ships

1. Ship owners shall have to implement the provisions of this Regulation on the registration of seagoing ships when seagoing ships are constructed, imported, converted, reconstructed or repaired and in the process of operation; keep the technical safety, security and environmental protection conditions of their seagoing ships in compliance with the provisions of legal documents, rules, standards and relevant international conventions between two surveys or evaluations.
2. Establishments designing, constructing, converting, reconstructing and repairing seagoing ships and establishments manufacturing, repairing and maintaining equipment fitted onboard seagoing ships must:

a/ Comply with the provisions on design dossiers and approval thereof;

b/ Observe the quality, technical safety and environmental protection standards applicable to seagoing ships and the approved design dossiers;

c/ Submit to the survey and supervision by registration organizations of the quality, technical safety and environmental protection in the process of designing, constructing, converting, repairing and reconstructing seagoing ships and equipment fitted onboard seagoing ships.

Article 12.- Registration charges and fees

1. Ship owners and establishments designing, constructing, converting, reconstructing and repairing seagoing ships and establishments manufacturing, repairing and maintaining equipment fitted onboard seagoing ships shall have to pay charges for approval of designs, approval of manuals, survey, classification and evaluation, and fees for the issue of certificates according to Vietnam's regulations when seagoing ships are surveyed, classified and evaluated by Vietnam Register.

2. Ship owners, establishments designing, constructing, converting, reconstructing and repairing seagoing ships and establishments manufacturing, repairing and maintaining equipment fitted onboard seagoing ships shall have to pay charges for approval of designs, approval of manuals, survey and classification foreign recognized organizations when seagoing ships are surveyed and classified by such organizations.

Minister of Transport
DAO DINH BINH