

COMMUNICATIONS AND TRANSIT

C. 417(a). M. 173(a). 1931. VIII.
[C.C.T./496, 496(a), 496(b), 496(c).]

I.

RESOLUTIONS ADOPTED BY THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT AT ITS SIXTEENTH SESSION

(Geneva, May 28th to June 2nd, 1931.)

I. PREPARATION OF INTERNATIONAL CONVENTIONS.

The Advisory and Technical Committee,

Having received the request for an opinion contained in Section IV of resolution 1 adopted by the Assembly on October 3rd, 1930, with regard to the ratification of international conventions concluded under the auspices of the League of Nations

Considers, in view of the resolution of the Assembly of December 9th, 1920, and of the provisions of the Statute of the Communications and Transit Organisation adopted at the First and Third General Conferences on Communications and Transit, that the procedure followed by the Transit Organisation for the preparation of general conventions is among the cases mentioned by the Assembly where "previous conventions or arrangements have established a special procedure" and that, consequently the new procedure proposed by the Assembly does not involve a modification of the rules at present followed by the Communications and Transit Organisation

Notes that the said rules followed by the Transit Organisation and this Organisation's practice, which involve continuous contact for the study of all questions with those specially concerned by means of discussions and enquiries carried on by the Advisory and Technical Committee and by its permanent Committees, are inspired by the prudent considerations which guided the Assembly in the adoption of the resolution of October 3rd, 1930, and that experience has shown that these methods, being peculiarly adapted to the study of the technical problems of communications and transit, guard against the premature summoning of international conferences which may be called upon to conclude conventions.

Apart from the case of communications and transit conventions, the Advisory and Technical Committee desires to draw the Assembly's attention to the fact that, within the terms of the resolution of October 3rd, 1930, it will no doubt be frequently necessary to make use of the exception provided for by the said resolution "owing to the nature of the questions to be treated or to special circumstances" It seems clear that, even if no special difficulty arises during the preparatory studies, a strict application of the rules laid down by the Assembly would involve the elapse of about four years between the moment when the attention of an organ of the League is drawn to a question on which an international convention is desirable and the moment when this convention can be concluded.

II. STUDY OF THE QUESTION OF THE TRANSPORT OF AGRICULTURAL PRODUCTS.

The Advisory and Technical Committee,

Noting the information supplied by its Secretary-General

Considering it impossible to study accurately the problems concerning the transport of agricultural products as long as the policy of economic co-operation between States in agricultural matters has not been sufficiently fixed

Decides to retain this question on its agenda and instructs its Chairman to arrange, when the time comes, for the application of the resolution adopted by the Committee at its last session, on the understanding that, as regards the number and choice of the experts and the scope of the enquiry to be undertaken, the Chairman shall be authorised to adjust the procedure laid down in the said resolution to any new circumstance.

III. ADJUSTMENT OF RAILWAY TARIFFS.

The Advisory and Technical Committee,

Having taken cognisance of the note communicated by the Economic Relations Section of the Secretariat containing a statement of the position of the Economic Organisation's work with regard to the question of indirect protectionism

Considers that it would be difficult to propose to States with any serious prospects of adoption measures aimed at restricting their freedom of action in regard to railway tariffs and going beyond the provisions of the Convention and the Statute on the Freedom of Transit and of the Convention and Statute on the International Regime of Railways, as long as the principles of a closer co-operation in economic matters have not been previously fixed and accepted by States on more general lines

Requests its Secretariat to keep in touch with the Secretariat of the Economic Organisation and to keep the Committee informed of the progress of this Organisation's work with regard to the question of indirect protectionism

Notes that a study of the treaties of commerce and other bilateral agreements containing provisions with regard to railway tariffs connected with the problem of indirect protectionism comes within the province of the Committee instructed by the Permanent Legal Committee to study the question of the codification of international law with regard to communications, and draws this Committee's attention to the point.

IV EXTENSION OF INTERNATIONAL AGREEMENTS RELATING TO TRANSPORT BY RAIL.

The Advisory and Technical Committee,

Notes that this question is within the province of the Committee instructed by the Permanent Legal Committee to study the question of the codification of international law with regard to communications, and therefore refers to this Committee for examination the resolution adopted in this connection by the Preliminary Conference with a view to Concerted Economic Action of February-March 1930.

V CONSTRUCTION OF AN AERODROME NEAR THE SEAT OF THE LEAGUE OF NATIONS.

The Advisory and Technical Committee,

Decides to submit to the Council for transmission to the Assembly the report prepared by the Committee of Experts appointed to study the question of the construction of an aerodrome near the seat of the League of Nations and to request the Secretary-General of the League to attach to this report any supplementary information on the financial aspects of the problem which may be obtained before the Assembly meets.

VI. TRIPTYCH SYSTEM.

The Advisory and Technical Committee,

Having taken cognisance of the replies received from the Governments to Circular Letter C.L. 277. 1930. VIII. of October 20th, 1930

Notes that nearly all the replies are favourable to the adoption of the minimum rules laid down in the resolution which it passed at its fifteenth session.

The Committee decides to send the replies of the Governments to the Permanent Committee on Road Traffic so that the latter may be in possession of complete documentary information, and requests the Secretary-General of the League to remind those Governments which have not yet communicated their views, of the above-mentioned Circular Letter, and to ask them to forward their reply as soon as possible.

VII. CONTINUATION OF THE WORK OF THE EUROPEAN CONFERENCE ON ROAD TRAFFIC RELATING TO COMMERCIAL MOTOR TRANSPORT.

The Advisory and Technical Committee,

Having noted the resolution adopted by the European Conference on Road Traffic held at Geneva in March 1931, concerning the suspension of the work on commercial motor transport:

Requests the Secretariat to collect documentary material on the national laws of the various States concerned relating to commercial motor transport, as also on economic conditions prevailing in the different countries which are liable to influence the development of such transport

Asks the Permanent Committee on Road Traffic to take such action on the above-mentioned resolution of the European Conference on Road Traffic as may be necessary and to secure for its further enquiry the co-operation of experts who are especially well qualified to deal with the economic and legal aspects of the question.

VIII. RECOMMENDATION OF THE EUROPEAN CONFERENCE ON ROAD TRAFFIC WITH REGARD TO LIGHT SIGNALLING.

The Advisory and Technical Committee,

Decides to refer to the Permanent Committee on Road Traffic the recommendation adopted by the European Conference on Road Traffic held at Geneva in March 1931, relating to the problem of light signalling.

IX. RECOMMENDATION OF THE EUROPEAN CONFERENCE ON ROAD TRAFFIC WITH REGARD TO THE SIGNALS TO BE MADE BY OFFICIALS DIRECTING TRAFFIC AND DRIVERS OR VEHICLES.

The Advisory and Technical Committee,

Decides to refer to the Permanent Committee on Road Traffic the recommendation adopted by the European Conference on Road Traffic, held at Geneva in March 1931, relating to the signs to be made in the various countries by officials directing traffic and by drivers of vehicles.

X. PASSPORT AND VISA FORMALITIES FOR MIGRANTS.

The Advisory and Technical Committee,

Having noted the information communicated to it by the International Labour Office in accordance with the resolution adopted by the Committee at its fifteenth session

Decides to ask the Secretariat to collect all useful information from the Governments regarding the formalities entailed by the system or systems in force in connection with the admission of immigrants.

XI. EXEMPTION OF THE ADVERTISING MATTER OF RAILWAY ADMINISTRATIONS FROM CUSTOMS DUTY.

The Advisory and Technical Committee,

Having noted the letter of December 19th, 1930, from the Secretary-General of the International Railway Union concerning the exemption from Customs duty of advertising matter exchanged by the railway administrations of the various countries

Decides to forward this request to the Economic Committee with its approval.

XII. CUSTOMS DUTIES ON CARDS FOR MACHINES USED FOR STATISTICAL PURPOSES.

The Advisory and Technical Committee,

Having noted the letter of December 19th, 1930, from the Secretary-General of the International Railway Union transmitting a request from the Managing Committee of the Union that the Advisory and Technical Committee should take action in favour of the removal of Customs duties on the special cardboard used in statistical machines

Decides to inform the International Railway Union that, as the request contained in the letter in question raises an extremely general question in connection with the establishment of statistics of all kinds, it considers that, regarding the matter from the point of view of the interests which it represents, it does not feel justified in taking any action in the matter.

XIII. EXTENSION OF INTERNATIONAL AGREEMENTS REGARDING INLAND NAVIGATION.

The Advisory and Technical Committee,

Having noted the report of the Permanent Committee on Inland Navigation

Approves the procedure proposed by this Committee for the examination of the question of the extension of international agreements regarding inland navigation raised by the Preliminary Conference with a view to Concerted Economic Action held at Geneva in February-March 1930

Approves the despatch on behalf of the Advisory and Technical Committee of the questionnaire prepared by the Permanent Committee for Inland Navigation to the Governments of the European countries, the Secretariat of the Committee being further requested to undertake an enquiry with a view to supplying the Committee with information on the international regime of inland navigation in the different countries of America, account being taken in particular of the work of the Pan-American congresses.

XIV PASSPORT AND VISA FORMALITIES FOR PERSONNEL IN INLAND NAVIGATION.

The Advisory and Technical Committee,

In accordance with the proposals of the Permanent Committee for Inland Navigation Decides that the study provided for in its resolution of September 1930 on passport and visa formalities for officers and seamen shall extend to the identity papers of inland navigation personnel.

The report to be prepared by the Secretariat in conformity with the resolution adopted by the Committee in September 1930 shall be drawn up under the direction of the Chairman of the former Passports Sub-Committee, of the Chairman of the Permanent Committee on Ports and Maritime Navigation and of the Chairman of the Permanent Committee on Inland Navigation.

XV RECOMMENDATION OF THE CONFERENCE FOR THE UNIFICATION OF RIVER LAW RELATING TO ATTACHMENT (*saisie conservatoire*).

The Advisory and Technical Committee,

Decides to refer to the Committee on River Law the recommendation adopted by the Conference for the Unification of River Law held at Geneva in November-December 1930, to the effect that a convention relating to attachment (*saisie conservatoire*) should be prepared in the near future.

XVI. RECOMMENDATION OF THE CONFERENCE FOR THE UNIFICATION OF RIVER LAW IN THE MATTER OF ASSISTANCE AND SALVAGE.

The Advisory Technical Committee,

Decides to bring to the notice of the Committee on River Law the recommendation adopted by the Conference for the Unification of River Law held at Geneva in November-December 1930 relating to assistance and salvage in regard to river navigation and to draw the special attention of the said Committee to the passage in this recommendation in which the conclusion of a convention on assistance and salvage is advocated.

XVII. FINAL AGENDA OF THE FOURTH GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT.

The Advisory and Technical Committee,

Requests the Secretary-General of the League of Nations to inform the Governments and organisations invited to the Fourth General Conference on Communications and Transit that, during the Advisory and Technical Committee's present session, the representatives of the International Chamber of Commerce have informed the Committee that the International Chamber of Commerce proposes to raise the following questions when the Fourth General Conference deals with item 1 on its agenda (Examination of the Report on the Work done by the Advisory and Technical Committee for Communications and Transit since the Last General Conference) (a) negotiability of railway transport documents (b) hindrances to maritime navigation.

The Secretary-General of the League is requested to forward to the Governments and organisations invited to the Conference the document attached to the present resolution and communicated to the Committee by the representatives of the International Chamber of Commerce, it being understood that the Advisory and Technical Committee takes no responsibility for this document and that any observations which may be submitted by the Governments on receipt of this document will, if they so request, be published and forwarded to the Governments and organisations invited to the Conference.

XVIII. STUDY OF THE QUESTION OF THE TERRITORIAL SEA.

The Advisory and Technical Committee,

Having noted the resolution of May 15th, 1930, in which the Council requested the Communications and Transit Organisation to follow in a general manner the development of the problem of codification of the law relating to the territorial sea with a view to presenting recommendations to the Council on the subject when it finds it possible to do so

Requests its Chairman to appoint a committee of three members to submit to the Advisory and Technical Committee a preliminary report on the difficulties to which the international examination of this question have given rise and on such methods as might be adopted to facilitate as far as possible their solution.

The Secretariat of the Advisory and Technical Committee will communicate to this committee all the information received from the various Governments in pursuance of point 3 (a) of the Council's resolution as well as any other useful information which the Secretariat may be able to obtain.

The Chairman of the Advisory and Technical Committee may at the special committee's request, attach to it specialists with a view to the examination of any particular question.

XIX. RECOMMENDATION CONCERNING INLAND WATERS ADOPTED BY THE CONFERENCE ON THE CODIFICATION OF INTERNATIONAL LAW

The Advisory and Technical Committee,

Having noted the resolution of May 15th, 1930, in which the Council requested the Communications and Transit Organisation to examine the recommendation adopted by the Conference on the Codification of International Law held at The Hague from March 15th to April 12th, 1930, with regard to inland waters ¹

Considering any procedure to be inadvisable which would, for the present, involve any modification of the Convention on the International Regime of Maritime Ports

Instructs its Chairman to appoint, in consultation with the Chairman of the Permanent Committee on Ports and Maritime Navigation and the Chairman of the Permanent Legal Committee, a special committee of three or four members to examine what measures, if any could be proposed to the Governments for adoption either in the form of agreements supplementary to the Convention on the International Regime of Maritime Ports or in the form of agreements independent of that Convention.

XX. UNIFICATION OF TRANSPORT STATISTICS.

The Advisory and Technical Committee,

Takes cognisance of the summary report of the work of the Mixed Committee of the Communications and Transit Organisation and of the International Institute of Statistics and notes that the conclusions of the Mixed Committee are in agreement with the results of the work previously done by the Committee for the Unification of Transport Statistics.

In accordance with the recommendation of the Mixed Committee, the Advisory and Technical Committee decides to communicate the report of the Mixed Committee to the International Railway Union. Should the latter undertake an enquiry with regard to the compilation of statistics relating to the movement of goods by rail, the Committee would ask the Union to be good enough to inform it of the results.

The Committee notes the communication from the Secretariat, to the effect that the final report of the Committee for the Unification of Transport Statistics can be submitted to it at its next session. It decides that this report shall, after adoption by the Advisory and Technical Committee, be forwarded to the Governments concerned, which would be asked to have it examined by their competent services and to inform the Advisory and Technical Committee of any proposal which these services might think well to make—in the light of the particular conditions obtaining in each country—with regard to the methods of applying the principles set forth in the report.

XXI. CONTINUATION OF THE WORK WITH REGARD TO BUOYAGE OF THE CONFERENCE FOR THE UNIFICATION OF BUOYAGE AND LIGHTING OF COASTS.

The Advisory and Technical Committee,

Associating itself with the resolution adopted by the Conference for the Unification of Buoyage and Lighting of Coasts on October 23rd, 1930, concerning the continuation of the work for the unification of buoyage

Requests the Council to take the necessary steps for the interrupted work to be resumed in 1932, or at latest at the beginning of 1933.

It requests its Chairman to communicate the present resolution in good time to the Secretary-General of the League for transmission to the Council, the Chairman being authorised to set up a preparatory Committee to facilitate the work of the Conference, should he consider such a course desirable.

XXII. RECOMMENDATION OF THE CONFERENCE FOR THE UNIFICATION OF BUOYAGE AND LIGHTING OF COASTS CONCERNING THE BAND OF FREQUENCIES ASSIGNED FOR RADIO-BEACONS.

The Advisory and Technical Committee,

Requests the Secretary-General of the League of Nations to forward to the Governments of the States Parties to the Radio-Telegraphic Convention of 1927 and of the Bureau of the Telegraphic Union, the recommendation contained in the Final Act of the Conference for the Unification of Buoyage and Lighting of Coasts held at Lisbon in October 1930, with regard to the band of frequencies assigned for radio-beacons.

¹ The Conference recommends that the Convention on the International Regime of Maritime Ports signed at Geneva on December 9th, 1923, should be supplemented by the adoption of provisions regulating the scope of the judicial powers of States with regard to vessels in their inland waters.

XXIII. REQUESTS FROM THE INTERNATIONAL RAILWAY UNION CONCERNING THE SYSTEM OF TRANSPORT FOR DAILY AND SIMILAR NEWSPAPERS IN INTERNATIONAL TRAFFIC.

The Advisory and Technical Committee,

Having noted the text of the regulations adopted by the International Railway Union with regard to the transport of newspapers and periodicals, in accordance with the recommendation adopted by the Conference of Press Experts in August 1927 and with the provisions of the Final Protocol dated November 25th, 1929, of the European Conference convened by the Council of the League of Nations

Requests the Secretary-General of the League to communicate the text of these regulations to the Governments of the States invited to the said Conference.

The Advisory and Technical Committee requests the Governments invited to the Conference of November 1929 to consider as quickly as possible the introduction of measures to permit of the application in their territories of the regulations adopted by the International Railway Union.

It observes that the effective application of these measures will necessitate previous agreements, particularly with the Customs and other Government Administrations, and that, independently of the Government authorisation to be obtained, it will probably be necessary for the same purpose to fix detailed Customs regulations and to enact certain tariff measures.

The Committee thanks the International Railway Union for the prompt and effective manner in which it has co-operated in the application of the resolutions adopted by the Conference of November 1929.

XXIV ANNUAL REPORT OF THE MEMEL HARBOUR BOARD.

The Chairman of the Advisory and Technical Committee is requested to draw the attention of the Secretary-General of the League of Nations to the importance of each member of the Committee being able to obtain a copy of the annual report of the Memel Harbour Board if he so desires.

XXV COMPOSITION OF PERMANENT COMMITTEES.

The Advisory and Technical Committee, on the proposal of its Chairman,

Decides to appoint M. VON HEIDENSTAM as member of the Committee on Ports and Maritime Navigation to replace M. Hoernell, and His Excellency M. FELDMANS as member of the Permanent Legal Committee to replace His Excellency M. Duzmans

Decides to ask M. HOERNELL to continue to act as Chairman of the Permanent Committee on Electrical Questions

Decides to appoint M. PILOTTI chairman of the Permanent Legal Committee and M. VAN SLOOTEN Vice-chairman of the same Committee.

XXVI. PROGRAMME OF CLAIMS OF PROFESSIONAL MOTOR DRIVERS.

The Advisory and Technical Committee,

Having noted the letter of the Director of the International Labour Office dated February 21st, 1931, replying to the request made to him in conformity with the decision adopted by the Committee at its last session

Considers

(a) That Questions 1, 2, 3^a and 19 should be studied exclusively by the International Labour Office

(b) That Questions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 28, 29 and 30 should be studied jointly by the International Labour Office and the Communications and Transit Organisation

(c) That Questions 3^b, ² 15, 21, 22, 23, 24, 25, 26 and 27 should be studied exclusively by the Communications and Transit Organisation.

The Advisory and Technical Committee requests the Permanent Committee on Road Traffic to take the necessary action on the present resolution as far as the Communications and Transit Organisation is concerned.

¹ Insurance of the driver.

² Insurance of the vehicle.

XXVII. FIFTEENTH INTERNATIONAL NAVIGATION CONGRESS.

The Advisory and Technical Committee,

Decides to accept the invitation of the Italian Government to be represented at the fifteenth International Navigation Congress, which will meet at Venice and Rome in September 1931, and appoints as its representative His Excellency M. SEELIGER, the Committee's delegate on the Permanent International Committee for the Association of Navigation Congresses.

XXVIII. APPOINTMENT OF REPRESENTATIVES OF THE COMMUNICATIONS AND TRANSIT ORGANISATION TO SERVE ON THE MIXED COMMITTEE OF THAT ORGANISATION AND THE FISCAL COMMITTEE FOR THE QUESTION OF CUSTOMS AND FISCAL DUTIES APPLICABLE TO NEWSPAPERS AND PERIODICALS.

The Advisory and Technical Committee,

Appoints M. GRUNEBaum and M. SINIGALIA, members of the Committee, and M. SCHOELLER, Director of the Messageries Hachette, to be representatives of the Communications and Transit Organisation on the Mixed Committee of that Organisation and the Fiscal Committee for the question of Customs and fiscal duties applicable to newspapers and periodicals.

XXIX. DRAFT BUDGET OF THE COMMUNICATIONS AND TRANSIT ORGANISATION FOR 1932.

The Advisory and Technical Committee,

Notes the draft budget of the Communications and Transit Organisation for 1932 as adopted by the Supervisory Commission.

XXX. REPORT OF THE CHAIRMAN OF THE COMMITTEE ON THE MISSIONS CARRIED OUT BY HIM SINCE THE LAST SESSION OF THE COMMITTEE.

The Advisory and Technical Committee,

Notes the report of M. Herold, the retiring Chairman, on the missions carried out by him since the last session of the Committee.

XXXI. REQUEST SUBMITTED BY THE INTERNATIONAL CONFEDERATION OF INTELLECTUAL WORKERS.

The Advisory and Technical Committee,

Having noted the request of the International Confederation of Intellectual Workers for the introduction of reduced rates for the journeys of persons going to international congresses Requests the Permanent Committee for Transport by Rail to consider this question and supply the Secretariat with data for a reply to the Confederation.

XXXII. REPORT ON THE LEAGUE WIRELESS STATION.

The Advisory and Technical Committee,

Takes note of the report submitted to it by M. de Vasconcellos on the present position with regard to the construction of the wireless station of the League of Nations.

XXXIII. CO-OPERATION BETWEEN THE CHINESE NATIONAL GOVERNMENT AND THE COMMUNICATIONS AND TRANSIT ORGANISATION.

The Advisory and Technical Committee,

Being informed of the correspondence between the Minister of Finance of the Chinese National Government, Vice-President of the Executive Yuan, and the Director of the Communications and Transit Section of the League

Having taken cognisance of the telegrams addressed by the Chinese National Government to the Secretary-General of the League on January 7th, 1931, and April 25th, 1931, and the decisions of the Council in the matter

Noting the declarations and information submitted to the Committee by the Director of the Communications and Transit Section concerning his mission to China

Expresses its gratification that, as a result of that mission, it has been judged possible, in conformity with the hope expressed by the Chinese National Government in its telegram of January 7th, to establish practical co-operation between the Chinese Government and the Communications and Transit Organisation of the League

Accepts, on behalf of the Communications and Transit Organisation, the duties devolving upon the Organisation, in conformity with the aforesaid letters, telegrams and decisions.

The Advisory and Technical Committee assures the Chinese National Government that it will spare no effort to justify the confidence placed in it by the Government and to assist the Chinese National Government to pursue its work of economic reconstruction in the sphere of communications and public works.

The Chairman of the Advisory and Technical Committee is authorised to transmit, for an opinion, to the Committee of Enquiry for the study of questions relating to the training of public works engineers,¹ all questions concerning the organisation of the technical civil engineering field station submitted with this object, by the Secretary-General of the Committee. All questions raised in the course of co-operation between the Communications and Transit Organisation and the Chinese National Economic Council concerning the establishment of a programme of public works and national technical equipment should similarly be transmitted to the Committee of Enquiry for the study of general questions relating to public works.

The Chairman of the Advisory and Technical Committee is requested to ensure co-ordination, whenever necessary between the work of the two above-mentioned Committees.

The Chairman of the Advisory and Technical Committee is authorised to name the experts appointed to give opinions to the Chinese Government concerning the scheme for the development of the Hwai River such experts shall also be responsible for the other duties mentioned in the correspondence between the Chinese Government and the Director of the Communications and Transit Section. The Chairman of the Advisory and Technical Committee is authorised, further, to take subsequently all suitable steps to ensure the co-operation on the spot of any other experts whose services may be found necessary

The Chairman of the Advisory and Technical Committee may should he desire to do so, apply to one or more members of that Committee to assist him in discharging the duties entrusted to him under the present resolution.

XXXIV QUESTIONS OF INTERNAL ORGANISATION CONSTITUTION OF TWO COMMITTEES OF ENQUIRY.

A.

The Advisory and Technical Committee,

Considering it desirable to study the methods of training public works engineers in order to be able to comply more easily with requests for opinions such as that submitted by the Chinese Government

Being of opinion that such study should be entrusted to a special body consisting of persons in touch with a number of the principal institutions for the training of public works engineers

Requests its Chairman to take the necessary steps without delay with a view to the creation of a Committee of Enquiry to study questions relating to the training of public work engineers.

B.

The Advisory and Technical Committee,

Being anxious to be able to comply more easily with requests for opinions on general questions relating to public works and national technical equipment such as that submitted by the Chinese Government

Considering it advisable to have at its disposal for this purpose the services of a Committee of Enquiry composed as far as possible, of experts already belonging to the Permanent Committees of the Advisory and Technical Committee

Requests its Chairman to take the necessary steps without delay with a view to the creation of a Committee of Enquiry to study general questions relating to public works.

XXXV PRESENT STATE OF NEGOTIATIONS BETWEEN POLAND AND LITHUANIA.

The Advisory and Technical Committee,

Having noted the resolution adopted by the Council on January 24th, 1931

Instructs its Chairman to take all appropriate measures to give the Permanent Court of International Justice such assistance as it may desire.

¹ See Resolution XXXIV A.

See Resolution XXXIV B.

XXXVI. TRANSPORT AND TRANSIT OF ELECTRIC POWER.

The Advisory and Technical Committee,

Having received the request of the Commission of Enquiry for European Union approved by the Council at its meeting of May 22nd, 1931, concerning the transport and transit of electric power

Requests the Secretary-General of the League to ask the Belgian Government, which raised this question, to forward to the Committee all supplementary information which may be desirable to define the different aspects of the problem it has proposed for study and any preliminary suggestions it may feel able to make.

The Secretariat is requested to prepare documentation on the national legislations and on the international agreements in force in the different European countries with regard to the international exchange of electric power.

The Chairman of the Committee is requested, after consulting the Chairman of the Committee on Electric Questions and as soon as the supplementary information asked from the Belgian Government has been received, to set up a committee competent to deal with this question as a whole.

The Advisory and Technical Committee, in accordance with the request of the Commission of Enquiry decides to associate the Belgian, Czechoslovak, Norwegian and Spanish Governments in the examination of this question by the Communications and Transit Organisation these Governments will therefore be invited to appoint temporary members of the Advisory and Technical Committee for the examination of this question.

XXXVII. CUSTOMS EXEMPTION FOR LIQUID FUEL.

The Advisory and Technical Committee,

Having received the request of the Commission of Enquiry for European Union, approved by the Council at its meeting of May 22nd, 1931, concerning Customs exemption for liquid fuel

Considers it desirable that the States represented on the Commission of Enquiry should forward to the Secretariat, in addition to documentation with regard to the regulations applied in the different countries, all information or observations which these States may desire to submit on this question. The same request will also be addressed to the International Air Navigation Commission, the International Air Traffic Association, the International River Commissions, the International Shipping Conference, the International Association of Recognised Automobile Clubs, the International Tourist Alliance, the International Commercial Motor Transport Federation, and the International Chamber of Commerce.

The Chairman of the Committee is requested to set up in due course for the study of this question a special committee to which the documentation collected will be transmitted.

XXXVIII. FREIGHTING OF VESSELS BY FOREIGNERS.

The Advisory and Technical Committee,

Having noted the letter sent to the Director of the Communications and Transit Section of the Secretariat by the Director of the Opium and Social Questions Sections

Decides to refer this question to the Committee on Ports and Maritime Navigation, which is requested to add to its numbers for the study of this question one or more members of the Permanent Legal Committee appointed by the Chairman of that Committee.

XXXIX. APPOINTMENT OF AN INDIAN NATIONAL AS EXPERT.

The Advisory and Technical Committee instructs its Chairman to appoint on its behalf an Indian national as corresponding member of the Committee in the capacity of expert.

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II

COMPARATIVE STUDY OF NATIONAL LAWS GOVERNING
THE GRANTING OF THE RIGHT TO FLY A MERCHANT FLAG.

NOTE BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, April 20th, 1931.

In accordance with the request of the Advisory and Technical Committee for Communications and Transit, the Secretary-General of the League of Nations forwarded to Governments, under date of April 24th, 1930, a circular letter, as follows

“ C.L.66.1930.VIII.

“ Geneva, April 24th, 1930.

“ The Secretary-General of the League of Nations has the honour to inform the Government that, at its last session held at Geneva from March 10th to 15th, 1930, the Advisory and Technical Committee for Communications and Transit, desiring to undertake a comparative study of the laws of different countries governing the granting of the right to fly a merchant flag, instructed its secretariat to obtain from the Governments concerned all the information required on this subject. In pursuance of the Transit Committee's decision, the Secretary-General requests the Government to send him—if possible, before December 31st, 1930—the following information concerning legislative measures and practice governing the right to fly its national flag

“ A. What are the conditions laid down in your country's legislation for the granting of the right to fly the national merchant flag, with special reference to the nationality and domicile of the owner (nationality and registered offices in the case of companies), the nationality of the captain and crew, registration and tonnage measurement ?

“ B. Which authorities at home and abroad are competent to issue nationality certificates, and under what conditions are these certificates granted ? In the case of certificates issued abroad, are the home authorities informed of their issue and the conditions under which it was effected ?

“ C. As regards the competent authorities abroad, are the certificates, if any issued by them, provisional or final and how is the vessel's home port determined in such case ? Are the competent authorities of the home port informed of the issue of the nationality certificate abroad ? ”

EXTRACTS FROM REPLIES OF GOVERNMENTS.

Albania.

November 10th, 1930.

[Translation.]

A. Until the entry into force of the new Maritime Code, the granting of the right to fly the national merchant flag is governed by the provisions of the Ottoman law. When this Code is published, the document in question will be delivered by the Head of the Mercantile Marine Department. It is only issued to Albanian vessels and those which are the property of Albanians to the extent of three-quarters of their value.

B and C. Nationality certificates are at present issued in Albania by the civil authorities and the various offices of the port where the vessel is registered, and abroad by the consular authorities, who issue provisional certificates which only become final when the vessel has been registered in the Kingdom. The consular authorities must advise the maritime authorities of the port at the office of which the vessel is to be registered.

Germany

[Translation.]

August 26th, 1930.

A. Section 2 of the Law of June 22nd, 1899, on the right to fly the flag (*Reichsgesetzblatt*, page 319) stipulates that merchant vessels are not entitled to fly the Reich flag unless they are owned exclusively by nationals of the Reich. Private partnerships (*offene Handelsgesellschaften*), commandite companies and commandite joint-stock companies (*Kommanditgesellschaften auf Aktien*) if the partners with personal liability are all German nationals, are considered to be German nationals for this purpose. Other partnerships, registered co-operative societies and legal persons if domiciled in Germany, are also considered to be German nationals for this purpose.

The nationality of the captain and crew has little relevance to the right to fly the Reich flag. Under Sections 4 to 12 of the Ordinance of July 25th, 1925, regarding captains and officers of German merchant vessels (*Reichsgesetzblatt*, page 709), captains and ship's officers must hold German certificates of competence. Merchant vessels with a capacity of over 50 cubic metres may not exercise the right to fly the Reich flag until a ship's certificate (*Schiffszertifikat*) has been issued to them. For the issue of the ship's certificate, registration in the shipping register is required. Before registration the ship-owner has to show proof that the ship has not been entered in the register of a foreign country. Ships with a capacity of under 50 cubic metres may exercise the right to fly the Reich flag even without registration, if they are owned exclusively by Germans.

Section 7 of the Law enumerates the particulars and the legal conditions which have to be proved to the satisfaction of the registration authority before the registration of a maritime vessel these include the results of the official measurement.

The results of measurement by a foreign authority on the basis of the certificate of measurement or any other reliable proof may be registered pending the official registration in Germany.

The official measurement of German maritime vessels is effected by the authorities for the measurement of shipping.

B. *At home*, the shipping register authorities (Sections 10 and 11 of the Flag Law) are competent to issue certificates for ships (*Schiffszertifikate*) which prove their right to fly the Reich flag.

Abroad, when a ship passes into German possession in a foreign country, the consul in whose district the ship is at the time of the change of ownership is competent to issue a flag certificate (*Flaggenzeugnis*) but such certificate is not valid for more than one year (Section 12 of the Flag Law). The consul informs the authority of the German home port. For the issue of such a flag certificate, it is necessary to prove that the owner of the ship is a German national, and that the vessel has been shown to be seaworthy.

Where the sailings of the vessel are from a foreign port or from a port within the jurisdiction of a consular court, the ship-owner is free to choose registration in the port which suits him best (Section 6 of the Flag Law).

C. Flag certificates issued in foreign countries are provisional in character. The shipping register authorities of the home port, if the ship-owner specifies a German port as the home port, are informed of the issue of the flag certificate (Section 12 of the Flag Law).

Australia.

October 3rd, 1930.

A. The right to fly the Australian merchant flag is, by Section 406 of the Commonwealth Navigation Act, granted to such merchant ships only as are registered in Australia.

As to the nationality and domicile of the owner, and the registration and tonnage measurement of an Australian ship, these matters are governed by the provisions of Part I of the British Merchant Shipping Act 1894, which part has force in Australia and all other constituent parts of the British Empire.

The nationality of the master and crew of an Australian registered ship, however, is a matter subject to Australian legislation. As regards masters and officers of Australian ships, Section 26 of the Commonwealth Navigation Act provides as follows

“ 26. No person shall engage or go to sea as an officer in any ship registered in Australia or engaged in the coasting trade, who is not (a) A British subject and (b) thoroughly conversant with the English language.”

The term “ officer ”, as here used, includes master.

No restriction as regards nationality is made in the case of seamen, but all members of the crew are required by Section 47 of the Act to have a knowledge of the English language sufficient to enable them to fully understand the necessary orders that may be given to them in the performance of their duties.

B. The authority empowered by the Merchant Shipping Act 1894 to register a ship in British and to issue a certificate of registry, is known as the "Registrar of British Ships" Section 4 of the Act specifies the persons who shall be Registrars, as follows

" 4. (1) The following persons shall be Registrars of British ships

"

" (e) At any other port in any British possession approved by the Governor of the possession for the registry of ships, the chief officer of Customs, or if there is no such officer there resident, the Governor of the possession in which the port is situate, or any officer appointed for the purpose by the Governor

" (f) At a port of registry established by Order in Council under this Act, persons of the description in that behalf declared by the Order.

" (2) Notwithstanding anything in this section, Her Majesty may by Order as Council declare, with respect to any British possession named in the Order, not being the Channel Islands or the Isle of Man, the description of persons who are to be Registrars of British ships in that possession."

The conditions governing the issue of certificates of registry as British ships are those prescribed by the Act mentioned. Where certificates of registry are issued at ports outside the United Kingdom, the Registrar-General of Shipping and Seamen, London, is fully advised.

C. The certificates of registry issued at ports outside the United Kingdom are either provisional or final, as the case requires, the conditions determining the matter being those prescribed by the Merchant Shipping Act.

Section 13 of the Act provides that the port at which a British ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

Austria.

[Translation.]

September 29th, 1930.

A. The legal position in Austria with regard to the right to fly the national flag is governed by the Law of March 17th, 1921 (*Bundesgesetzblatt*, No. 176) and by the Ordinance of June 4th, 1921, on the subject (*Bundesgesetzblatt*, No. 304).

Under these regulations, all Austrian merchant ships—i.e., privately owned vessels operated for profit, are required to fly the flag of the Austrian Republic as their national flag. The regulations cover all privately owned ships or vessels of whatever size or kind, employed in coastal traffic, sea-fishing, towage, pilotage or salvage, if operated for profit.

The authority to fly the national flag is subject to the vessel's being to the extent of more than 50 per cent owned by Austrians. The Law has no provisions in regard to the domicile of individuals who are ship-owners. If the owner consists of a private partnership, commandite company or commandite joint-stock company more than half of the partners with personal liability must be Austrian nationals domiciled in Austria. If the owner is a joint-stock or limited liability company, or registered co-operative society or other legal person, the owner must be domiciled in Austria.

Another condition is that the captain (commanding officer), ship's officers and at least half the crew must be of Austrian nationality. The Federal Minister of Commerce and Transport may, however, make general or special exceptions to this rule, if such action is held to be in the interest of Austrian shipping.

Lastly the right to fly the national flag may not be exercised before the registration certificate (*Registerbrief*) or flag certificate (*Flaggenzeugnis*) has been issued to and received by the vessel.

B. The registration certificate is a document attesting the registration of the vessel in the shipping register, and its purport is the same as the entry in the shipping register. The Shipping Register Office in Vienna under the Federal Ministry of Commerce and Transport keeps a register of all vessels entitled to fly the national flag, and is the only body competent to issue registration certificates. Registration in the shipping register is effected on the application of the ship-owner, and may not take place until the vessel's right to fly the national flag has been proved and evidence given as to the nature, construction and certain technical particulars, the material of which the vessel is constructed, description of the engines, number and system of the boilers, principal measurements, the gross and net capacity in cubic metres and in tons, corresponding to the tonnage certificate, place and date of launching of the vessel and name of the yard in which it was built surnames and christian names, description,

nationality and ordinary domicile of the owner or owners, and title of ownership of the vessel or shares in the vessel.

C. In the event of it being impossible to obtain the registration certificate before the departure of the vessel on her first voyage, after the acquisition of the ownership of the vessel by an Austrian, the certificate attesting the authority to fly the national flag (*Flaggenzeugnis*) may take the place of the registration certificate. The flag certificate is issued on application in writing, the necessary particulars being attached, by the consulate in the district of which the vessel is at the time of transfer of the right of ownership. A copy of the flag certificate is sent by the consulate to the Shipping Register Office in Vienna. Flag certificates are provisional in character, and are not valid in any circumstances for more than one year. On receipt of the registration certificate, the commanding officer of the vessel is required to transmit the flag certificate by sure means, either to the consulate in the district of which the vessel is at the moment, or to the Shipping Register Office in Vienna. The authority receiving the returned certificate has to inform the consulate of the place where it was issued. The returned certificates have to be sent by the consulates to the Shipping Register Office, where they are preserved. The office keeps a special register for vessels carrying these certificates. Vienna is, in any case, shown as the home port.

The right to fly the national flag ceases as soon as the conditions indicated above are no longer fulfilled.

The above provisions also cover merchant ships belonging to the Federal Administration and pleasure yachts, so far as applicable.

Belgium.

[Translation.]

May 28th, 1930.

The Department for Foreign Affairs has the honour to communicate to the Secretariat of the League of Nations, in reply to its Circular Letter 66.1930.VIII, of April 24th, 1930, asking for information with regard to the Belgian laws governing the granting of the right to fly a merchant flag, the amended text of the Law of September 20th, 1903, and that of the the executory decrees relating to passes.¹

The Transport Ministry is at present engaged on the preparation of a draft Bill relating to

- (1) The introduction of compulsory registration of vessels and boats,
- (2) Amendments to the law relating to nationality certificates,
- (3) The introduction of the certificate of registry for boats.

In the new law it will be registration and not the issuing of a nationality certificate which will confer nationality and consequently the right to fly the national merchant flag, the latter pass merely indicating the existence of this right.

The Department for Foreign Affairs will advise the Secretariat of the League of Nations as soon as the new provisions in question have been passed by the Legislature.

Brazil.

[Translation.]

September 16th, 1930.

A. Only Brazilian vessels may fly the Brazilian flag. The following are deemed to be Brazilian vessels (a) Every vessel built in a Brazilian yard or in a foreign yard for the account of Brazilians, which is the property of a Brazilian or of a Brazilian civil or commercial company, with its registered offices in Brazil and exclusively administered by Brazilians, the captain, the second in command, the pilot, the medical officer, the engineer and the wireless operator of the vessel must be Brazilians and at least two-thirds of the crew must be composed of Brazilians (Article 3 of Decree No. 15788, of November 8th, 1922, regulations mentioned in Article 391 of Decree No. 17096, of October 28th, 1925), (b) Every vessel built abroad and legally acquired by a Brazilian or by one of the Brazilian corporations mentioned under (a), every vessel captured from an enemy and declared to be lawful prize and every vessel seized and acquired in pursuance of Brazilian legislation. In each of these cases, the provisions mentioned under (a) relating to the nationality of the owner, captain and crew (above-mentioned Decrees, Articles 4 and 392) must be observed.

The following are regarded as Brazilian companies

- (1) Societies of persons constituted in Brazil and registered there,
- (2) Societies of persons exclusively composed of Brazilians, even if they are constituted outside the Republic, provided that their statutes are deposited in Brazil, the firm is registered in Brazil, and the management is entrusted to a Brazilian,
- (3) Societies of persons constituted abroad but established in Brazil,
- (4) Incorporated joint-stock companies or commandite joint-stock companies constituted abroad if, after obtaining permission to carry out transactions in Brazil, they have transferred their registered offices to Brazilian territory and the directors or managers are Brazilians

¹ A copy of the above-mentioned texts has been deposited in the archives of the Secretariat, where it may be consulted:

(5) Incorporated joint-stock companies or commandite joint-stock companies legally constituted and established in Brazil.

B. Every Brazilian vessel must be registered at the harbour-master's office of the port where the owner is domiciled.

The following exceptions are allowed. Vessels engaged in coastal fishing, those engaged in towage work in harbours and on navigable rivers, those to be used in harbours for passenger transport and loading and unloading, pilot boats and pleasure boats, masted pontoons, water-pontoons, mud-barges, floating cranes, hulks, diving-bells and dredgers, floating works and boats in the service of public departments, canoes, lighters, gigs, pirogues and barges. All these vessels are regarded as Brazilian and must be registered, whoever the owner or owners may be (Article 330 of the Regulations approved by Decree 11505, of March 4th, 1915 Article 397 of the Regulations of October 28th, 1924).

In ports where there is no harbour-master, the registration of the vessels shall be effected by the respective fiscal administrations, Customs authorities, tax offices and other revenue offices, and in Brazilian consulates if the vessel has been acquired abroad (1915 Regulations, Article quoted, 1924 Regulations, Article quoted).

When the owner of the vessel has his residence abroad, registration shall be carried out where it may be most convenient.

The tonnage is measured in Brazil by Customs officials and abroad by competent persons chosen by the Brazilian consuls. In ports where there is no Customs administration, the tonnage is measured by the registration officials.

Canada.

December 11th, 1930.

A. There are two national merchant flags available for use by Canadian vessels—namely the Red Ensign and the Red Ensign with the Canadian coat-of-arms in the fly. Accordingly it is necessary to consider the conditions governing the right to fly both of these flags.

The Red Ensign may be flown by all British ships, with the exception of British ships that are required by law to be registered and which have not been registered in accordance with the requirements of the law.

British ships are vessels which belong wholly to British owners—that is, to persons qualified to be owners of British ships—namely

- (a) Natural-born British subjects,
- (b) Persons naturalised by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession,
- (c) Persons made denizens by letters of denization, and,
- (d) Bodies corporate established under and subject to the laws of some part of His Majesty's dominions, and having their principal place of business in those dominions

Provided that any person who either

(i) Being a natural-born British subject, has taken the oath of allegiance to a foreign sovereign or State or has otherwise become a citizen or subject of a foreign State

(ii) Has been naturalised or made a denizen as aforesaid,

shall not be qualified to be owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign State, or on or after being naturalised or made denizen as aforesaid, he has taken the oath of allegiance to His Majesty the King, and is, during the time he is owner of the ship, either resident in His Majesty's dominions, or partner in a firm actually carrying on business in His Majesty's dominions.

All British ships must be registered, subject to the following exceptions

(1) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom or on the rivers or coasts of some British possession within which the managing-owners of the ship are resident

(2) Ships not exceeding thirty tons burden and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portions of the coasts of Canada as lie bordering on that gulf

(3) Certain British ships in Great Britain which do not require registration, such as lighters, barges, or like vessels used in non-tidal waters, and vessels that

are under local port regulations for measurement and registration, recognised by the Board of Trade.

There are additional requirements applicable to British ships in Canada which require all but the following vessels to be registered

(a) Ships having a whole or fixed deck, not propelled wholly or in part by steam, and not exceeding ten tons burden, and,

(b) Ships not propelled wholly or in part by steam, and not having a whole or fixed deck, whatever their burden.

As a result of these requirements, there is a category of British ships that do not require to be registered, although, out of this category certain ships require registration, if they are in Canadian waters.

Summing up the result of the foregoing considerations, the Red Ensign may be flown by all ships which belong wholly to British owners as defined above, whether or not they are registered, with the exception of those ships which are required by law to be registered and which have not complied with such requirement.

The Red Ensign, with the shield of the Canadian coat-of-arms in the fly, is authorised to be used on board vessels registered in Canada.

It is assumed that the questionnaire does not extend to special flags, such as the Blue Ensign defaced by the shield of the Canadian coat-of-arms, which is authorised to be used by vessels in the Canadian Government service. By special warrant, it is authorised to be used, in a few instances, by yacht clubs.

The domicile of the owner, the registered offices in the case of companies, the nationality of the captain and crew are not relevant considerations. Registration and tonnage measurement only affect the right to fly the national merchant flag in special circumstances, as set forth above.

B. It is assumed that nationality certificates referred to in the questionnaire correspond to certificates of registry

In Canada, certificates of registry are issued to ships registered in Canada by registrars of shipping who are collectors of Customs at ports which have been established as ports of registry by the Governor in Council, and this work is under the direction and supervision of the Minister of Marine.

The conditions precedent to registry are as follows

- (1) Survey and production of the Survey Certificate,
- (2) Marking
- (3) A declaration of ownership must be made

(4) On the first registry of a ship there must be produced, in the case of a British-built ship, a builder's certificate and the bill of sale, in the case of a foreign-built ship, the same, unless the person who makes the declaration of ownership states that the time and place of building are unknown to him, or that the builder's certificate cannot be procured, in which case there is only required the bill of sale, in the case of a ship condemned by a competent court, an official copy of the condemnation.

Where certificates of registration are issued abroad, they are issued by the consular officer at the place where the ship becomes the property of persons qualified to own a British ship and the registrar at the intended port of registry in Canada is informed of the issue and of the conditions under which it was effected.

C. The only certificates of registration issued abroad, are provisional in character and the vessel's home port of registry is determined by the owners. The competent authorities at the home port are informed of the issue of the certificates of registry abroad. The procedure is as follows

If at a port not within His Majesty's dominions, and not being a port of registry under the Merchant Shipping Act, a ship becomes the property of persons qualified to own a British ship, the British consular officer there may grant to her master on his application, a provisional certificate, stating . (a) the name of the ship (b) the time and place of her purchase, and the names of her purchasers (c) the name of her master and (d) the best particulars respecting her tonnage, build, and description, which he is able to obtain.

A copy of the certificate thus granted is forwarded to the Registrar-General of Shipping and Seamen.

The declaration of ownership is forwarded to the registrar at the intended port of registry. The vessel proceeds and the provisional certificate is valid for the period of six months, or until the arrival of the ship at a port of registry. Upon arrival at a port of registry, the registration is completed at the port of registry selected by the owners. The ship cannot proceed until such registry has been completed.

Chile.

[Translation.]

September 24th, 1930.

A. Every vessel is regarded as Chilean which has been registered in the Chilean mercantile marine and navigates in accordance with the provisions of the Shipping Law of June 24th, 1878 (Article 1 of the Shipping Law).

The owner of a Chilean vessel must be a Chilean citizen by birth or naturalisation (Article 2 of the Shipping Law). Any foreigner domiciled in Chile who owns a commercial undertaking established in the country or exercises any professional or industrial occupation there may also own a Chilean vessel (Article 3 of the Shipping Law).

A Chilean domiciled outside the territory of the Republic may only own a Chilean vessel in whole or in part in the following cases

(1) If he is the owner of or an active or sleeping partner in a commercial concern established in Chile and holds capital or interest in such concern equivalent to half the value of the vessel.

(2) If he makes a deposit in respect of half the value of the vessel, in agreement with the Department of Marine (now the Maritime Territory Department at Valparaiso each time that the Department of Marine is mentioned hereinafter it shall be understood to mean the Maritime Territory Department).

(3) If he is a consul or vice-consul of the Republic (Article 4 of the Shipping Law).

A Chilean who has lost his civic rights for the reasons mentioned in the Constitution may not own a Chilean vessel in whole or in part unless he is rehabilitated (Article 5 of the Shipping Law).

At least one-third of the crew of every national vessel must be composed of Chileans. No person belonging to a country which is at war with the Republic may form part of the crew of a Chilean vessel, under penalty of a fine of 100 to 1,000 pesos to be paid by the owner of the vessel (Article 6 of the Shipping Law).

The President of the Republic may declare, in the event of the special equipment of warships or other similar vessels, that the proportion of the crew employed in national vessels who must be Chileans may be less than the proportion laid down in the present Law and, as long as this declaration remains in force (and it shall be made for an unlimited period), vessels navigating in accordance with that declaration shall be regarded as having a properly constituted crew (Article 7 of the Shipping Law).

For the purpose of Law 3841, of February 6th, 1922, Article 1 of which provides that the transport of goods between ports of the Republic must be reserved for Chilean vessels, every vessel shall be regarded as Chilean if its owner is a Chilean and resides in Chile, if it is commanded by a Chilean captain and Chilean officers and at least three-quarters of the members of the crew are Chileans. If the owner of the vessel is a company, such company shall be regarded as Chilean if three-quarters of its capital belongs to Chileans (Article 2 of Law 3841).

The documents attesting the nationality of Chilean vessels are the registration certificate, the navigating licence, the muster-roll of the crew and the pass, the latter being issued only in the cases specially laid down in the present Law (Article 8 of the Shipping Law).

B. In order to register a vessel in the national merchant fleet, the owner or owners or their legally appointed representatives shall produce for the inspection of the Department of Marine a legalised copy of the contract, award or other valid title of ownership, in accordance with Article 833 of the Commercial Code (Article 9 of the Shipping Law), the tonnage measurement certificate and the particulars relating to the conditions of the vessel required in accordance with Article 10 of the Shipping Law (Article 11 of the Shipping Law).

The Head of the Department of Marine shall issue a registration certificate made out by him and bearing the seal of the Department of Marine. This certificate shall be forwarded to the Government so that it may be endorsed by the Minister of Marine and so that the navigating permit allowing the vessel to fly the Chilean flag and enjoy the rights attaching to Chilean nationality may be issued by the President of the Republic, in accordance with the said certificate (Article 28 of the Shipping Law).

In the case of vessels built or purchased in any port of the Republic other than that where the Department of Marine is situated, the formalities required before they can be registered as Chilean vessels may be carried out before the competent departmental authority. When the conditions and formalities have been complied with, the competent departmental authority shall forward the file containing the record of the whole proceedings to the Head of the Department of Marine, who, after endorsing the file and effecting the registration of the vessel, shall draw up the registration certificate and obtain from the President of the Republic the corresponding navigating licence in the form specified. The maritime authority of the port where the vessel is situated may, if this is rendered necessary by special circumstances, issue a pass to enable the vessel to proceed to the port where the offices of the Department of Marine are situated and there receive the navigating licence (Article 18 of the Shipping Law).

Vessels built in Chilean yards and intended for sale in Chilean or foreign ports may navigate from the port in which they were built to the port where they are to be sold, without any navigating document other than a pass issued by the authority of the province concerned and the permission to sail issued by the maritime authority, which shall contain a list of the crew

Only vessels whose displacement is more than 25 tons, with the exception of those intended for internal traffic in the ports and rivers, canals and lakes of the Republic, are registered in the national mercantile marine (Article 27 of the Shipping Law).

A register is established in each of the principal municipal and maritime centres for vessels whose displacement is less than 25 tons and for those which are exempted from the provisions of the preceding article (Article 28 of the Shipping Law).

C. When a vessel is built or purchased abroad for registration in the mercantile marine, the owner must produce for the inspection of the competent Chilean consul the documents attesting the ownership of the vessel and the consul shall legalise these documents, so that they may be valid when submitted to the Department of Marine (Article 19 of the Shipping Law).

The vessels mentioned in the preceding article shall be taken from the port where they were built or purchased to a Chilean port with a pass issued by the Minister or consul of the Republic, authorising the vessel to fly the Chilean flag; in this case, the crew may be composed entirely of foreign seamen (Article 20 of the Shipping Law).

The provisional licences issued by consuls are only granted for two months and for a voyage to a specified Chilean port where the vessel is to be finally registered. If, on the expiration of two months, the vessel has not been registered in a Chilean port, the first consul of the Republic to take part in the formalities attendant upon the departure of the vessel shall cancel the provisional licence and inform the maritime authorities of the port in which the vessel was to be registered, as also the consul who issued the provisional licence (Circular No. 26 of December 30th, 1916, addressed to the Chilean consul, by the Minister for Foreign Affairs).

Denmark.

[Translation.]

July 3rd, 1930.

A. For the owner's nationality and domicile as a condition of the right to fly the Danish flag, attention is directed to the Maritime Law (§ 1) and the Law on the Registration of Vessels (§ 7, paragraphs 2 and 3, and for vessels of less than 20 tons gross register § 8, paragraph 2, point 2).¹

The right of a vessel to fly the Danish flag is conditional on the vessel being registered in the shipping register and furnished with nationality and registration certificates (see Registration Law § 7 paragraph 5). Vessels of less than 20 tons must be registered in the shipping register and be furnished with a nationality certificate (§ 8, paragraph 4, point 1). Detailed regulations with regard to registration appear in §§ 13 and 14 of the same Law. The tonnage measurement of a vessel is required for its registration (§ 7 paragraphs 1 and 6, and § 15). Detailed regulations with regard to the measurement of ships' tonnages will be found in the Law of March 13th, 1867 on the Tonnage Measurement of Vessels (see also Law of May 4th, 1927).

For the conditions with regard to the nationality of the captain and crew, see Law on the Shipping Industry §§ 6, 7, 8, 9, 16, 17 and 23, paragraph 3, which stipulates that the commanding officer of a Danish vessel must be of Danish nationality.

B and C. For the authorities competent to issue nationality and registration certificates see Registration Law § 10, under which the central registration office in Copenhagen issues these certificates, but nationality certificates for vessels of less than 20 tons are issued by local registration offices. Provisional nationality and registration certificates may be issued by Danish consuls in the case of vessels acquired in a foreign country (§ 12), or where a certificate has been lost in a foreign country, or a vessel has undergone alterations in a foreign country which make the issue of a new certificate necessary (§§ 31 and 45). Copies of such provisional certificates together with the particulars required in connection with their issue have to be forwarded to the central registration office in Copenhagen (§ 12, paragraph 5). Provisional certificates cease to be valid as soon as the vessel casts anchor for the first time in a Danish port.

Lastly a vessel registered in the shipping register must have a Danish port as its home port (Maritime Law § 4, and Registration Law, § 7 paragraph 4). Subject to this condition the owner is free to choose the vessel's home port. This rule applies equally to vessels carrying provisional nationality and registration certificates.

Danzig

[Translation.]

November 28th, 1930.

A. The legislative provisions applicable in the territory of the Free City of Danzig are contained in the Law of June 22nd, 1899, concerning the flag rights of merchant ships, as amended by the Decree of the Staatsrat dated March 18th, 1920, and the Danzig Law of

¹ A copy of the text of these laws has been filed with the Secretariat, where it is available for consultation.

June 20th, 1923. Under these provisions, merchant vessels are entitled to fly the Danzig flag only when they are the exclusive property of Danzig nationals.

Public commercial companies and partnership companies are also treated as Danzig nationals when the partners personally liable are all Danzig nationals. Other commercial companies, registered corporations and legal persons are assimilated to Danzig nationals only when they have their headquarters in the territory of the Free City of Danzig and when, in the event of their being obliged or entitled under the national law to have a supervisory board or other similar supervisory organ, their articles of association or statutes provide that (a) the majority of the supervisory board or other supervisory organ must consist of Danzig nationals, and (b) the shareholders' meeting (general meeting) must be held in the territory of the Free City of Danzig.

In the case of shareholders' companies it is further stipulated that the shareholders personally liable must all be Danzig nationals.

The right to fly the Danzig flag is established by the ship's certificate, which is issued after the entry in the shipping register. Ships of not more than 50 cubic metres gross capacity may fly the Danzig flag without being registered and without a ship's certificate.

B. The competent authority for the issue of ship's certificates at Danzig is the *Amtsgericht*, Section 10 (Shipping Register).

C. No authorities for the issue of ships' certificates to Danzig vessels exist abroad, so that no reply is needed to question C.

Egypt.

[Translation.]

December 22nd, 1930.

A. According to Egyptian law, the right to fly the Egyptian merchant flag can only be accorded to vessels belonging entirely and exclusively to persons of Egyptian nationality. Persons of nationality other than Egyptian are expressly precluded from having any right which might be at variance with this condition (see Articles 1 and 2 of the Mixed and Native Maritime Commerce Codes).¹

If a vessel belongs to a company, all the members or partners must be of Egyptian nationality (Article 1 of the Mixed and Native Maritime Commerce Codes).

Nevertheless, the expression "belongs to a company" used in this article has been interpreted by the Legal Disputes Committee of the Egyptian Government as covering only partnerships, as opposed to joint-stock companies. Consequently, an incorporated joint-stock company which is the standard form of joint-stock company established in accordance with Egyptian laws and regulations, and constituting a juristic person of Egyptian nationality may obtain the right to fly the Egyptian flag.

The Egyptian nationality of the owner or owners, on which the nationality of the vessels depends, must be established in accordance with the Law on Egyptian Nationality (Law No. 10, of 1929).

Companies owning vessels flying the Egyptian flag must be Egyptian and have their registered offices in Egypt (see Article 41 of the Native Maritime Commerce Code and Article 47 of the Mixed Maritime Commerce Code).

Egyptian legislation contains nothing relating to the nationality of the captains and crews of Egyptian vessels.

There exists no legislation governing the registration of Egyptian merchant vessels, but the usual practice is to register them in an Egyptian home port, so that they may be regarded as Egyptian vessels, and consequently enjoy the privileges accorded to such vessels.

Nor is there in Egypt any legislation governing tonnage measurement. In practice, however, there are two kinds of tonnages — national tonnage and international tonnage. The former is obtained by the tonnage measurement of vessels in accordance with the rules applied in England, and the latter by their tonnage measurement in accordance with the rules applied by the Universal Maritime Canal Company of Suez, laid down by the International Congress held at Constantinople in 1873.

B and C. The authorities competent to issue Egyptian nationality certificates for vessels are, in Egypt, the Administration of Harbours and Lighthouses and, abroad, Egyptian consuls, in countries where there are Egyptian consuls, or if there is no Egyptian consul, then the British consul.

Certificates issued abroad are provisional and are only valid for a maximum period of six months. They must be notified to the Administration of Harbours and Lighthouses at Alexandria or at the home port.

Before issuing a certificate of this kind, the authorities must satisfy themselves of the nationality of the owner or owners and of the seaworthiness of the vessel. Certificates of seaworthiness shall only be issued after the examination of the vessel by experts appointed *ad hoc* by the competent mixed and native tribunal (see Article 40 of the Mixed Maritime Commerce Code).

The home port of the vessel is the port in which it is registered or all the tonnage measurement formalities are carried out, etc., or where the owner usually resides or, in the case of companies, where they have their registered offices.

¹ An extract from the Mixed Maritime Commerce Code and the Law on Egyptian Nationality has been deposited in the archives of the Secretariat, where it may be consulted.

Ecuador

[Translation.]

August 11th, 1930.

A. The maritime police regulations, a copy of which is annexed, expressly determines the nationality of the vessel, the use of the merchant flag, the conditions to be complied with before merchant captains and crews can perform their duties on board the vessels, and also the methods and the form of procuring registration and the ship's licence.

B. As regards the naturalisation of persons, the law on foreigners clearly lays down that no Ecuadorian authority abroad can issue a naturalisation certificate, though, in the case of a vessel, consuls may issue a nationality certificate (see Consular Law).

C. The question of change of flag has been fully dealt with in the section relating to registration and ship's licences, which provide that a vessel is free to navigate along the whole coast of the Republic on the strength of certificates issued provisionally by consuls, as far as the port of destination, when these certificates must be replaced by other final certificates after compliance with the formalities of tonnage measurement and the entering of the new owner and of the crew in the register.

EXTRACTS FROM THE MARITIME POLICE REGULATIONS.

Article 26.—Registration establishes the nationality of vessels, while the ship's licence gives them the right to navigate freely on the high seas and on the coasts, gulfs, bays and harbours of the Republic and of all civilised nations.

Article 27—No vessel of whatever class or type may fly the national flag or claim the protection of the laws of the Republic unless it has been previously registered in one of the principal ports nor may it engage in any kind of traffic until it has obtained the proper licence.

Article 31.—Registration certificates are granted by the harbour-masters in the principal ports after the tonnage of the vessels has been measured—canoes, launches and other vessels of less than five tons may be registered by the harbour-masters of secondary ports and of places of disembarkation. These certificates expire on December 31st of each year and must be renewed during the first fortnight of January of the next year—they must also be renewed each time the vessel changes its owner, name, rigging, captain, pilot or master.

Article 33.—In order to register a vessel of any class or type, the owner must produce for the inspection of the harbour-master his title of ownership—namely, a deed of purchase or sale, contract or gift—if the vessel has been built for the account of its owner, he shall produce a certificate from the harbour-master of the port in which the vessel was built and another certificate from the builder. The harbour-master shall measure the tonnage of the vessel, assign it a registration number corresponding to the name indicated by the owner, note the latter's name and his nationality the name of the builder the yard and the year in which the vessel was built, its dimensions (length, width and depth), its tonnage, and the name of the captain, pilot or master who will be in command of it. These particulars shall be entered in the register and shall be used for the issue to the person concerned of the registration certificate in accordance with model A.

Article 37—In order to obtain the navigating licence, owners of Ecuadorian vessels of all classes, with the exception of mountain canoes, shall apply to the harbour-master of the port in which these vessels are registered for a tonnage measurement certificate, which they shall submit to the Governor of the province, together with their titles of ownership and of the certificate attesting payment to the revenue office of the province of the fees chargeable for the granting of the licence and for registration. The licences shall be drawn up in accordance with model B.

Article 38.—The navigating licences shall be issued by the provincial Governors on paper of the eighth class for vessels of not more than 50 tons, and by the President of the Republic, on paper of the ninth class, for vessels of more than 50 tons. The period of validity of the licences shall be two years—if the vessel is sold within this period, its licence shall be transmitted by endorsement to the new owner through the harbour-master of the port, who shall enter the transfer in the corresponding register.

Article 39.—When licences are issued, they are transmitted to the harbour-master of the port to be entered in the register. When the President of the Republic is asked to grant a licence, the vessel may undertake voyages on the strength of a pass issued by the Governor of the province and registered by the harbour-master of the port. These passes shall be made out on paper of the sixth class and shall be valid for 90 days. They shall be in accordance with model C.

Article 42.—The harbour-masters of the principal ports shall withdraw expired registration certificates, licences and passes for national vessels and shall require these documents to be renewed and suspend all traffic until they have been renewed. When such renewals are effected, all the conditions laid down in Articles 34 and 38 shall be observed.

Article 52.—If an Ecuadorian national acquires possession of a vessel in a foreign port, the consular agent of the Republic shall provide him with a pass allowing him to go to a port in Ecuador and have the vessel nationalised there.

Article 53.—Only citizens of Ecuador and foreigners resident in the territory of Ecuador may acquire and possess an Ecuadorian vessel, provided always that they comply with the laws and regulations of the Republic.

Article 64.—The captain, pilot or master of a national vessel must be a national of Ecuador, by birth or naturalisation, and possess a regular captain's, pilot's or master's certificate, showing that he has the theoretical and practical capacity and knowledge required for navigation on the high seas, coasting trade and navigation on inland waterways he must also have been registered with the corresponding corporation.

Article 71.—No member of the crew, whether an Ecuadorian national or a foreigner, may embark on an Ecuadorian vessel without having been previously registered and without producing his certificate of discharge from the vessel on which he previously served, duly endorsed by the harbour-master in the port where he was last signed off.

EXTRACT FROM THE CONSULAR LAW

Article 85.—When a vessel of foreign nationality is purchased by a national of Ecuador, the consul shall require the production of the documents establishing the validity and legality of the sale and a deposit guaranteeing the observance of the obligations imposed by the Ecuador Shipping Law. The consul shall legalise these documents, so that they may be regarded as valid by the Department of Marine.

Spain.

[Translation.]

September 17th, 1930.

A. The right to fly the national flag can only be granted if the shiptowner or shipping company owning the vessel is Spanish, in the case of persons, this is proved by their registration as persons domiciled in the country and by the registration of their domicile, and, in the case of companies, by their being entered in the commercial register.

The captain must always be of Spanish nationality, in view of the duties which he has to perform. The same applies to the crew the members of which must be of Spanish nationality and be entered in the shipping register, in exceptional cases only, one-third of the members of the crew of a merchant vessel may be composed of foreigners.

Registration must be effected in a Spanish port, and the tonnage measurement and identity of merchant vessels must be verified in Spanish ports.

B. The authorities at home and abroad competent to issue nationality certificates for vessels are the local shipping authorities, the harbour-masters of ports (with the approval of the Director-General for Shipping, Fisheries and Maritime Industries), the vessels being required to fulfil the technical conditions laid down by law, and the shiptowners being required to prove their Spanish nationality. Spanish consuls abroad may only issue provisional certificates or grant permission to fly the national flag until these documents have become definitive by the approval in Spain of the nationalisation of the vessel in question.

C. Spanish legislation requires that a duplicate of the provisional nationality certificates issued by consuls shall be transmitted to the shipping authorities in the Spanish port in which the shiptowner desires finally to register his vessel, if this port is the port which the shiptowner has indicated to the shipping authorities. If the vessel has been purchased abroad, he must produce a title of ownership attesting the cancellation of the vessel's previous registration.

Estonia.

[Translation.]

October 28th, 1930.

A. In accordance with § I of the Regulations relating to Tonnage Measurement and the Registration of Merchant Vessels (Law No. 45, *Riigi Teataja (Official Journal)*, No. 18, of 1919), the right to fly the Estonian flag is accorded only to Estonian vessels—that is to say, to vessels which are (a) The property of an Estonian citizen or Estonian citizens, (b) The property of a commandite company or a limited company, all the personally responsible members of which are Estonian citizens and hold at least 50 per cent of the share-capital.

The Law relating to seamen's domicile, adopted on January 31st, 1928 (*Riigi Teataja (Official Journal)*, No. 13, of 1928), requires that the captain, the officers and at least three-quarters of the other members of the crew must be of Estonian nationality.

In accordance with the above-mentioned regulations relating to the tonnage measurement and registration of merchant vessels, registration is effected by the Navigable Waterways Administration, on the request of the owner of the vessel.

The question of the tonnage measurement of vessels has been settled by the Law of June 20th, 1924, supplemented by the Regulations of November 7th of the same year.¹

¹ A copy of the text of this Law has been deposited in the archives of the Secretariat, where it may be consulted.

B. Nationality certificates are issued by the Navigable Waterways Administration subject to the conditions mentioned above for the registration of vessels. If a vessel has been built or purchased abroad by Estonian nationals, the Estonian consuls are authorised to issue a provisional nationality certificate, on condition that the owner of the vessel undertakes to bring the vessel into an Estonian port to have its tonnage measured or to have the tonnage measured on the spot by a competent Estonian official, whose fees shall be paid by the said owner. In the former case, the vessels are required to go to an Estonian port for tonnage measurement, within a period of three months if they are in the Baltic, or six months if they are in the North Sea. If they are navigating further afield, a period of one year is allowed them. If they do not observe these periods, Estonian consuls may, if the owner of the vessel proves that there have been special circumstances, issue a certificate extending such periods, so as to give the vessel time to proceed direct to an Estonian port. If, however, the non-observance of the periods laid down is not found to be justified, the consuls have the right to prevent the departure of the vessel, and to have the tonnage measured on the spot, at the owner's cost, by a competent Estonian official. In every case, the consuls must advise the competent Estonian authorities that they have issued or extended provisional certificates.

C. The certificates issued abroad by consuls are, as has been shown above, only provisional. The owner of the vessel can choose his home port. It shall be for the consul to inform the competent authorities of the choice made by the owner.

United States of America.

August 6th, 1930.

A and B. The American Government is not aware of any legislative measures or of any standard practice governing the flying of the national flag on merchant vessels. It is customary, however, for some American merchant vessels to fly the national flag at the stern and the flag of the country to which the vessel is bound at the bow.

Collectors and deputy collectors of Customs issue certificates of registry, certificates of enrolment, and licences to merchant vessels and yachts belonging to citizens of the United States. Certificates of registry are granted to vessels in foreign trade, certificates of enrolment and licences to vessels in domestic trade and in the fisheries. Licences are granted to vessels measuring less than 20 tons. These three classes of national papers are called marine documents. They are not issued by American consuls.

Marine documents may be issued only to vessels owned by citizens of the United States or to corporations created under the laws of the United States or of any of the States. All of the officers of vessels of the United States who shall have charge of a watch, including pilots, must in all cases be citizens of the United States.

In the case of a new vessel which is built in the United States, the owner presents the builder's certificate and certificate of inspection, if the vessel is subject to inspection under the navigation laws, to a collector of Customs, who thereupon issues a marine document to the vessel. In the case of a vessel which is not new the same procedure is followed, except that, instead of a builder's certificate, the new owner presents a bill of sale from the owner of record.

C. Provisional certificates of registry are issued by the American consuls and such other persons as may from time to time be designated by the President for the purpose to vessels purchased abroad by American citizens. Their existence is limited to six months from the date of issue or until ten days after the vessels arrive at a port of the United States, whichever happens first, and no longer. At the time of the issue of a provisional certificate of registry, the home port is not necessarily determined. When the vessel arrives in the United States, a marine document will be granted to her upon the surrender of the provisional certificate of registry and the home port will then be fixed upon application of the owner. The home port is usually a port of documentation in the Customs district in which the owner resides.

A duplicate of the provisional certificate of registry is forwarded to the Department of State and by that department to the Department of Commerce for its information. The Customs authorities at the port at which the owner resides are not necessarily notified of the issue of a provisional certificate of registry.

Finland.

[Translation.]

September 25th, 1930.

A and B. As regards the use of the Finnish flag by merchant vessels, it is provided by Article 3 of the Law of May 29th, 1918, relating to the Finnish flag, that the merchant flag must be flown by Finnish merchant vessels when they are required, according to the provisions relating to maritime traffic, to show their nationality either on the high seas or in port.

The question as to what vessels must be regarded as of Finnish nationality is governed by Article 5 of the Maritime Law of June 9th, 1873, as incorporated in the Law of

November 11th, 1889. A vessel is to be regarded as Finnish when it is the property of one or more Finnish nationals or of an open company whose personally responsible partners are Finnish nationals residing in Finland or of a legally-constituted incorporated joint-stock company with its headquarters in Finland, all the members of whose administrative board are Finnish nationals. Article 31 of the Maritime Law mentioned above provides that the captain of a Finnish merchant vessel must be a Finnish national and must have the qualifications required for such a position. The subordinate officers and crew may, according to the law in force, be foreigners. The subordinate officers (mates and chief engineers) must, however, have the qualifications demanded by Finnish law—that is to say they must have passed professional examinations in Finland and have the necessary certificates.

A Finnish merchant vessel of at least 19 registered tons must be entered in the tonnage register in the manner specified in the Law of July 29th, 1927, relating to tonnage register. This register is kept at the municipal offices. The country is, for this purpose, divided into districts. The vessel is entered in the register of the municipal offices in the district in which it is domiciled. The domicile of the vessel may be fixed by the owner himself (Article 6 of the Maritime Law of November 11th, 1889).

The application for registration must, in accordance with Article 6 of the Law on Tonnage Register, be made by the owner, on behalf of a company, by the manager or—if none has been appointed—by the several owners in the case of succession, by the executor, and, in the case of a company or a co-operative society, by the person or persons who have a right to sign, but not by proxy. The application must be made in writing and signed by hand, and must contain particulars regarding the method of construction, tonnage measurement, the domicile of the vessel, the owner, etc. As soon as the application has been made, the mayor shall issue a nationality certificate for the vessel.

C. In accordance with Article 10 of the Law on Tonnage Register, a provisional nationality certificate may be issued when the vessel has been built abroad and has passed from a foreign owner to an owner of Finnish nationality. Before the consul issues a provisional nationality certificate, he must satisfy himself that the vessel has become Finnish property and that the necessary legal formalities have been complied with. According to Article 53 of the Decree relating to legations and consulates, the consul shall issue a provisional nationality certificate for six months, if the vessel is in a European port or in a Mediterranean port outside Europe, and for a period not exceeding one year, if the vessel is in some other non-European port. As soon as the provisional nationality certificate has been issued, the consulate is required to send a copy to the Ministry for Foreign Affairs, which shall forward it to the Shipping Department. When a provisional nationality certificate is to be issued for a vessel which has passed from a national of a belligerent State into Finnish hands, the authorisation of the Ministry for Foreign Affairs is required. An unpaid vice-consul is not empowered to issue a provisional nationality certificate.

A provisional nationality certificate issued by a consulate is only valid for the period indicated on it, after which the vessel must be notified for registration in the manner specified above, whereupon a final nationality certificate is issued. If the owner of the vessel desires, he may indicate as the domicile of the vessel a place other than that which he previously indicated for the provisional certificate. Moreover, he is entitled, if he so desire, to change the domicile of the vessel by making a declaration to this effect to the registration authorities, who shall issue a new nationality certificate. It is to be noted that the domicile of a vessel must be a place in Finland (Article 6 of the Maritime Law).

France.

[*Translation.*]

July 8th, 1930.

A. Before a vessel can be nationalised, it must be of French origin or satisfy certain conditions to be enumerated hereunder and belong to French citizens to the extent of more than half its value, and its officers and at least three-quarters of the crew must be French.

The following are certain detailed regulations regarding the said conditions

Origin.—Only the following vessels can be nationalised

- (1) Vessels built in France or in French colonies or possessions,
- (2) Vessels imported from abroad,
- (3) Vessels captured from an enemy,
- (4) Vessels confiscated for an infringement of French laws,
- (5) Wrecks of foreign vessels salvaged by French seamen,
- (6) A foreign vessel which has become French property and been purchased after being wrecked on the coasts of France, when the cost of repairs is four times the sale price (Decree of December 28th, 1926, Article 334, based on Laws of September 21st, 1793, Article 2, and 27 Vendémiaire, Year II, Article 7).

Nationality and Domicile of the Owners.—The minimum proportion of the value of the vessels which must be owned by French citizens has been reduced to 50 per cent by the Law of June 9th, 1845, Article 11 (Decree of December 28th, 1926, Article 334).

French citizens who own vessels which are to be or have been nationalised must reside in France or in French colonies or possessions. If they reside abroad, they must be partners in a French commercial firm engaged in trade in France or a French possession, and must prove by production of a certificate issued by the French consul in the foreign country where they reside, that they have not taken an oath of allegiance to that State and that they are subject to the consular jurisdiction of France (Decree of December 28th, 1926, Article 337, based on Laws of 2 Vendemiaire, Year II, Article 12, and June 9th, 1845, Article 11).

Proof of Ownership.—Shipowners must prove that they own vessels by producing deeds of sale. These deeds must be registered and be deposited at the Customs office of the place where the vessels are to be nationalised.

Nationality and Registered Offices of Incorporated Joint-Stock Companies.—Vessels belonging to incorporated joint-stock companies enjoy the benefits of nationalisation, subject to compliance with the following conditions

- (1) The registered office must be established in France
- (2) The director of the company must prove that he is the director and a French citizen and that the vessels belong to the company of which he is director, and must sign in his capacity of director the nationalisation statements provided for in the Decree of December 28th, 1926, Article 342
- (3) The majority of the members of the managing board of the company must be French citizens besides the chairman of the managing board, the managing director or manager must be French.

The nationalisation of vessels belonging to general partnerships (other than those which are joint-stock companies) is subject to the following conditions. The French partners must own at least half of the interest, and if the statutes of the company do not fix the proportion of shares to be held by each partner the number of French partners must be at least equal to that of the foreign partners.

Nationality of the Crew.—Before the vessel has the right to fly the French flag, all the officers and three-quarters of the crew must be French (Decree of September 21st, 1793, Article 2). This proportion must be observed separately for the navigating staff and the engineering staff.

The Customs service must satisfy itself that this condition has been fulfilled, by requesting the production of the muster-roll.

Registration of Vessels.—The Customs administration keeps a register of the written undertakings acquired for nationalisation, containing descriptions of the vessels and any changes in their legal position. This register constitutes a real "civil status" record of the vessels.

The Customs collectors of each port also keep an "open account" of the strength of the merchant fleet, account being taken of incidents concerning the vessels of the district (vessels changing hands, cancellations, etc.).

Apart from this open account, a file is kept in each port for each vessel.

The Ministry of Mercantile Marine also keeps a separate central register of the vessels, drawn up on the strength of information supplied by the maritime authorities in the ports where the vessels are registered with the Customs authorities. The registration figures are different from the figures given by the Customs and are based on the local registers kept by the maritime registration authorities.

Conditions governing the Issue of the Nationality Certificate.—Assuming that the above-mentioned conditions for the granting of the right to fly the French flag have been fulfilled, nationalisation is accorded after compliance with the following formalities (1) tonnage measurement, (2) payment of the duties (3) statement on oath, (4) signing of the nationalisation undertaking (5) drawing up of the inventory

Tonnage Measurement of the Vessels.—Vessels to be nationalised have their tonnage measured, on the request of the owners and in their presence, by the Customs Service. Tonnage is measured according to the Moorsom system. Measurement may be effected in a port other than the port of nationalisation. In that case, after the certificate has been controlled by the administration, it will be transmitted to the competent office of the home port—that is, the office where the formalities for nationalisation must be fulfilled.

B and C. Competent Authorities at Home.—The Customs office which has received the written undertaking required for nationalisation sends the provisional nationality certificate to the head Customs authorities. The certificate is drawn up on the strength of this provisional certificate and signed by the head of the Customs, acting for the Finance Minister. It is forwarded to the office at the home port and handed by the collector to the owner of the vessel.

Provisional Certificate.—To avoid holding up the vessel in the port until the issue of the nationality certificate, the collector in the home port is authorised to issue, on the strength of the undertakings already signed, a provisional certificate drawn up on unstamped paper. This certificate is identical in form with the final nationality certificate, and has the same effect. It is valid for four months or for the duration of the voyage should the voyage last more than four months.

Competent Authorities abroad Provisional Certificate.—Before vessels purchased abroad are nationalised, they may be authorised by French consuls provisionally to fly the French flag, after it has been ascertained that they have been acquired by one or more French citizens.

For this purpose, the consuls issue to the captains permits entitling the vessels to be treated as French vessels on arrival in France.

The vessels may also be despatched from the place of purchase either to a French port (with permission to call at foreign ports situated on the way), or to a foreign port. In the former case, the nationalisation fees must be paid on arrival in France, in the latter case, the shiptowners are required to pay to the consul in cash or by draft, cheque or postal order made payable to the principal Customs collector at Paris, the amount of the nationalisation fees, calculated on the basis of the net tonnage entered in the vessel's former nationality certificate. The shiptowner also gives a written undertaking to pay in France, on the arrival of the vessel, any balance which may be due on the nationalisation fees.

When the vessel returns to France, the authorities measure the tonnage and issue the final nationality certificate. They also, if necessary, adjust the original settlement.

If, one year after the issue of the provisional nationality certificate, the vessel has not returned to France, the Customs authorities settle the fees and issue a final nationality certificate. When, however, the vessel proceeds to a French port, the authorities measure the tonnage and, if necessary rectify the results of the settlement (Decision of March 30th, 1909).

Obligation to advise the Authorities in France and the Authorities of the Home Port.—The person who acquires the vessel or his representative must inform the consul of the vessel's future home port.

The consul issues a certified copy of the official tonnage measurement certificate of the vessel, which he forwards, together with the deed of sale, the written undertaking and the amount of the fees, to the Department for Foreign Affairs, which transmits them to the Customs Department.

Special Case of Navigation in Distant Seas.—The following provisions have been adopted (Circular of February 8th, 1923, of the Minister for Foreign Affairs)

“ Those concerned must submit an application to the consul at their place of domicile, who shall transmit it, with his report, to the Department for Foreign Affairs. They must, at the same time, pay the import duties chargeable on vessels, which shall be reimbursed to them without interest or compensation in the event of a negative decision by the central authority. The final authorisation shall be accorded by the Department for Foreign Affairs on the recommendation of the Under-Secretary of State for the Mercantile Marine.

“ This authorisation is subject to compliance with the following conditions

“ (1) The vessels must belong to French citizens to the extent of at least half their value

“ (2) They must never come back to France,

“ (3) The captain must be French. Nevertheless, an exception may be made to this rule in the case of small vessels, and also for others on the proposal of the consular authorities, who must give their reasons.

“ If the Minister for Foreign Affairs takes a favourable decision, the consul shall issue to those concerned a permit, valid for one year, to fly the French flag in distant seas, and this permit shall exempt them from the necessity of obtaining a regular nationality certificate and from the obligation to observe the general rules relating to the composition of crews. He shall also provide them with a muster-roll. The names of all the men, whether foreigners or not, who embark, must appear in the muster-roll, which shall be renewed each year, together with the permit.”

Special Case of Colonial Navigation.—When the home port is situated in French colonies or protectorates other than Algeria and Tunis, the provisions of Articles 4, 5, 6, 7 and 8 of the Decree of December 21st, 1911, shall apply

“ *Article 4.*—The vessels are entered at their home port in the registers of the service responsible for keeping the general register of seamen for the Navy or, failing this, in the registers kept by the navigation police service, and also in those kept by the Customs authorities.

“ The Governor shall designate those ports in the colonies which may be chosen as home ports.

“ *Article 5.*—In colonies, the nationality certificate is issued by the Governor.

“ The issue of this certificate is subject to compliance with the following conditions

“ (1) The vessel must have been built in the colony, unless it has been adjudged to be lawful prize, or has been confiscated for infringement of the laws, or has been found on the high seas, or has been stranded on the coasts and the necessary repairs have cost four times the sale price.

“ (2) If the vessel has been imported from abroad, payment of the Customs duties levied in the colony must be proved.

“ (3) The vessel must belong to persons of French nationality to the extent of at least half its value.

“ If the vessel belongs to a company, this company must comply with the conditions laid down in Article 1 of the Law of April 7th, 1902.

“ The owners mentioned in the present article must, if none of them reside

in France or in French colonies, have a responsible representative, acknowledged by the Customs service, in the colony where the vessel has its home port.

“ (4) The owner of the vessel must declare on oath before a magistrate designated by the Governor that the conditions specified above have been complied with. He shall transmit to the Customs service the affidavit, together with the written undertaking required by Article 11 of the Law of 27 Vendémiaire, Year II. Should he fail to observe these provisions he is liable to the penalties laid down in Articles 15 and 16 of the said Law.

“ If the vessel belongs to more than one owner the formalities specified above must be carried out by one of the owners who has the necessary powers, or by any other representative. If the vessel belongs to a company, they shall be carried out by the representative of the company.

“ (5) The tonnage of the vessel must have been measured according to the method in use in France.

“ (6) Payment of the nationalisation fees chargeable in the colony must be proved by production of the receipt.

“ *Article 6.*—As soon as the undertaking mentioned in Article 5 has been signed, the Customs service which has received it shall issue a provisional nationality certificate.

“ Vessels built or purchased abroad are provided by the consuls with provisional ship's papers (under the same conditions as vessels to be nationalised in a port of France) in order to enable them to proceed to the colony where they are to be registered.

“ If the nationality certificate is lost, the owner of the vessel is required to make a statement regarding this loss to the magistrate designated by the Governor, sign a fresh undertaking and, if necessary, pay the nationalisation fees again.

“ If there is any change in the structure or tonnage of the vessel, the nationalisation certificate shall be renewed.

“ *Article 7.*—Exemption from nationalisation may be accorded by a decree of the Governor for those categories of vessels which enjoy the same exemption in France and vessels with a gross tonnage of less than 30 tons which do not navigate beyond the limits of the minor coasting trade and are not employed in the transport industry, provided that these various vessels belong, to the extent of at least half their value, to owners of French nationality, to French citizens or to French protected persons, belonging to the protectorates, and provided that they have, if necessary, been nationalised by payment of the Customs duties.

“ *Article 8.*—When the home port of a vessel nationalised in France is transferred to a colony or vice versa, the nationality certificate of this vessel must be renewed at its new home port.

“ The same applies to a transfer from one colony to another.

“ The legislation applicable to the vessel is that of the place of its home port, subject to the provisions of Article 18 below.

“ The change of home port shall take effect as from the day of the signing of the new nationalisation undertaking.”

Great Britain.

June 2nd, 1930.

A. The qualifications for the ownership of a British ship are prescribed by Section 1 of the Merchant Shipping Act, 1894, of which a copy is attached. This Act requires that the owner or owners of any ship who comply with the provisions of Section 1 of the Act shall register the ship as a British ship. Before a ship can be registered (except in the case of provisional registration referred to in C below) she must be measured by a surveyor of ships in accordance with certain rules prescribed by the Act and certain information and declarations must be furnished to the registrar at a port of British registry. Practically all the important British ports are ports of registry. On completion of these formalities the registrar of shipping will issue a certificate of registry which is the document showing the nationality of the ship. This certificate must be surrendered in the event of the ship ceasing to be owned by persons entitled, under the section referred to above, to be owners of a British ship or in the event of total loss. Immediately a ship is registered as a British ship, she is entitled to fly the British national colours.

The right of a ship to fly the British flag does not depend on the nationality of the captain and crew. Certain restrictions on the employment of aliens as officers, however, are imposed by Section 5 (1) of the Aliens Restriction (Amendment) Act, 1919, which provides that no alien shall be employed or shall act as master, chief officer or chief engineer of a British ship registered in the United Kingdom, or as skipper or second hand of a fishing boat registered in the United Kingdom, except in the case of a ship or boat employed habitually in voyages between ports outside the United Kingdom, but this prohibition does not apply to any alien

who has acted as master, chief officer or chief engineer of a British merchant ship, or as skipper or second hand of a British fishing boat, at any time during the war, and is certified by the Admiralty to have performed good and faithful service in that capacity

B. As indicated above, certificates of British registry may be issued by a registrar of shipping at any port of British registry. Particulars of registrations effected at all ports of registry are notified to a central registry in London.

C. Certificates of British registry issued at a British port of registry are final. Provision is, however, made for the alteration at any port of registry of a certificate, irrespective of where it was originally issued, should there be any change in the tonnage or in the description of the ship to which it has been issued. A British ship may be registered at any port of British registry selected by the owners and this port is shown on the certificate. Vessels may also be transferred from one port of British registry to another at the owners' request.

In the case of foreign ships purchased at foreign ports by persons qualified to own British ships, a provisional certificate of British registry may be issued, without survey or measurement, by the British consular officer within whose jurisdiction the purchase is made. This certificate enables the ship to sail under the British flag for a period not exceeding six months or until she first arrives at a port of British registry if this occurs before the end of six months. On arrival at a port of registry the ship must be finally registered as described in A above. As in the case of permanent registration, particulars of all provisional certificates of British registry issued abroad are reported to the central registry in London.

Merchant Shipping Act, 1894.

PART I.—REGISTRY.

Qualifications for owning British Ships

1. A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as "persons qualified to be owners of British ships")—namely

(a) Natural-born British subjects,

(b) Persons naturalised by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession,

(c) Persons made denizens by letters of denization, and,

(d) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions and having their principal place of business in those dominions,

Provided that any person who either

(i) Being a natural-born British subject has taken the oath of allegiance to a foreign sovereign or State or has otherwise become a citizen or subject of a foreign State or,

(ii) Has been naturalised or made a denizen as aforesaid,

shall not be qualified to be owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign State, or on or after being naturalised or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the time he is owner of the ship either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

Greece.

[*Translation.*]

December 29th, 1930.

A. It is obligatory for all vessels of the Greek mercantile marine to fly the national flag. The law does not recognise the Greek nationality of vessels which are not, as to fifty per cent at least, owned by Greek nationals.

The owner's domicile is not taken into account in determining the nationality of the vessel. Foreigners, whether domiciled in the country or not, may not have a share of more than fifty per cent in the ownership of a Greek vessel.

Greek law does not deal with the question of the nationality of the companies owning the capital concerned, but the general principle followed in legal practice is to make the nationality dependent on the domicile.

The captain, all the officers and at least three-quarters of the crew of Greek vessels must be Greek nationals.

Registration constitutes nationalisation. The shipping register also serves as a register of nationality. Nationalisation is thus in practice an automatic consequence of registration, which confers the right of flying the national flag. Both are equally compulsory for Greek shipowners.

Measurement of the tonnage must precede registration and nationalisation.

B. Nationality certificates attesting the right of vessels to fly the Greek national flag are issued at home by the port authorities and abroad by (1) an officer in the port service attached to the Greek Consulate General in London and (2) the Greek Consulate General in Constantinople. The powers of the latter authority extend only to small vessels of less than 10 tons, and to tugs navigating solely in the Bosphorus and the Sea of Marmora.

The procedure in regard to nationalisation and registration on which the issue of the nationality certificate depends is as follows

The owner is required to submit to the authority of the port in which he desires his vessel to be registered—the selection of which is left to him—the following particulars

(1) Specification of himself and of his title to the ownership of the vessel with particulars as to his acquisition of the title,

(2) A magistrate's certificate based on the owner's affidavit for the purpose, confirming the right of ownership in whole or in part with (in the latter case) particulars of the other owners of shares in the vessel and their nationality. The magistrate's certificate must also show that no parties have claims on the vessel other than the applicant.

On the production of these documents, the competent authority proceeds to measure the tonnage and to enter the vessel in the shipping register, the entry in the latter constituting (as already explained) the recognition of the vessel as having Greek nationality.

The issue of the nationality certificate, which serves at the same time as a certificate of registration, does not take place until a subsequent additional formality has been complied with in the shape of a "written undertaking" signed by the owner and accompanied by the deposit of security, the forms of which are laid down by law. The object of this formality is to ensure the observance by shipowners of the regulations in regard to the mercantile marine in general and nationality certificates in particular.

The authorities empowered by the law to issue nationality certificates in foreign countries are required, like the home authorities (port authorities) to give notice of the vessels registered by them to the Administration of the Mercantile Marine (Ministry of Marine) at Athens, at the same time forwarding the tonnage certificates.

C. The consular authorities above referred to in London and Constantinople are alone regarded as territorial authorities for purposes of nationalisation, registration and issue of nationality certificates.

All other Greek consular authorities are empowered to issue provisional nationality certificates, in order to enable foreign vessels purchased abroad by Greek nationals to proceed to Greece under the national flag with a view to registration in Greece. In exceptional cases, provisional certificates may also be used for the completion of a voyage, or even for a whole voyage if the vessel was under contract to make the voyage before its acquisition.

Provisional certificates are exchanged for permanent nationality certificates after the vessel has been registered in a Greek port, to be selected by the party acquiring the vessel. The duration of the validity of provisional certificates is always limited.

The consular authority is required to inform the Administration of the Mercantile Marine of the issue of all provisional certificates.

Hungary

[Translation.]

November 24th, 1930.

A. Any vessel entered in the shipping register or furnished with provisional bills of lading (provisional ship's pass) may be regarded as a vessel of the Hungarian merchant fleet—that is to say as a vessel authorised and obliged to fly the Hungarian merchant flag in accordance with Decree No. 371 M.E., of 1922, of the President of the Hungarian Council.

Only vessels which are the property of Hungarian nationals to the extent of at least half their value may be entered in the shipping register. All joint-stock companies whose registered offices are in Hungary are treated on the same footing as Hungarian nationals.

All Hungarian maritime shipping concerns whose registered offices are not at Budapest are required to maintain proper directing organisations or agencies at Budapest to represent them before the courts and other authorities.

The captain and at least four-fifths of the navigating officers and engineer officers must be Hungarian nationals. When the crew is engaged, Hungarian nationals must be given preference over foreigners.

Shipowners are required to apply in writing for registration of the vessel and satisfactorily to prove the particulars to be entered in the register. Every vessel must be entered in the register under a separate number.

The principal measurements, as also the gross and net tonnage, must therefore be proved, either by a tonnage-measurement certificate issued by a classification institution or by a foreign authority or by a recognised tonnage-measurement certificate, provided that the certificate in question has been issued according to the British method of tonnage measurement or some other equivalent method.

B. The registration of vessels of the Hungarian merchant fleet is effected in Hungary by the Royal Hungarian Marine Office (*Magyar királyi Tengerészeti Hivatal*). On the strength of the entry of the vessel in the shipping register, the office issues a registration certificate containing particulars corresponding to those in the register.

If a Hungarian national acquires the complete ownership, or at least half the ownership, of a foreign vessel and cannot obtain the registration certificate before the commencement of the first voyage after such acquisition, this certificate must be replaced by a provisional pass. A provisional pass must also be issued in cases where the registration certificate is lost and it is impossible to issue another copy.

The provisional pass is issued by the consulate in the district in which the vessel was lying at the time of the transfer of ownership or after the loss of the registration certificate.

C. The provisional pass may only be issued for one year, after which it may be extended for a further period of one year at most.

The home port of the vessel is Budapest, even when a provisional pass has been issued.

Consulates must always attach to provisional passes issued by them two legalised copies, one of which they shall immediately send to the Royal Hungarian Marine Department, the other being kept in the consular archives.

India.

July 17th, 1930.

A. The right to fly the national merchant flag is not governed by an Act of the Indian Legislature, but by the provisions of the Merchant Shipping Act, 1894 (57 and 58 Vic. c. 60) passed by the British Parliament in London. This Act is applicable to the whole of His Majesty's dominions. The relevant provisions of the Act are to be found in Sections 67, 72 and 73 read with Sections 1, 2 and 3. According to these sections, a British ship, other than a British ship which is required to be registered under the Act but is not so registered, is entitled to fly the national merchant flag. A ship is not deemed a British ship unless she is owned wholly by persons who are, according to Section 1 of the Act, persons qualified to be owners of British ships. All British ships are required to be registered under the Act except the ships specified in Section 3 of the Act.

B. The authorities competent to issue nationality certificates are the registrars named in Section 4 of the Merchant Shipping Act, 1894, and officers appointed as registrars by virtue of the power of appointment given by that section. In India, there are registrars at the following ports which are also ports of registry in India for British ships: Aden, Akyab, Bassein, Bombay, Calcutta, Cochin, Coringa, Madras, Moulmein and Rangoon. Nationality certificates, called certificates of registry, are issued only to ships which are British ships in accordance with the provisions of Section 1 of the said Act. Every ship, before being registered, is required to be surveyed and her tonnage ascertained. Registrars in India transmit at regular intervals to the Registrar-General of Shipping and Seamen in London returns of all ships registered. These returns give full particulars of each ship including the names of the owners.

C. The certificates of registry issued by the registrars in India are final. The port in India at which the ship is registered is the port of registry of that ship. The ports of registry in India are those given in the reply to question B above.

Irish Free State.

March 17th, 1931.

Since the establishment of the Irish Free State, no legislation has been enacted by the Oireachtas with reference to the particular matters which form the subject of the enquiries made in the circular letter. The law regulating those matters in the Irish Free State is, therefore, the Merchant Shipping Act, 1894, and the Acts amending the same, passed before the establishment of the Irish Free State—in so far as those Acts are in force in the Irish Free State by virtue of Article 73 of the Irish Constitution and in so far as they are adapted by, or under, the Adaptation of Enactments Act, 1922.

Comprehensive legislation on the subject of merchant shipping is at present in draft and it is proposed to introduce it into Oireachtas as soon as the state of Parliamentary business so permits.

Italy

July 9th, 1930.

[Translation.]

EXTRACT FROM THE MERCANTILE MARINE CODE, 1877

A. No vessel may be considered Italian or fly the national flag unless it is furnished with a nationality certificate (Article 39).

To obtain a nationality certificate, vessels must belong to nationals of the Italian State or to foreigners domiciled or resident for not less than five years therein. Nevertheless, foreigners not domiciled or resident in Italy may have a share in the ownership of Italian vessels up to one-third of the total.

For the purposes of the present article, private partnerships or commandite companies, even though they have their headquarters abroad, shall be considered to be Italian if anyone of the joint owners who give their name to the firm is an Italian subject. Limited liability companies shall be considered to be Italian, if their headquarters are situated in Italy and if the general meetings take place in Italy. Branches of foreign companies authorised by the Government to transact business in Italy shall be treated on the same footing as foreigners domiciled or resident in Italy provided that they have a representative in Italy holding general powers (Article 40).

In order to obtain a nationality certificate, the tonnage of a vessel must be measured according to the methods and rules laid down in the regulations (Article 43).

(Note.—The regulations for the tonnage measurement of vessels were approved by the *Decreto Luogotenenziale* of January 27th, 1916, No. 202. The measurement is normally made by the *Registro Italiano Navale ed Aeronautico* on the basis of the Royal Decree of April 5th, 1928, No. 929. For the organisation of this institution, see the Royal Decree-Law of November 11th, 1926, No. 2138.)

The captain or master and at least two-thirds of the crew of vessels must be Italian. Consular officials in foreign countries may, in case of necessity authorise the engagement of foreign sailors in excess of the above proportion. Foreigners may not be engaged as captain, master or chief mate unless it is impossible to find Italians for the purpose. In the absence of foreigners of the required rank, or if the consul does not consider it desirable to appoint such, an Italian of rank lower than that required may be appointed to command the vessel, or to act as first or second mate, if considered by the said consul to be capable of performing the duties of the post. Such appointments shall be restricted to the duration of the voyage for which they are made, and shall lapse even before the end of the voyage if Italian nationals are found having the required qualifications for the command of the vessel, or for the posts of first or second mate (Article 71).

No Italian national may belong to the crew of a merchant ship unless entered in the shipping registers or in the registers of seamen (Article 72).

B and C.—Nationality certificates shall be issued by the commandants of the *Regie Direzioni Marittime* under the Royal Decree of December 20th, 1923, No. 3235.

If, in the course of a voyage, a ship's papers are lost as a result of accident or act of God, the captain or master must inform the port office or consular officer at the first port of call. If the port of call is in a foreign country the consular official shall supply him with provisional papers to enable him to continue his voyage. Ships constructed or acquired in foreign countries with a view to being given Italian nationality shall also be furnished with provisional nationality certificates and a provisional list of the crew (Article 102).

In execution of Article 102 of the Mercantile Marine Code, consular officials may provisionally authorise for navigation vessels acquired or constructed in foreign countries for Italians or for foreigners having the qualifications prescribed in Article 40 of the said Code, or vessels already furnished with nationality certificates which can prove the loss or destruction of the said certificates or of the list of crew or of both these documents (Article 438 of the Regulations in execution of the unified text of the Mercantile Marine Code, approved by Royal Decree of November 20th, 1879).

The authorisation referred to in the preceding article shall be issued by means of a provisional permit taking the place of the nationality certificate and the list of the crew. Such permit shall contain authority to fly the national flag (Article 439 of the Regulations).

The provisional permit shall be valid until the vessel has been furnished with regular ship's papers or has returned to Italy. Nevertheless, the period of its validity shall in no case exceed two years from the date of issue (Article 443 of the Regulations).

On issuing provisional permits, the consular official must forward copies of them to the Ministry with the other documents enumerated in Article 444 of the Maritime Regulations. All these papers shall be forwarded by the Ministry to the *Regia Capitaneria* of the port in which the vessel is to be registered.

The owners shall specify the port of registration of the vessel in accordance with the service which the vessel is to perform, and the charterer or a representative of the owners must be habitually resident in such port. Vessels shall be registered in the shipping registry of the Maritime Department in which the owner is domiciled or, failing the owner, the party principally interested or the charterer or his representative (Article 46 of the Mercantile Marine Code).

The shipping registers and the registers for the transcription of the relevant papers shall be kept by the *Capitaneria di porto* and by the district offices appointed for the purpose by the Ministry of Marine.

(Note.—The Mercantile Marine Services are at present under the Ministry of Transport Under-Secretariat of State for the Mercantile Marine.)

The shipping and other registers to which reference is made above shall be

- (a) The register of sailing-ships,
- (b) The register of steamships and vessels propelled by both sail and steam
- (c) The daily register for the transcription of papers declaring or transferring the ownership of vessels, and papers with regard to the pledging of vessels or bottomry loans,
- (d) The register for the transcription of papers relating to the construction of vessels
- (e) The list of sailing-ships, steamships and ships propelled by both sail and steam.

The above registers shall be in accordance with the forms expressly laid down in Article 241 of the Maritime Regulations of 1879.

Japan.

[Translation.]

December 22nd, 1930.

A. *Granting of the Right to fly the National Flag.*—Only Japanese vessels may fly the Japanese flag (Article 2 of the Shipping Law).

Japanese vessels may only fly the Japanese flag or navigate at sea after being provided with the nationality certificate or the provisional nationality certificate, without prejudice to special provisions of laws and decrees (Article 6 of the same law).

In the following cases, vessels may navigate with the permission of the nearest competent shipping authorities, even before they have been provided with the nationality certificate or provisional nationality certificate

- (1) For the trial trip,
- (2) For the purpose of tonnage measurement,
- (3) When there is a good and sufficient reason (Article 4 of the Detailed Regulations governing the entry into force of the Shipping Law).

The provisions of Articles 4 to 19 do not apply to vessels of a gross tonnage of less than 20 tons, or less than 200 koku loading capacity, or to small craft or boats propelled solely or principally by oars (Article 20 of the Shipping Law).

(I) *Nationality and Domicile of the Owner (Nationality and Registered Offices in the Case of Companies).*—The following are recognised as Japanese vessels

- (1) Vessels belonging to Japanese governmental or official authorities,
- (2) Vessels belonging to Japanese subjects,
- (3) Vessels belonging to commercial companies having their registered offices in Japan, provided that all the partners in the case of general partnerships, all the partners whose responsibility is limited in the case of commandite companies and commandite joint-stock companies, and all the directors of joint-stock companies, are Japanese subjects,
- (4) Vessels belonging to corporations having their registered offices in Japan, whose representatives are all Japanese subjects.

Vessels belonging to commandite companies founded in accordance with the provisions of the former Commercial Code are Japanese when all the managing partners of such companies are Japanese subjects (Article 1 of the Shipping Law).

The provisions of Articles 1 to 3, 22 and 23 of the Shipping Law are applicable to Karafuto. Nevertheless, the duties of the competent Minister enumerated in Article 3 of the said Law are performed by the Governor of Karafuto (Imperial Decree, No. 93, of the thirteenth year of Taisho (1924), concerning the application to Karafuto of part of the Shipping Law).

Vessels belonging to Japanese corporations having their principal offices in China, are recognised, notwithstanding the provisions of Article 1 of the Shipping Law, as being Japanese vessels, in the cases mentioned in the Imperial Decree, provided that, in the case of general partnerships, at least half the partners, in the case of commandite companies and commandite joint-stock companies, at least half the members whose liability is unlimited, in the case of joint-stock companies, at least half the directors, and, in the case of other corporations, at least half the representatives, are Japanese subjects.

The Imperial Decree may lay down special rules with regard to the home port and the tonnage measurement of Japanese vessels mentioned in the preceding paragraph and of those belonging to Japanese subjects domiciled in China (Law No. 52, of the fourteenth year of Taisho (1925), concerning vessels belonging to Japanese corporations in China).

In accordance with Law No. 52, of the fourteenth year of Taisho (1925), vessels belonging to the Japanese corporations mentioned in the said Law and recognised as capable of possessing Japanese vessels by the consul having jurisdiction for the place where such corporations have their registered offices, may be recognised as Japanese vessels (Article 1 of Imperial Decree No. 327 of the fourteenth year of Taisho (1925), concerning vessels belonging to Japanese corporations in China).

(II) *Nationality of the Captain and Crew.*—No legislation.

(III) *Registration and Tonnage Measurement.*—The owner of the Japanese vessel must fix the home port in Japan and must apply to the competent maritime authorities having jurisdiction over that home port to measure the tonnage of the vessel.

Before a vessel acquired in a foreign country can navigate between foreign ports, the owner of the vessel may have the tonnage measured by the Japanese consul or commercial agent (Article 4 of the Shipping Law).

The owner of the Japanese vessel must, after having it entered, apply for its registration in the shipping register kept by the competent maritime authorities having jurisdiction over the home port.

When the registration referred to in the preceding paragraph has been effected, the competent maritime authorities shall issue the nationality certificate (Article 5 of the same law).

The Japanese corporations mentioned in Article 1, or Japanese subjects domiciled in China, may fix the home port in China for vessels belonging to them of a gross tonnage of less than 500 tons, which only navigate in Chinese lakes, rivers, harbours and bays.

The owner of vessels whose home port has been fixed in China in accordance with the provisions of the preceding paragraph must have the tonnage of the vessel measured or re-measured by the consuls having jurisdiction for the home port. However, to enable a vessel acquired outside China to proceed to its home port in China, the owner may have the tonnage of the vessel measured by the competent maritime authorities or the consuls having jurisdiction for the place where the vessel was acquired.

The consul for the home port may entrust the competent maritime authorities or other consuls resident in China with the tonnage measurement or re-measurement (Article 3 of Imperial Decree No. 327 of the fourteenth year of Taisho (1925), concerning vessels belonging to Japanese corporations in China).

Owners of vessels which must have licences are required to submit an application in writing for the issue of licences (in accordance with form 1) to the local authorities having jurisdiction over the home port.

As regards vessels whose tonnage has been measured by the competent shipping authorities, Japanese consulates, commercial agents or other competent authorities, the owner must attach the tonnage-measurement certificate to the application in writing mentioned in the preceding paragraph.

If the written application mentioned in paragraph 1 is sent by Japanese corporations having their registered offices in China, the owner must attach to his written application the documents certifying the consular authorisation in accordance with the provisions of Article 1 of Imperial Decree No. 327 of the fourteenth year of Taisho (1925) (Article 2 of the regulations regarding ships' licences).

On receipt of the application referred to in the preceding article, the local authorities are required to have the vessel's tonnage measured. However, they need not do so if the certificate mentioned in paragraph 2 of the preceding article is produced (Article 3 of the same regulations).

B. Authorities at Home and Abroad Competent to issue Nationality Certificates
Conditions under which the Issue is effected.—The owner of a Japanese vessel must, after having the vessel entered, apply for its registration in the shipping register kept by the competent maritime authorities having jurisdiction over the home port.

When this registration has been effected, the competent maritime authorities must issue the nationality certificate (Article 5 of the Shipping Law).

If the nationality certificate is lost, or if any change occurs in the particulars contained in it during the stay of Japanese vessels in foreign ports, the captain may request the issue in these ports of the provisional nationality certificate.

If any of the conditions mentioned in the preceding paragraph arise while a Japanese vessel is making for a foreign port, the captain may ask for the provisional nationality certificate at the first port of call.

If the provisional nationality certificate cannot be applied for in accordance with the provisions of the two preceding paragraphs, it may be applied for at the next port of call (Article 13 of the same law).

Persons who have acquired vessels abroad may ask for a provisional nationality certificate at the place of acquisition.

The provisions of Article 13, paragraph 3, are applicable *mutatis mutandis* to cases coming under the preceding paragraph (Article 16 of the same law).

The duties of the competent shipping authorities are performed abroad by Japanese consuls or commercial agents (Article 32 of the same law).

In cases where the Shipping Law applies to vessels which have fixed their home port in China, in accordance with the provisions of Article 3, paragraph 1, the competent shipping authorities referred to in that Law are replaced by the consuls residing in China, the word "Japan" used in Articles 15 and 17 is replaced by "China" and the word "abroad" is replaced in Articles 13, 16 and 17 by the words "outside China".

The duties of the consuls residing in China referred to in the preceding paragraph are performed outside China by the competent shipping authorities or consuls (Article 5 of Imperial Decree No. 327 of the fourteenth year of Taisho (1925), regarding vessels belonging to Japanese corporations in China).

When the tonnage has been measured by the local authorities in accordance with the provisions of the preceding article, or when the certificate submitted in accordance with the provisions of Article 2, paragraph 2, is recognised as adequate, the local authorities are required to issue the ship's licence in accordance with form 2 (Article 4 of the regulations regarding ships' licences).

(II) There are no provisions stating whether the competent authorities at home are informed of the issue of certificates abroad and the conditions under which such issue was effected.

C. *Nature of the Nationality Certificates issued by the Competent Shipping Authorities Abroad.*—The period of validity of the provisional nationality certificate issued abroad may not exceed one year.

The period of validity of the provisional nationality certificate issued in Japan may not exceed six months.

Even if the period laid down in the two preceding paragraphs is exceeded, the captain may again apply for the provisional certificate, if there are urgent reasons (Article 17 of the Shipping Law).

The provisional nationality certificate is no longer valid when the vessel arrives at the home port, even if the period of validity has not expired (Article 18 of the same law).

The period of validity of the provisional nationality certificate is determined by the respective competent shipping authorities within the period fixed in Article 17 of the Shipping Law, taking into account the period required, in the case of a voyage to the vessel's home port, for the return journey and, in other cases, for securing the certificate (Article 38 of the detailed regulations regarding the entry into force of the Shipping Law).

(I) *Fixing of the Vessel's Home Port.*—The owner of a Japanese vessel must fix the home port in Japan and have the tonnage measured by the competent shipping authorities having jurisdiction over the home port (Article 4, paragraph 1, of the Shipping Law).

Notwithstanding the provisions of the preceding paragraph, the home port may be fixed in China for vessels belonging to the corporations mentioned in Article 1 or to Japanese subjects domiciled in China (Imperial Decree No. 327 of the fourteenth year of Taisho (1925), regarding the entry into force of Law No. 52, of the fourteenth year of Taisho (1925), relating to vessels belonging to Japanese corporations in China).

(II) There is no clause stating whether the competent authorities of the home port are informed of the issue of the nationality certificate abroad.

LEGISLATION OF CHOSEN (KOREA), TAIWAN (FORMOSA), AND KWANTOSHU (KWANTUNG), REGARDING THE GRANTING OF THE RIGHT TO FLY THE NATIONAL MERCHANT FLAG.

Chosen, Formosa and Kwantung have special laws differing from Japanese legislation on this question. These laws are In Chosen, the Decree of the Governor-General of Chosen regarding shipping and the detailed regulations under that Decree, in Formosa, the regulations issued by the Governor-General of Formosa with regard to the nationality of ships, and the detailed rules made under those regulations, and in Kwantung, the Decree of the Governor-

General of Kwantung regarding the nationality of ships. In this reply these enactments will be referred to by the following abbreviations

L.N.	Shipping Law
R.N.	Detailed regulations under the Shipping Law
C.N.	Decree of the Governor-General of Chosen regarding shipping.
R.C.N.	Detailed regulations under the above Decree.
T.N.	Regulations issued by the Governor-General of Formosa regarding the nationality of ships.
R.T.N.	Detailed rules made under the above regulations.
K.N.	Decree of the Governor-General of Kwantung regarding the nationality of ships.

A. (a) In order to have the right to fly the national merchant flag, vessels must

(1) Be Japanese vessels (Article 2, paragraph 1, C.N. , Article 2, L.N. , Article 2, K.N.) ,

(2) Have the regulation certificate of Japanese nationality unless otherwise provided.

(I) Chosen and Kwantung.—Vessels must have the nationality certificate or the provisional nationality certificate (Article 2, paragraph 1, C.N. Article 6, L.N. , Article 8, K.N.). This rule does not, however, apply to vessels of less than 20 tons displacement or less than 200 koku loading capacity nor to small boats or boats propelled solely or principally by oars (Articles 20 and 21, L.N. , Article 17 K.N. , Shipping Licence Regulations for Chosen and Kwantung). All these vessels are exempt from the regulations referred to below for Chosen and Kwantung.

(II) Formosa.—The vessels referred to in paragraph 1 below are required to obtain the nationality certificate or the provisional nationality certificate, and those referred to in paragraph 2 must have the ship's licence or the provisional ship's licence (Articles 2 and 4, T.N.).

(1) Vessels of the European type exceeding 15 tons gross displacement , vessels of the Japanese or Chinese type exceeding 150 koku loading capacity, except vessels which only navigate within harbours and bays and on rivers , store-ships , small boats and boats propelled solely or principally by oars

(2) Vessels of the European type of less than 15 tons gross displacement , vessels of the Japanese or Chinese type of less than 150 koku loading capacity , and the vessels referred to as exceptions in the preceding paragraph.

(b) *Nationality and Domicile of the Owner (Nationality and Registered Offices in the Case of Companies)*.—The following are recognised to be Japanese vessels (Article 1, C.N. , Article 1, paragraphs 1 and 2, T.N. , Article 1, K.N.)

1. Chosen, Formosa and Kwantung

(1) Vessels belonging to the governmental or official authorities of the territorial division in question

(2) Vessels belonging to Japanese subjects domiciled in the territory in question ,

(3) Vessels belonging to commercial companies having their head offices in the territory in question, provided that all the partners (in Kwantung not less than two-thirds of the partners) in the case of private partnerships, all the partners whose liability is unlimited (in Kwantung not less than two-thirds of the partners whose liability is unlimited) in the case of commandite companies and commandite joint-stock companies, and all the directors of joint-stock companies (in Kwantung not less than two-thirds of the directors) are Japanese subjects

(4) Vessels belonging to corporations whose head offices are situated in the territory in question and all of whose representatives (in Kwantung not less than two-thirds of whose representatives) are Japanese subjects.

2. Special cases for Formosa and Kwantung.—Vessels which belong to Japanese subjects not domiciled in the territory or to any corporation mentioned in sub-section 3 or 4 of the previous paragraph which has its head offices in Japan (in the case of Kwantung, in Japan, Sakhalin, Formosa or Chosen), are recognised to be Japanese vessels if their home port has not been fixed in Japan (in the case of Kwantung, in Japan, Sakhalin, Formosa or Chosen), and if they ply between the coasts of their own territory or between their own territory and Japan or foreign countries.

For Kwantung, however, there is exceptional legislation—namely, Imperial Ordinance No. 137 of the fourteenth year of Taisho (1925)

Vessels conveying goods or passengers between Japan and ports other than those of

Kwantung without the authority of the Governor of Kwantung may not be recognised to be Japanese vessels unless they fall into one of the following classes

- (1) Vessels which were built in Japan, Chosen, Formosa, Kwantung or Karafuto (Sakhalin)
- (2) Vessels which were built abroad and imported into Japan, Chosen or Formosa
- (3) Vessels belonging to persons engaged in maritime transport who have their head offices in Kwantung and are chiefly engaged in conveying goods or passengers to and from Kwantung.

(c) *Nationality of the Captain and Crew.*—No legislation.

(d) *Tonnage Measurement.*—1. Chosen.—Every owner of a Japanese vessel must fix his ship's home port in Chosen and must apply to the competent shipping authorities having jurisdiction over that home port to measure the tonnage of the vessel (Article 2, paragraph 1, C.N. Article 4, paragraph 1, L.N.).

The competent shipping authorities having jurisdiction over the home port may desire other competent shipping authorities to measure the tonnage (Article 4, paragraph 2, L.N.).

In the case of a voyage made between non-Chosen ports by a vessel acquired outside Chosen, if the owner of the vessel has had the tonnage measured by the consular authorities or the competent shipping authorities in Japan, Formosa, Sakhalin, or Kwantung, the tonnage is deemed to have been measured by the competent shipping authorities of Chosen (Article 3, C.N.).

2. Formosa.—Every owner of a Japanese vessel must fix its home port in Formosa and apply to the local authorities having jurisdiction over that home port to measure the tonnage of the vessel (Article 1, T.N.).

3. Kwantung.—Every owner of a Japanese vessel must fix the home port of his vessel at Dairen or Ryojun and apply to the Shipping Department to measure the tonnage of the vessel (Article 4, K.N.).

(e) *Registration.*—1. Chosen and Kwantung.—Every owner of a Japanese vessel must, after having the vessel entered, apply for its registration, in the case of Chosen, to the competent shipping authorities having jurisdiction over the home port, and, in the case of Kwantung, to the Shipping Department (Article 2, paragraph 1, C.N., Article 5, L.N. Article 5, K.N.).

2. Formosa.—When the local authorities receive an application for tonnage measurement for the purpose of acquiring nationality they must measure and register the tonnage (Article 2, R.T.N.).

B. (a) *Authorities Competent to issue Nationality Certificates.*—1. Chosen (Article 2, paragraph 1, C.N. Article 5, paragraph 2, Articles 13, 15 and 16, L.N., Articles 37 and 38, R.C.N., Article 32, L.N., Imperial Ordinance No. 48 of the Sixth Year of Taisho (1917))

(1) Nationality certificate—competent shipping authorities having jurisdiction over the home port

(2) Provisional nationality certificate

(a) Inland—competent shipping authorities of the place where the vessel is,

(b) Abroad—Japanese Consul or commercial agent in the place where the vessel is.

2. Formosa (Article 2, Article 3, paragraph 1, and Article 7, T.N.)

(1) Nationality certificate—Governor-General of Formosa,

(2) Ship's licence—local authorities having jurisdiction over the home port,

(3) Provisional nationality certificate and provisional ship's licence

(a) Inland—local authorities of the place where the vessel is

(b) Abroad—Japanese consulate in the place where the vessel is or in the neighbourhood.

3. Kwantung (Article 5, paragraph 2, Article 6, paragraph 1, and Article 14, K.N.)

(1) Nationality certificate—Shipping Department,

(2) Provisional nationality certificate

(a) Kwantung—Shipping Department,

(b) Japan, Sakhalin, Formosa and Chosen—local authorities of the place where the vessel is

(c) Abroad—Japanese consulate in the place where the vessel is or in the neighbourhood.

(b) *Conditions under which the Nationality Certificate is issued.*—1. Chosen and Kwantung

(1) Nationality certificate

When registration takes place after entry (Article 2, paragraph 1, C.N., Article 5, L.N., Article 5, K.N.),

(2) Provisional nationality certificate

(a) If the persons who acquired the vessel elsewhere than in the home port, and did not fix the home port within the area of the competent shipping authorities having jurisdiction over the place in which the vessel was acquired, have made an application in proper form, accompanied by vouchers for the acquisition of ownership (Articles 15 and 16, L.N. Article 38, R.C.N., Article 6, paragraph 1, Article 18, K.N. Article 37, R.N.),

(b) If the nationality certificate is lost abroad (in the case of Kwantung, elsewhere than in the home port) or should there be any change in the particulars given therein, if the captain makes application in writing giving the reasons, accompanied, if possible, by documents certifying the particulars which must appear on the provisional certificate (Article 13, L.N., Article 37, paragraph 1, R.C.N. Articles 12 to 14, K.N. Article 36, paragraph 1, R.N.).

2. Formosa

(1) Nationality certificate and ship's licence

When the application for issue is made after entry, accompanied by the regulation particulars (Articles 2 and 4, R.T.N.).

(2) Provisional nationality certificate and provisional ship's licence

When the vessel was acquired elsewhere than in the home port, when the nationality certificate and ship's licence are lost or rendered useless, or when the application for issue is made, accompanied by the regulation particulars (Article 7, T.N. Article 6, R.T.N.).

(c) Notification to the home authorities of the issue of certificates abroad and the conditions under which they were issued is not required.

C. (a) Certificates issued abroad are provisional, their validity being limited to one year (Article 2, paragraph 1, C.N., Article 17 paragraph 1, L.N., Article 3, paragraph 2, T.N., Article 6, paragraph 2, K.N.).

(b) For the determination of the vessel's home port when the provisional certificate was issued abroad, the usual procedure is as follows. The owner of a Japanese vessel must fix the home port within the administrative area to which he belongs (Dairen or Ryojun in the case of Kwantung), and must apply for tonnage measurement, in the case of Chosen, to the competent shipping authorities having jurisdiction over the home port, in the case of Formosa, to the local authorities having jurisdiction over the home port, and, in the case of Kwantung, to the Shipping Department (Article 2, paragraph 1, C.N., Article 4, paragraph 1, L.N., Article 1, T.N. Article 4, K.N.).

(c) Notification to the competent authorities of the home port of the issue of the nationality certificate abroad is not required.

Latvia.

[Translation.]

December 16th, 1930.

A. 1. *Right to fly the National Flag.*—In conformity with Article 1 of the Law of 1923, concerning the registration of vessels and the right to fly the national flag (*Official Journal*, No. 59, dated March 20th, 1923), the right to navigate under the Latvian flag may be conferred on vessels belonging to individuals, companies or legal persons of Latvian or foreign nationality provided that the vessels are registered in a Latvian port or have already been registered with one of the Latvian consular representatives abroad, and provided that the permanent residence of the general managers of such vessels or the domicile of the boards of management of the shipping companies is in Latvia. Further, at least one-third of the members of the boards of management of shipping companies must be of Latvian nationality

2. *Nationality of the Master and of the Crew.*—The administrative personnel—*i.e.*, the master, the pilot, the mechanics, the wireless operators and the doctor—must be of Latvian nationality and it is only in exceptional cases that Latvian consuls have the right to authorise the master to employ in his ship qualified pilots, engineers or wireless operators of foreign nationality and then only for a period which may not exceed three months. Foreign nationals must not form more than a quarter of the crew. These restrictions do not apply (1) to vessels purchased abroad, until their first arrival in a Latvian port, (2) to vessels which have been unable to engage a crew of Latvian nationals in foreign ports without delaying the departure of the vessel (3) to vessels which have had to engage or complete their crew in a port outside Europe (Articles 1, 24 and 25 of the Law relating to the administrative personnel of merchant vessels—*Collection of Laws and Decrees of 1927* Section 39, and Article 25 (1) of the amendments relative thereto *Collection of Laws and Decrees of 1929*, Section 142.

3. *Registration of Vessels.*—Under Article 2 of the Law of 1923, registration is compulsory for all vessels of the mercantile marine with a tonnage measurement of over 20 tons gross.

Since 1925, the registration of vessels has been carried out by the Navigation Section of the Marine Department. Vessels with a tonnage measurement of less than 20 tons gross, and other kinds of craft, must be entered in the special registers kept by the Harbour Administration and by other competent authorities.

4. *Tonnage measurement.*—The tonnage of vessels of the mercantile marine is measured in Latvia according to the Moorsom system.¹

B and C. *Issue of Certificates of Nationality in Latvia and Abroad.*—Certificates of nationality are issued in Latvia by the Navigation Section after the vessel has been registered by the Marine Department. In order to have a ship registered, the owner must send in an application to the Navigation Section accompanied by (1) a document proving his right of ownership to the vessel (2) the tonnage measurement certificate, (3) a certificate of seaworthiness or classification, (4) if the vessel has been purchased abroad, a certificate showing that the vessel has been struck off the foreign registers.

Provisional nationality certificates are issued abroad by Latvian consuls *de carrière* in accordance with Article 125 of the Consular ordinance,² the home authorities having to be informed of such issue. The certificates thus issued are only provisional, and remain valid for one year if the vessel is in European waters, and for two years if it was acquired in another continent.

If the vessel has been acquired abroad from a foreign national, its home port until registration is considered to be that indicated in the provisional certificate. The competent authorities of the home port are not informed of the issue of the nationality certificate, information of this kind only being sent by the consuls to the Ministry of Foreign Affairs and the Marine Department.

CONSULAR ORDINANCE (PARAGRAPH 125).

Provisional Flag Patent.

(1) To ships which have been built abroad at the expense of Latvian citizens, or have in a foreign country, passed from foreign to Latvian ownership, the consul may, upon an application in writing, issue a provisional Latvian flag patent (certificate of nationality), provided all lawful qualifications exist for doing so. The validity of such provisional flag patent shall hold good until the arrival of the ship at the first Latvian port, but for no longer period than provided by the maritime laws. The provisions of the latter shall also be applied in extending the validity of the flag patent. However, in case of such ships as are owned by citizens of belligerent Powers and as should, during war, either directly or indirectly, become the property of Latvian citizens, the consul shall issue provisional flag patents not otherwise than with the permission of the Marine Department.

Regulations for Issue of Temporary Flag Patents.

(2) The conditions on which the consul may issue provisional Latvian flag patents are as follows

(a) Evidence concerning the ship and right of ownership to the same, if such evidence furnishes proof that no obstacles exist in the way of hoisting the Latvian flag on the ship,

(b) Proof of the seaworthiness of the ship by possessing a Government classification certificate or a certificate granted by classification societies approved by the Government, such as the British "Lloyd's Register of British and Foreign Shipping" the German Society "Germanischer Lloyd", the French "Bureau Veritas" etc., and provided the stipulations of paragraph 126 of this Ordinance, regarding radio stations, are observed,

(c) Evidence proving that a vessel, which had formerly sailed under a foreign flag, has been deleted from the shipping registers of the foreign country in question.

(4) When all the requirements of Article 2 of this paragraph have been complied with, the consul shall issue to the ship a provisional Latvian flag patent (certificate of nationality), drawn up, as nearly as possible, in conformity with the prescribed form, however, in every instance when giving the necessary permission to hoist the Latvian flag on the ship and to sail and navigate certain seas and waters, and when requesting the authorities of foreign countries to extend the requisite protection, the consul shall include in the flag patent the following particulars

(a) Name, class and type of the ship and the trade for which she is intended

(b) Construction (material) of the ship, and, in conformity with the ship's register, the registered tonnage, adding also the name of the place where the ship was measured and whether such measurements appear in cubic metres, such computation should be effected in accordance with Latvian laws governing the system of measurement of ships

A copy of the Tonnage Measurement Law of 1923 has been placed in the archives of the Secretariat, where it may be consulted. A copy of this ordinance has been placed in the archives of the Secretariat, where it may be consulted.

- (c) Place and date of construction or sale of the ship ,
- (d) Name or names of the present owner or owners ,
- (e) Port of registry in Latvia
- (f) Period of validity of the flag patent.

(5) Having issued the provisional flag patent, the consul shall transmit, without delay, to the Ministry for Foreign Affairs, and simultaneously to the Marine Department, the following documents

- (a) Copies of the flag patent issued, copies of the declaration of the applicant, stating the means used for verifying the accuracy of the declaration, and copies of the petition submitted to the consul ,
- (b) Copy of builder's certificate, certificate of ownership and of the ship's register ,
- (c) Copy of the classification certificate and certificate of survey of seaworthiness
- (d) If the ship is not newly built, but has been purchased from foreign owners, a copy of the title-deed of the former owner or a copy of the bill of sale should be forwarded, but in every instance the price paid for the ship should be stated ,
- (e) Copy of the document showing that the purchased ship has been deleted from the shipping registers of the foreign country
- (f) Copy of the written undertaking, as required by the maritime laws, by the terms of which the owners undertake to register the ship at a Latvian port within the specified period. The authenticity of all the aforesaid copies shall be certified by the consul in his notarial capacity and transmitted by him to the proper quarter, adding his report about what has been done.

Lithuania.

[Translation.]

September 15th, 1930.

A. The owner and the captain and crew of a vessel flying the Lithuanian national flag must be of Lithuanian nationality and domiciled in Lithuanian territory. Exceptions are allowed with the consent of the Government, especially in cases where the owner of a vessel is a Lithuanian company with foreign partners. The vessels must be registered in a Lithuanian port and their tonnage measurement verified there.

B. The Ministry of Communications is authorised to issue, through its officials, nationality certificates for vessels navigating in the territorial waters. Abroad, its functions are exercised by the Lithuanian consular officers. The Ministry of Communications is immediately informed of the delivery of a nationality certificate to a vessel abroad.

C. Ship's certificates issued by authorities abroad are provisional and a vessel in possession of such a certificate must, when it goes to a Lithuanian port, procure a permanent certificate. Information received by the Ministry of Communications through the Ministry for Foreign Affairs with regard to certificates issued by a Lithuanian authority abroad shall be immediately communicated to the administrative authorities of the ports in question.

Mexico.

June 3rd, 1930.

EXTRACTS FROM THE REGULATIONS REGARDING THE NATIONALISATION AND REGISTRATION OF MEXICAN MERCHANT VESSELS. ¹

A. *Article 1.*—The vessels which fulfill the following conditions are regarded as national merchant vessels

- (a) Vessels which belong exclusively to Mexican citizens residing in the Republic
- (b) Vessels which are the property of a company or concern constituted in accordance with the laws of the country and domiciled in the Republic ,
- (c) Vessels abandoned on the high seas or in the territorial waters of the country and found by Mexican citizens
- (d) Vessels confiscated on account of infringements of the laws of the Republic ,
- (e) Vessels acquired by Mexican citizens at a sale by public auction or as a result of cession in cases of insolvency
- (f) Vessels taken from an enemy and declared to be lawful prize ,
- (g) Vessels built in the Republic.

¹ A copy of these regulations is deposited in the archives of the Secretariat, where it may be consulted.

Article 2.—As regards the vessels mentioned in (a), (b), (c), (d), (e) and (f) of the preceding article, proof must be brought to show their condition before they can be registered. The same applies to the vessels mentioned under (g), although the fact of not complying with this condition does not warrant the assumption that the vessel is of foreign nationality

Article 3.—The following may own national vessels

- (a) Mexican citizens by birth or naturalisation
- (b) A woman who is Mexican by birth or naturalisation and who has the free administration of her property ,
- (c) Mexican minors, on condition that those who exercise parental authority over them and those who administer their property are also Mexicans ,
- (d) The estate of the persons mentioned above, whether they have left a will or have died intestate, until the distribution of the property, if the whole or most of the estate is inherited by Mexicans, and until the declaration by the heirs, if most of the estate is inherited by foreigners ,
- (e) Companies or societies constituted in accordance with the laws of the country

Article 4.—Private persons and companies of foreign nationality that have established their domicile, branches or agencies in the Republic may only possess vessels to be used for river traffic or traffic within the harbours of the Republic, whether pleasure boats or commercial craft but they may in no case own vessels to be used for navigation on the high seas or for coasting trade, or pleasure boats or fishing boats navigating on the high seas.

Article 5.—The owners of vessels complying with the conditions enumerated in Article 3 of the present regulations must prove their nationality, with a view to registration, by producing legal evidence that they come under one of the cases enumerated above.

Article 6.—The nationality of every merchant vessel is attested

- (a) By the documents established by the competent authority—viz., the navigating licence or the registration certificate, as the case may be ,
- (b) By the name of the vessel written on both sides of the prow and on the poop, together with the name of the home port , these names shall be written in Latin characters in light colour on a dark background or *vice versa*, and must be clearly visible. The smallest must be not less than 10 cm. in height and must always be kept in good condition.

B and C. *Article 7* —Every national vessel must be registered on the request of the owner or his representative at the harbour-master's office of the port where the owner or representative has his domicile. The vessels mentioned in Article 4 shall be officially registered without this implying the exemption of the owners of the vessels from payment of the respective duties or of the performance of any of the obligations devolving upon them in their capacity as owners of national vessels.

Article 8.—For the purpose of the present regulations, Mexican vessels are classified as follows

Division A.

- Class I Steamships and vessels propelled by internal-combustion engines, navigating abroad and used for the conveyance of emigrants.
- Class II Steamships and vessels propelled by internal-combustion engines, navigating abroad and used for the conveyance of passengers.
- Class III Steamships and vessels propelled by internal-combustion engines, navigating abroad and not used for the conveyance of passengers.
- Class IV Steamships and vessels propelled by internal-combustion engines, exclusively used for the long-distance coasting trade and conveying passengers.
- Class V Steamships and vessels propelled by internal-combustion engines, exclusively used for the long-distance coasting trade and not conveying passengers.
- Class VI Steamships and vessels propelled by internal-combustion engines, exclusively used for the lesser coasting trade and conveying passengers.
- Class VII Steamships and vessels propelled by internal-combustion engines, exclusively used for the lesser coasting trade and not conveying passengers.
- Class VIII Steamships and vessels propelled by internal-combustion engines, exclusively used for inland navigation in lagoons and on navigable rivers and conveying passengers.
- Class IX Steamships and vessels propelled by internal-combustion engines, exclusively used for inland navigation in lagoons and on navigable rivers and not conveying passengers.
- Class X Steamships and vessels propelled by internal-combustion engines, used for high-sea fisheries.
- Class XI Steamships and vessels propelled by internal-combustion engines, used as pleasure boats and navigating on the high seas.
- Class XII Steamships and vessels propelled by internal-combustion engines, used for towage and salvage work on the coasts.
- Class XIII Steamships and vessels propelled by internal-combustion engines, employed by the Confederation or the States.

Division B.

- Class I Sailing vessels navigating abroad and used for the conveyance of passengers and emigrants.
- Class II Sailing vessels navigating abroad and not used for the conveyance of passengers.
- Class III Sailing vessels used exclusively for the long-distance coasting trade and for the conveyance of passengers.
- Class IV Sailing vessels used exclusively for the long-distance coasting trade on a large scale and not for the conveyance of passengers.
- Class V Sailing vessels used exclusively for the lesser coasting trade and for the conveyance of passengers.
- Class VI Sailing vessels used exclusively for the lesser coasting trade and not for the conveyance of passengers.
- Class VII Sailing vessels used exclusively for navigation on rivers or navigable waterways and for the conveyance of passengers.
- Class VIII Sailing vessels used exclusively for navigation on rivers or navigable waterways and not for the conveyance of passengers.
- Class IX Sailing vessels used for high sea fisheries.
- Class X Sailing vessels used as pleasure boats and navigating on the high seas.
- Class XI Sailing vessels for regattas navigating on the high seas.
- Class XII Sailing vessels employed by the Confederation or by the States.

Divisions C, D and E.

(These three divisions include steamships and sailing vessels used exclusively for inland navigation within harbours and on rivers or for fishing along the coasts, within harbours and on rivers.)

Article 9.—The vessels included in Divisions A and B shall be registered and nationalised in their respective home ports or before the consular authority abroad, with the exception of vessels of Classes VIII and IX of Division A and VII and VIII of Division B. Nevertheless, all documents drawn up by the said consular authority shall only be provisional until the vessel arrives at the Mexican port where it is to be registered. Only the vessels included in Divisions C, D and E and in Classes VIII and IX of Division A and VII and VIII of Division B are obliged to be registered, as they are regarded as Mexican vessels, and cannot consequently fly any other flag. The vessels included in Classes XIII, XII, X and IX of Divisions A, B, C and D are not bound to comply with the formality of registration.

The vessels included in Divisions A and B, with the exception of those of Classes VIII and IX and VII and VIII respectively of the said divisions, must be provided, before they can navigate, with the licence which shall be issued to them by the Executive of the Mexican Union, and those of Classes VIII and IX of Division A and VII and VIII of Division B, as also those of Divisions C, D and E, shall be provided with the corresponding registration certificate, the maritime or consular authority being authorised to issue passes to enable these vessels to navigate regularly until the final registration certificate is issued.

Principality of Monaco.[*Translation.*]

June 3rd, 1930.

I have the honour to send Your Excellency the text of the Sovereign Decree of October 15th, 1915, relating to the Monegasque naturalisation of vessels, and also that of Circular No. 3 issued to the consuls of Monaco abroad.¹

These texts show that, apart from the exceptions provided in Articles 24 and 25 of the Decree, a vessel may only fly the Monegasque flag if half the vessel belongs to persons of French or Monegasque nationality the president and half the members of the managing board are French or Monegasque, and the officers and three-quarters of the crew are French or Monegasque.

The authority competent to issue the certificate of naturalisation, is the Minister of State, the consuls of Monaco abroad being authorised to issue provisional certificates only

Norway[*Translation.*]

July 2nd, 1930.

A. 1. A vessel is a Norwegian vessel when it is the exclusive property of Norwegian subjects.

2. If the vessel belongs to a joint-stock company whose sole business is shipping or shipping combined with forwarding, or to a joint-stock company whose regular business includes shipping, deep-sea fishing or salvage work, the vessel is Norwegian, provided that the

¹ A copy of the above-mentioned texts has been deposited in the archives of the Secretariat, where it may be consulted.

principal offices of the company and the seat of the administration are in the Kingdom of Norway that the members of the administration are Norwegian subjects who hold shares and are domiciled in the Kingdom, and that shares representing at least six-tenths of the capital are held by Norwegian subjects.

3. If the vessel belongs to a joint-stock company whose business is not of the nature mentioned under No. 2, the vessel is Norwegian when the principal offices of the company and the seat of the administration are situated in the Kingdom and the administration is composed of Norwegian subjects who hold shares.

4. The provisions of 2 and 3 apply *mutatis mutandis* to vessels belonging to "commandite" share companies. The provisions relating to administration and capital apply in the case of commandite companies, to the responsible partners and to the capital held by them respectively

As regards the nationality of the crew, a law of August 26th, 1854, provides that the majority of the crew of Norwegian vessels must be Norwegians, if the crew is engaged in Norway. If, on the other hand, it is engaged abroad, there are no restrictions as regards the engagement of seamen of foreign nationality

It is not necessary that the captain, the second in command and the engineers (officers) shall be Norwegian, but they must all have the prescribed Norwegian certificates. The captain must also have obtained the Norwegian master's certificate in a town (kjöpstad) or a port (ladested).

A vessel which is to be registered must, in order to obtain a final certificate of Norwegian nationality comply with the above-mentioned conditions, its tonnage must be measured in Norway and it must be entered in the final Norwegian register.

In accordance with Article 1 of the Law of May 4th, 1901, relating to the registration of vessels, all steamers and motor vessels of 25 gross registered tons or more and all decked sailing vessels of 50 gross registered tons or more must be registered. An exception is made in the case of Norwegian warships and other vessels belonging to the Norwegian Government, which are not used for the transport of goods.

Final registration must be effected by the competent registration official in the district of the vessel's home port, after a statement has been made by the owner of the vessel, in accordance with Article 5 of the Law relating to the registration of vessels.

B. After the final registration of the vessel, the Customs collector of the vessel's home port shall issue a final nationality certificate. If the vessel has to leave before the registration can be effected, he may issue a provisional nationality certificate.

On the transfer of a vessel to the Norwegian flag in a foreign country, the vessel may without being measured and registered in Norway, obtain a provisional nationality certificate,¹ which shall, in each particular case, on the authority of the Ministry of Commerce, be issued by the agent of the external service in the district where the vessel happens to be.

(A paid agent of the external service, holding the rank of vice-consul or secretary of legation, or a higher rank, as also consuls-general and honorary consuls whose district includes a maritime port have the right to issue a provisional nationality certificate.)

Before issuing such a nationality certificate, the Ministry and the agent of the external service must satisfy themselves that the vessel complies with the above-mentioned conditions laid down in Article 1 of the shipping law and with the requirements as to category and seaworthiness stipulated in the law regarding the official supervision of the seaworthiness of Norwegian vessels. Further, a certificate issued by the officials of the country to which the vessel previously belonged, showing that they have no objection to the vessel changing its nationality must be produced.

The agent of the external service shall thereupon inform the Ministry of Commerce of the steps taken by him. His report will be accompanied by a certified copy of the provisional nationality certificate, which will be transmitted to the registration official of the vessel's home port. The registration official shall enter the ship in the provisional register on the strength of the particulars contained in the nationality certificate.

The validity of a provisional nationality certificate issued by an agent of the external service must not be for more than two years. Upon the expiration of the period fixed for the validity of this certificate, the certificate may be renewed on the authorisation of the Ministry. It expires, however, on the entry of the vessel into a Norwegian port, when the obligation in regard to the tonnage measurement, and therefore the obligation in regard to final registration, arise.

C. An agent of the external service may only issue the provisional nationality certificate. Both the provisional nationality certificate and the final nationality certificate must mention the vessel's home port chosen by the owner. Such port may be any Norwegian port which has a Customs office.

¹ Copies of the above-mentioned nationality certificates have been deposited in the archives of the Secretariat, where they may be consulted.

New Zealand.

July 24th, 1930.

A. Section 3 of the New Zealand Shipping and Seamen Act 1908¹ prescribes the flag to be used on all merchant ships registered in New Zealand, and also the New Zealand Ensign, which is allowed to be used on shore within New Zealand, and on all vessels belonging to His Majesty's Government in New Zealand, or which are from time to time permitted under an Admiralty warrant to use it. There are no restrictions as to the nationality of the captain and crew or special provisions as to registration or tonnage measurements. As regards nationality and domicile of the owner, Section 1 of the Imperial Merchant Shipping Act 1894 prescribes the qualifications for owning British ships, and, as this section is in force in New Zealand, it applies to all British ships in New Zealand which are entitled to fly the national flag.

B. In so far as New Zealand is concerned, the authority which deals with this matter is the Marine Department, which administers the New Zealand Shipping and Seamen Act and the Imperial Merchant Shipping Act in so far as it is applicable to New Zealand.

No nationality certificates are issued in respect of a vessel's right to fly the national flag, the authority to do so being statutory, as set out above; except, of course, in the cases where an Admiralty warrant is issued pursuant to sub-section (3) of Section 3 of the Shipping and Seamen Act 1908. A copy of the regulations as to flying the flag under Admiralty warrant is attached.²

C. As stated in B above, no certificates are issued. The vessel's home port is the port where she is registered.

Panama.

July 16th, 1930.

EXTRACT FROM THE LAW OF JANUARY 12TH, 1925, ON NATIONALISATION AND TONNAGE MEASUREMENT OF VESSELS.

A and B. *Article 1.*—Owners or agents of vessels who desire to secure for these vessels the rights and obligations provided for in the laws and treaties relating to national merchant vessels must

- (1) Enter their vessels in one of the registers kept in the harbour inspectors' offices of the Republic,
- (2) Procure the necessary navigating licence, and
- (3) Fly the flag of Panama.

Apart from the vessels to be used for the transport of goods and passengers, the following are regarded as merchant vessels, for the purpose of registration pontoons, dredges, floating docks and all other floating constructions made of wood, cement, iron, steel or a mixture of these materials or any other material, which are used or may be used in maritime commerce.

Articles 2 and 3.—In order to secure the nationalisation of a vessel, its owners or agents must submit to the competent harbour inspector a written application for the registration of the vessel and also inform him of all the particulars which must be entered in the register. The applicant must attach to his application the document or documents attesting, in accordance with the law his ownership of the vessel in question.

Article 7.—In the case of a vessel which has not been previously registered in another country the harbour inspector shall appoint two experts to measure the tonnage of the vessel. These experts shall certify upon oath and minutely describe the structure of the vessel, its condition, its rig, its length, breadth, depth, its tonnage and all other details which may serve to show the character or identity of the vessel. If it is a steamship, they shall further certify that it is provided with all the apparatus and accessories necessary to ensure its being safely steered and navigated.

If it is a vessel already registered in another country, the particulars mentioned in this article shall be ascertained by means of an affidavit sworn by the applicant and verified by the harbour inspector after perusal of the ship's papers.

Article 8.—When the particulars mentioned in the preceding articles have been obtained, an entry is made in the shipping register kept in each inspector's office. This entry must mention the registration of the vessel under the corresponding number, and the particulars enumerated in the statement of the applicant and in the experts' report, and, if necessary, the affidavit mentioned in the preceding article, as also a declaration to the effect that the vessel has been incorporated in the national mercantile marine.

¹ A copy of the above-mentioned section has been deposited in the archives of the Secretariat, where it may be consulted. This document has been deposited in the archives of the Secretariat, where it may be consulted.

This entry shall be signed by the harbour inspector, and a certified copy forwarded to the Secretariat of Finance and the Treasury and to the Secretariat for Foreign Affairs.

Article 10.—When the registration is verified, and before the navigating licence is issued, the harbour inspector and the experts appointed to carry out the inspection and tonnage measurement of the vessel shall confirm (1) that the vessel contains on each of its sides and on the poop its name and that of the home port, legibly written in white or yellow letters in the case of vessels painted black or a dark colour, and in dark letters in the case of vessels painted in light colours. The letters shall be of a minimum height of 16 cm. and of proportionate breadth.

Article 12.—In the event of the sale or mortgage of a vessel belonging to a person or corporation not domiciled in the country for the purpose of exercising trade therein, and not yet entered in the public register, the relevant entry shall not be made in the personal register (*Registro de las Personas*), commercial section, unless the notarial act drawn up in the country where the domicile of the owner of the vessel is situated, and in virtue of which the contracting party is legally empowered to sell or mortgage the said vessel, is at the same time produced.

Article 16.—National vessels engaged in international traffic must be manned by a crew at least 10 per cent of whose members are citizens of Panama, provided that those who apply for employment as members of the crew possess the physical and moral qualifications required.

Article 17.—The Executive is authorised to found, organise and maintain a school of navigation, which shall issue certificates to persons qualified to serve as officers in the national mercantile marine.

Every national merchant vessel must accept in its service a number of pupils of the said school not exceeding 2 per cent of the total number of the members of the vessel's crew, but in any case not less than two.

The pupils shall be designated by the director of the school and a board of masters.

When the pupils have obtained their certificate, the vessels in question must always employ the same number of young persons as officers, the choice to be made by the captain of the vessel in the form laid down in the regulations.

C. *Article 18.*—Consuls of Panama abroad are authorised to issue provisionally the right to fly the merchant flag and may on payment of the registration fee, draw up a provisional navigating licence for vessels which are abroad and which it is desired to bring to Panama with a view to having them finally entered in the register of the national mercantile marine.

Provisional navigating licences drawn up in accordance with the present article by consuls of Panama abroad are issued for a period of six months, during which period the final registration of the vessel must be effected. The Secretariat of Finance and the Treasury may however, extend the period laid down in the said licences for a good and sufficient reason, it may also, if it thinks fit, render such licences permanent.

The Executive shall issue a Decree governing the provisional granting of the right to fly the national flag, and shall indicate the formalities which consular officials must observe for this purpose.

Article 19.—Harbour inspectors of the Republic and consuls of Panama abroad may issue permits for the performance of the duties of captain, pilot, engineer and other employees for whom a permit is required on vessels belonging to the national mercantile marine, under conditions to be laid down by the Executive.

Netherlands.

[Translation.]

July 22nd, 1930.

A. 1. Sea-going vessels have the right to fly the Netherlands flag if they are provided with a certificate of registry issued in accordance with the Law of June 10th, 1926 (*Collection of Laws*, No. 178¹).

2. The stipulation to the effect that the vessel must be provided with a certificate of registry does not apply if the vessel is engaged in the public service or, in the case of a new vessel built in the Netherlands, for trial trips.

Article 4 makes the issue of a certificate of registry (not including the provisional and extraordinary certificates of registry mentioned in Article 11 and 12 of this law) conditional upon the vessel being entered in the shipping register mentioned in Article 314, paragraph 1, of the Commercial Code, which reads as follows

“ There is a public register for the registration of Netherlands vessels of at least 20 gross cubic metres. Detailed provisions will be issued by Government Decree.”

A copy of the text of the Netherlands laws quoted in this memorandum has been deposited in the archives of the Secretariat, where it may be consulted.

The Government Decree required by this article provides that registration shall only be effected on production of a statement authorised by the competent authority to the effect that it is a Dutch vessel.

According to Article 311 of the Commercial Code, a vessel is regarded as Dutch if it belongs entirely to Dutch nationals, or if it belongs to Dutch nationals to the extent of two-thirds of its value and the other owners are resident in the Kingdom, provided that the accountant (Boekhouder), if any is a Dutch national residing in the Netherlands.

The following are regarded as Dutch within the meaning of this article

(1) General partnerships and commandite companies established in the Netherlands, whose jointly and severally liable partners are Dutch nationals,

(2) Incorporated joint-stock companies founded in accordance with Dutch law and established in the Netherlands, provided that shares representing at least two-thirds of the capital invested stand in the name of Dutch nationals and, in addition, the majority of the directors and commissioners are Dutch nationals resident in the Kingdom, or all the directors are Dutch nationals (at least three-quarters of them being resident in the Kingdom) and, in addition, three-quarters of the commissioners are Dutch nationals (at least two-thirds of them being resident in the Kingdom),

(3) Civil companies founded in accordance with Dutch law, which enjoy civil law standing and all of whose directors are Dutch nationals (at least three-quarters of them being resident in the Kingdom) and at least three-quarters of whose commissioners, in addition, are Dutch nationals (at least two-thirds of them being resident in the Kingdom).

The following are deemed to be "resident in the Kingdom"

(1) General partnerships and commandite companies established in the Netherlands, whose jointly and severally liable members are resident in the Kingdom,

(2) Incorporated joint-stock companies founded in accordance with Dutch law, provided that two-thirds of the share capital invested stand in the name of persons resident in the Kingdom and, in addition, the majority of the directors and commissioners are resident therein, or that all the directors and commissioners are resident in the Kingdom

(3) Civil companies founded in accordance with Dutch law, which enjoy civil law standing, all of whose directors and commissioners are resident in the Kingdom.

In any case, the registered offices of the shipping concern must be in the Netherlands.

As regards tonnage measurement, the above-mentioned authorisation by the competent authority is only issued after the issue of the tonnage measurement certificate.

These laws contain no provisions relating to the nationality of the captain and crew, but the bill relative to the engagement of the captain and crew, which has already been adopted by the Second Chamber of the States-General, contains a clause to the effect that the captain must be a Dutch subject.

B. In accordance with Article 6 of the Law of 1926 relating to certificates of registry, these are issued by the Minister of the Waterstaat on production of a copy of the entry in the register and of the tonnage measurement certificate.

The production of a copy of the entry in the register is not required for the issue of provisional and extraordinary certificates of registry as provided for in Articles 11 and 12 in the above-mentioned Law of 1926. The former are issued so that vessels purchased or built abroad for Netherlands account may be imported into the Netherlands under the Dutch flag, the latter are issued so that vessels built, purchased or equipped in the Netherlands for foreign account may be taken direct and within a definite period to their country of destination under the Dutch flag.

In principle, the Netherlands authorities abroad are not empowered to issue certificates of registry. For exceptions in the case of consular officers or other authorities, see under C.

C. Article 13 of the above-mentioned Law of 1926 allows Netherlands consular officers designated by Royal Decree to issue temporary permits to fly the Dutch flag—valid for a particular area mentioned in the permit—for vessels exclusively employed in inland navigation and in the coasting trade outside the Netherlands in which Dutch interests preponderate. Detailed provisions relating to this matter are contained in the Government Decree of April 13th, 1927 (*Legal Gazette*, No. 84).

As the registration of these vessels is not compulsory they cannot be regarded as having a home port in the Netherlands.

Netherlands Indies.

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[Translation.]

January 7th, 1931.

A. Under the provisions regarding the granting of nationality certificates and annual licences in the Netherlands Indies, contained in Royal Decree No. 16 of January 30th, 1874 (*Legal Gazette*, 1905, No. 316¹), as subsequently amended (*Legal Gazette*, 1918, No. 763),

seagoing vessels of the Netherlands Indies flying the Netherlands flag must hold a document establishing their nationality (Article 1)—a nationality certificate in the case of a European-rigged vessel and an annual licence in the case of a native-rigged vessel (Article 2). Vessels which, under Article 1, (a) to (f), do not require a nationality certificate or annual licence—except Government vessels, which do not require any nationality document—must obtain, before they can be used for navigation at sea, a police licence, which gives them the right to fly the Netherlands flag (*Legal Gazette*, 1915, No. 342). As a rule, these vessels do not engage in traffic elsewhere than in the Netherlands Indies.

Nationality certificates and annual licences are issued only if the seagoing vessel is for the greater part the property

- (a) Of a denizen of the Netherlands Indies ,
- (b) Of a denizen of the Kingdom in Europe ,
- (c) Of a shipping company established in the Netherlands Indies
- (d) Of a private partnership or commandite company established in the Netherlands Indies, provided that not less than half the members of the partnership or the jointly and severally liable members of the commandite company are denizens of the Netherlands Indies or of the Kingdom in Europe ,
- (e) Of a commercial joint-stock company or an association possessing corporate status, provided that the company or association is established in the Netherlands Indies or in the Kingdom in Europe, and has been constituted in accordance with the laws in force at the place of its establishment, and provided that not less than half the directors of the company or association are denizens of the Netherlands Indies or of the Kingdom in Europe (Article 3).

In every case owners must be duly represented in the Netherlands Indies and the management of all business relating to maintenance, equipment and cargo must be conducted in the Netherlands Indies. Exceptions to this last provision may be made by royal authority in special cases.

By the expression “ denizens of the Netherlands Indies ” is to be understood in this memorandum

- (a) Netherlands subjects domiciled in the Netherlands Indies ,
- (b) All other persons who, having obtained authority to establish themselves in accordance with the regulations in force, have resided in the Netherlands Indies throughout the year ending on the day on which application was made for a nationality certificate or annual licence.

By the expression “ denizens of the Kingdom in Europe ” is to be understood all persons who are held to be such under the legal provisions in force in the Kingdom in Europe regarding the grant of nationality certificates (Article 4).

A nationality certificate or annual licence may not be issued except on production of the tonnage certificate and the ownership certificate (Articles 10 and 22). Consequently, in view of Article 1 of the Transfer Ordinance (*Legal Gazette*, 1834, No. 27), all seagoing vessels of 20 cubic metres or over navigating in possession of a nationality certificate or annual licence must be entered in the public property registers.

There are no rules regarding the nationality of the captain or the crew ¹ A vessel navigating in possession of a nationality certificate or annual licence may not, however, navigate on the high seas unless the captain, officers and engineer officers hold the Netherlands Indies certificates required by the Shipping Ordinance and the Shipping Decree (*Legal Gazette*, 1917 Nos. 33 and 34), obtained after examination in the Kingdom in Europe or in the Netherlands Indies.

B. Nationality certificates are issued by the Governor-General (Article 9).

If a vessel has been bought or built elsewhere than in the Netherlands Indies on behalf of any of the persons or companies mentioned above (see Article 3), the Minister of the Colonies or the Governor-General issues a provisional nationality certificate. As soon as the vessel arrives at its home port in the Netherlands Indies, the formalities necessary to obtain an ordinary nationality certificate must be discharged (Article 14).

The Governor-General may if necessary, issue extraordinary nationality certificates in respect of vessels which have been built, bought or equipped in the Netherlands Indies for persons or companies established elsewhere, so that such vessels may be taken under the Netherlands flag, within a specified period, direct to the country of destination (Article 15).

If a vessel has been built or bought abroad, the Netherlands Consul may, pending the decision of the Minister of the Colonies or the Governor-General as to the granting of the provisional nationality certificate for which application was made to him through the Consul, issue a certificate for the voyage to the Netherlands Indies (Article 16).

Annual licences are issued by the heads of regional Governments and local Governments, and by certain other officials appointed by the Governor-General (Article 20).

“ Small ” licences are issued by harbour-masters (Article 2 of the Ordinance in *Legal Gazette*, 1915, No. 342).

¹ In consequence of the revision of maritime law now in progress, it will probably be laid down that a vessel navigating with nationality certificate or annual licence must be commanded by a Netherlands subject.

C. It will be seen from A and B that a nationality certificate issued abroad is purely provisional.

Note.—The provisions mentioned above will shortly be revised. The new regulations will lay down more exacting conditions to be fulfilled by a seagoing vessel before it is held to be a Netherlands Indies vessel. These conditions will be broadly the same as those in force in the Kingdom in Europe.

Peru.

[*Translation.*]

June 10th, 1930.

A. Article 329 of the Regulations relating to the merchant fleet and the harbour-masters' offices states

“ Every merchant vessel must, before it can be regarded as Peruvian and fly the Peruvian flag or enjoy the advantages and exemptions granted by Peru, be nationalised and acquire a ship's licence and a certificate of registration. ”

The certificate of registration is the certificate issued by the harbour-master's office of the port attesting the registration of the vessel in that port, and this certificate is indispensable if the ship is to navigate freely in the waters of the Republic or outside those waters.

The owner of a vessel must be a Peruvian by birth or naturalisation and must be domiciled in Peru if the owner is a company it must have its registered offices in Peru.

The captain must be a Peruvian by birth or at least by naturalisation, and three-quarters of the crew of Peruvian vessels must also be Peruvians.

Article 10 of Law No. 6207 relating to national coasting trade says

“ When a vessel nationalised in Peru belongs to a company, it shall be regarded as Peruvian if three-quarters of the capital belong to Peruvians and if the company in question complies with the conditions laid down in the regulations. ”

B. The nationality certificate or merchant shipping licence of a vessel is issued by the President of the Republic if the vessel is of a tonnage of more than 100. If it is less, the licence is issued by the head of the Naval General Staff and may be withdrawn every four years.

If an application is made for nationalisation and the right to fly the merchant flag, the harbour-master of the port gives instructions for the tonnage of the vessel to be measured and for the vessel to be assessed, whereupon the head tonnage-measurement expert draws up the corresponding report and attaches three tonnage-measurement certificates thereto.

C. Peruvian consuls abroad can only issue a provisional certificate to allow the vessel to go direct to Callao or Iquitos to be nationalised if the vessel has been purchased abroad, the Peruvian consul must forward to the Ministry concerned all the ship's papers which have been cancelled, together with a record of the vessel.

Portugal.

[*Translation.*]

January 31st, 1931.

A. In accordance with our legislation, the owner or owners must be Portuguese by birth or naturalisation.

Vessels belonging to shipping or towage companies established in Portugal are regarded as Portuguese and belonging to Portuguese.

As regards the domicile of the owner nothing is laid down in our legislation unless the owner is a shipping or towage company or a commercial company, in which cases the registered offices of the company must be in Portugal.

The captain must be Portuguese by birth or naturalisation. At least two-thirds of the crew must, unless otherwise provided in treaties, be Portuguese by birth or naturalisation.

As regards coastal fishing vessels, all persons constituting the company must be Portuguese by birth or naturalisation with the exception of one boatswain or a technical expert, who may be a foreigner, subject to the permission of the Ministry of Marine. As regards fishing vessels, the following conditions must also be complied with where the owner is an association, a concern or a company general partnerships or commandite companies or associated companies must have their registered offices in Portuguese territory and be composed exclusively of persons who are Portuguese by birth or naturalisation.

All partners with unlimited liability in commandite joint-stock companies, whose registered offices must be in Portuguese territory must be of Portuguese nationality, and the share capital must further be composed of registered securities drawn up in the name of persons who are Portuguese by birth or naturalisation.

Incorporated joint-stock companies must have their administrative offices in Portuguese territory, and their capital must be composed of registered shares all belonging to persons who are Portuguese by birth or naturalisation.

The management and administration of societies, companies, associations or concerns owning fishing vessels may be exercised only by persons who are Portuguese citizens by birth or naturalisation.

B. The tonnage measurement of a vessel is carried out by the harbour-master of the port where the vessel is registered.

The registration of the vessel is effected by the harbour-master's office of the port.

A certificate of registration constitutes a title of ownership, which must be produced for the inspection of the clerk of the respective commercial court where it is registered.

When the Department of Marine has inspected the titles of ownership duly registered with the commercial court, it issues a document which constitutes the nationality certificate of the vessel.

C. If the vessel has been acquired abroad, the consul, after inspecting the documents proving the Portuguese nationality of the owner or owners and also the deed of purchase, issues a provisional document, which is usually only valid as far as the port indicated by the owner in which the vessel is to be registered.

As soon as he has issued a provisional certificate, the consul must send a duly registered copy of this certificate and of the sale contract to the Department of Marine.

Roumania.

[Translation.]

February 26th, 1931.

A. The right to fly the national flag is granted in accordance with the Law of April 1st, 1907, regarding the organisation of the merchant fleet, as amended on December 21st, 1922

(a) To owners who are Roumanian nationals domiciled in the country,

(b) To foreigners if they are born in the country and in fact reside there for at least eight months in the year

(c) To companies, provided that

(1) In the case of a private partnership firm, all its members are Roumanian nationals,

(2) In the case of a commandite company, the sleeping and active partners and the managers are Roumanian nationals and two-thirds of the capital is Roumanian

(3) In the case of an incorporated joint-stock company, at least two-thirds of the statutory capital is in the hands of Roumanian nationals in the form of registered shares only transferable to Roumanian nationals, and the chairman of the managing board, the assistant managers, the director and three-quarters of the members of the managing board are Roumanian.

Moreover, the registered offices of the company must be situated within the country where the general meetings must also be held.

At least one-third of the navigating officers and engineers and at least one-third of the other members of the crew must be of Roumanian nationality

Registration must be effected at the harbour-master's office at the home port.

Tonnage measurement is governed by the rules recommended by the Constantinople International Tonnage Commission in 1873, which were also adopted by the European Commission of the Danube.

B and C. The authorities competent to issue nationality certificates are

(a) At home.—The Ministry for Foreign Affairs on the strength of a report of the Harbours Department, drawn up after consultation with a Higher Navigation Commission and after an enquiry by the harbour-master of the port where it is desired to register the vessel.

(b) Abroad.—The Roumanian consuls. However, the certificates which consuls are authorised to issue are provisional and are only valid for one voyage from a foreign port to the Roumanian port where the vessel is to be registered, and only on condition that the vessel has been built or purchased abroad and is making its first voyage to Roumania. As soon as such certificate has been issued, the consul must advise the harbour authorities of the port where the vessel is to be registered, through the Ministry for Foreign Affairs.

Siam.

October 7th, 1930.

A. There is no express provision in Siamese laws with regard to the matter under reference. However, according to the practice of His Majesty's Government, persons or companies domiciled in Siam and foreign companies having a registered office in Siam may be granted the right to fly a Siamese national merchant flag on their vessels, provided that such vessels are duly registered with the competent authorities of His Majesty's Government.

Generally speaking, in registering a vessel, the nationality of the captain and the crew is immaterial. The captain, however, must possess a certificate of competency issued by the Harbour Department in Bangkok or by other competent authorities approved of by His Majesty's Government.

Due compliance must be given to the Rules for Survey issued by the Harbour Department in Bangkok in the matter of registration and tonnage measurement.

B. In Siam, the harbour-master is the competent authority for the issue of certificates and licences of vessels, in pursuance of the Law on Navigation in Siamese Waters, B.E. 2456. Every steam vessel must be surveyed and approved of by a Government surveyor previous to the issue of a licence, in pursuance of the Rules for Survey issued by the Harbour Department.¹

A Siamese consular representative abroad may issue a provisional certificate upon the production of a certificate of survey issued by the competent authorities of the foreign country concerned.

The home authorities need not receive a notification of the issue of such a provisional certificate until the vessel concerned arrives in Siam.

C. A certificate which is so issued by a Siamese consular representative abroad is provisional only in order to enable the vessel concerned to proceed to Siam. Upon its arrival in Siam, a final certificate issued in pursuance of the Rules for Survey shall be obtainable from the Harbour Department in Bangkok.

Sweden.

[Translation.]

December 17th, 1930.

A. Before a vessel can be regarded as Swedish and thus fly the Swedish flag, it must belong to Swedes to the extent of at least two-thirds of its value or to a joint-stock company whose managing board has its registered offices in Sweden and is composed of Swedish shareholders, who must have their domicile in Sweden, save for exceptions authorised by the King in each particular case. The owner-manager must always be Swedish and be domiciled in Sweden.

The captain of every Swedish vessel and at least two-thirds of the crew, including the captain, must be of Swedish nationality

All Swedish vessels used for commercial shipping or the transport of passengers and with a tonnage of 20 registered tons or more must be registered. The register is kept by the Central Commercial Administration.

Every vessel which is so built that it can be used for commerce and the transport of passengers and goods, must be measured in accordance with the provisions of the Swedish law on tonnage measurement. The following are exempt from this obligation—vessels of not more than 10 tons, vessels built and exclusively employed for fishing, and vessels, armed or not, belonging to the State.

It should be noted, however, that the observance of the above-mentioned provisions relating to the nationality of the captain and crew and to registration and tonnage measurement does not constitute a condition on which the granting of Swedish nationality to a vessel must depend.

B. Every Swedish vessel which is obliged to be registered must be provided, for voyages to foreign countries, with a document showing its Swedish nationality. There are various nationality documents—viz.

(a) The nationality and registration certificate, issued by the Central Commercial Administration

(b) The temporary nationality and registration certificate, also issued by the Central Commercial Administration, but valid only for a fixed period specified in the certificate

(c) The temporary nationality certificate, also issued by the Central Commercial Administration and only valid for certain voyages indicated in the certificate,

(d) The temporary nationality and registration certificate, issued by a Swedish consul on the authority of the Central Commercial Administration, and only valid for a fixed period specified in the certificate

(e) The temporary nationality certificate, also issued by a Swedish consul, on the authority of the Central Commercial Administration, and only valid for a fixed period specified in the certificate

(f) The temporary nationality certificate, which a Swedish consul may issue without special authority from the said administration, exclusively for the voyage to Sweden either direct or with a call at one intermediate port,

(g) The provisional nationality certificate, also issued by a Swedish consul.

As regards the certificates mentioned under (a) to (e) and the conditions to be fulfilled in order to obtain the issue thereof, see the attached translation of the Decree of October 18th, 1901, on the registration of Swedish vessels.²

¹ A copy of the above-mentioned laws and regulations has been deposited in the archives of the Secretariat, where it may be consulted.

² A copy of this Decree has been deposited in the archives of the Secretariat, where it may be consulted.

C. The temporary nationality certificates mentioned under (f) are issued by Swedish consuls in accordance with the following provisions of Article 45, Section 1, of the Royal Decree of February 3rd, 1928, relating to legations and consulates

“ If, in a foreign port, a vessel has been built for the account of Swedes, or if a foreign vessel has become Swedish property therein, the consul may, after satisfying himself that, in accordance with the terms of Article 1 of the Maritime Law, the said vessel is to be regarded as Swedish and that the State whose flag the vessel last flew has no objection to the change of nationality, provide the vessel with a provisional nationality certificate valid for the voyage to a Swedish port, either direct or with a call at one intermediate port. Before the issue of such certificate for a vessel having a gross tonnage of 100 or more registered tons, an inspection must be carried out in accordance with the special provisions in order to make sure of the seaworthiness of the vessel.

“ The consul shall immediately inform the Central Commercial Administration of the issue of the certificate and shall see to it that the expert or experts who have carried out the inspection for seaworthiness submit a report without delay to the said administration.

“ The certificate referred to in the present article may not be issued by an unpaid vice-consul.”

The provisional nationality certificate mentioned under (g) may be issued, if the nationality certificate of the vessel has been lost and there has been no time to submit to the Central Commercial Administration in advance the question of the issue of a new certificate. In such a case, the Swedish consul may, after entering in the consular register the statement relating to the loss of the document, issue a certificate attesting the nationality of the vessel, but only valid for its next voyage and containing the necessary particulars concerning the owner, the home port and the tonnage of the vessel. The consul must immediately advise the Central Commercial Administration of any steps of the kind mentioned above taken by him, and at the same time forward to the said administration a copy of the certificate issued.

As will be seen from the above, the certificates issued by the consuls are always of a provisional nature.

Every owner of a vessel must decide what place in the Kingdom shall constitute the vessel's home port and make a declaration to this effect, if the vessel is one which must be entered in the shipping register kept by the Central Commercial Administration, to the said authority or, if in the other case, to the municipal authority of the town chosen as the home port, or, again, if this place is situated in the country, to the district bailiff. If the owner of the vessel has omitted to make this declaration, the place of his Swedish domicile is deemed to be the vessel's home port.

The authorities of the home port are not informed of the issue of the nationality certificate either at home or abroad.

Czechoslovakia.

[Translation.]

October 25th, 1930.

A. The conditions of the acquisition and loss of the right to fly the national flag (the Czechoslovak merchant flag) are laid down in the Law of April 15th, 1920 (Collection of Laws and Decrees No. 316). This right may only be acquired by vessels of at least 15 tons which belong to Czechoslovak nationals to the extent of at least two-thirds of their value, or to Czechoslovak corporations or commercial companies at least two-thirds of whose fully responsible partners are Czechoslovak nationals, or to Czechoslovak co-operative societies. The companies or corporations deemed to be Czechoslovak within the meaning of this provision are those which have their registered offices in the territory of the Czechoslovak Republic.

The nationality of the captain and crew and the place where the tonnage measurement of the vessel has been effected do not affect the acquisition of the right to fly the Czechoslovak merchant flag.

B. Any person desiring to acquire the right to fly the Czechoslovak merchant flag on his vessel must take an application to the Czechoslovak Navigation Office at Prague which, after satisfying itself that the conditions laid down in the Law are fulfilled, issues the ship's certificate to the applicant. If, however, the vessel has to be entered in the shipping register, the certificate is not issued until this has been done.

In urgent cases, permission to employ the Czechoslovak flag may be given by Czechoslovak consulates by means of a provisional document (temporary pass), if the conditions laid down in the law are fulfilled and if at the same time the issue of the certificate is applied for through the same consulate. This provisional document replaces the certificate for a year at the most. The consulate immediately informs the Czechoslovak Navigation Office at Prague of the issue of the provisional document, and at the same time submits to it the above-mentioned application regarding the issue of the certificate with all the annexed documents. At the same time, the consulate which has issued the temporary pass informs all the Czechoslovak consulates in the ports to be visited during the next voyage.

C. According to the Law of April 15th, 1920, regulating questions connected with the flag to be flown by Czechoslovak vessels and the registration of Czechoslovak vessels, all Czechoslovak vessels have their home port at Prague. The competent authority of the home port is therefore always the Czechoslovak Navigation Office at Prague. Consequently, question C has already been answered under B.

Turkey

[Translation.]

December 1st, 1930.

A and B. 1. The tonnage measurement of vessels, and, therefore, the fixing of their tonnage, is effected by the merchant shipping authorities.

The harbour-master of the port may carry out the tonnage measurement of ships of less than 50 tons and issue provisional certificates against payment of the tonnage measurement fee. These certificates are exchanged by the competent merchant shipping authorities for tonnage-measurement certificates, provided they are found to be in good and due form.

The system of measuring the tonnage of vessels, which consists in fixing the tonnage of the part of the vessel situated below the upper deck, and also the method of making the deductions for the determination of the gross tonnage, are practically the same as those employed in the British mercantile marine. Articles 165 to 175 of the Regulations relating thereto are similar to Articles 77 to 80 of the British Merchant Shipping Act.

2. The formalities for the registration of Turkish vessels are carried out by the harbour-master's offices of the port in question, designated by the Department for Economic Affairs. A vessel belonging to a Turkish citizen may fly the national flag.

3. The right to engage in coasting trade is reserved, in accordance with Article 3 of the law relating thereto, to vessels flying the national flag. Foreigners may not be engaged as officers or seamen in Turkish vessels.

C. When a vessel is acquired abroad by a Turkish citizen, the certificate of nationality issued provisionally by the Turkish consul of the place takes the place of the ship's certificate, and must be registered in one of the Turkish ports specified for the purpose. These nationality certificates are only valid for a period of one year, which may be extended in case of necessity. The port in which the vessel is registered and that from which it leaves is called the home port.

Union of South Africa.

November 5th, 1930.

In the absence of any special Union regulations, the flying of the national flag would be governed by the British Merchant Shipping Act of 1894.

Uruguay

[Translation.]

July 8th, 1930.

A. *Nationality and Domicile or Registered Offices of the Owners.*—The owner must be a citizen of the country except in the case of a concern established in the country and entered in the commercial register.

Nationality of the Captain and Crew.—The captain must be a citizen of the country, though it is only when the vessel is to be used for coasting trade that a third of the members of the crew must be citizens of the country.

Registration consists of the entry of the ship's licence in the register kept for that purpose at the Harbours Department.

Tonnage.—The only cases in which a simplified procedure is employed for the granting of the right to fly a merchant flag are those relating to small vessels used exclusively for traffic between Uruguayan and Brazilian ports in the Laguna Merin, and small yachts and pleasure craft belonging to Uruguayan citizens.

B. *Competent Authority at Home.*—Registrations are effected at the Harbours Department attached to the Ministry of War and Marine.

Competent Authorities Abroad.—These are the consulates-general and, in exceptional cases, district consulates.

Conditions.—Apart from the above-mentioned conditions regarding the nationality of the owners, captain and crew and the residence of the owners, the following documents are required.

- (a) The title of ownership of the vessel
- (b) The tonnage measurement certificate, which must be drawn up by the Harbours Department
- (c) The foreign licence in the case of a vessel registered elsewhere, or a certificate issued by the consul of the same nationality as the vessel and attesting the change of flag.

C. The authorities abroad advise the home authorities by forwarding to the Ministry of War and Marine, through the Ministry for Foreign Affairs, a copy of the whole file to the Harbours Department.

The period of validity of the nationality certificate issued abroad is short, and lapses six months from the date on which it has been transmitted to the person concerned.

Port of Registration.—The only port of registration in the Republic is Montevideo.

The authorities who issue the documents advise the authorities at the port of registration by forwarding a copy of the file to the Harbours Department, which has direct jurisdiction over the port of Montevideo.¹

Yugoslavia.

[Translation.]

May 28th, 1930.

A. In order to have the right to fly the national flag, every Yugoslav merchant vessel must first obtain a certificate and be entered in the shipping register or obtain a provisional certificate from a Yugoslav consulate.

Before a vessel can be entered in the shipping register, at least two-thirds of the owners must be Yugoslav nationals. Incorporated joint-stock companies which have been founded and have their registered offices in the Kingdom of Yugoslavia are regarded as Yugoslav

The vessel's home port is entirely independent of the domicile of the owner or of the registered offices of the company, as these have the right to give any port situated in the territory of the Kingdom as the vessel's home port.

The owner of the vessel may choose as his domicile any part of the Kingdom or of a foreign country but companies must have their registered offices in the Kingdom.

The captain, the officers and two-thirds of the crew of the vessel must be of Yugoslav nationality

The question of tonnage measurement is governed by the Law of March 30th, 1922 (see *Official Journal*, No. 258, XXXIV 1922).

B and C. The shipping authorities are competent to issue nationality certificates to Yugoslav vessels, and they keep special registers for each category of merchant vessels. The Merchant Shipping Department at Split is competent for ocean-going vessels, vessels engaged in the distant coasting trade, and yachts. The harbour-masters' offices at Sušak, Šibenik, Dubrovnik, Split and Meljine are competent for vessels engaged in the short-distance coasting trade, each for his own province, according to the home port of these vessels.

When a vessel is acquired abroad, a provisional certificate is issued by the Yugoslav consulate. This certificate is valid until a final certificate issued by the competent authorities has been obtained and the validity of the provisional certificate may not in any circumstances exceed one year.

On the occasion of the issue of a provisional certificate, the consulate immediately informs the competent Yugoslav authorities entrusted with the registration of vessels. For this purpose it attaches an application for the vessel to be entered in the registers, and names, in agreement with the applicant, the person domiciled in the country who will have to pay the costs of registration and the person to whom the certificate for the vessel is to be sent.

* * *

All the questions contained in the present questionnaire are governed by the Law of March 30th, 1922, relating to the registration of merchant vessels (see *Official Journal*, No. 251, of November 9th, 1922).

¹The texts of laws relating to the issue abroad of nationality certificates are deposited in the archives of the Secretariat, where they may be consulted.