

Marine Vessels, Registration and Control (Amending Title 22)

An Act to repeal chapter 11 of an Act amending title 22 placing thereunder the registration and control of pleasure watercraft, and commercial vessels of less than 500 gross tons operating in and outside the territorial waters of the republic of Liberia, and to amend title 21 of the Liberia code of laws revised adding thereto a new chapter 11, known as registration and control of pleasure watercraft, yacht, fishing vessels, and domestic commercial vessels operating in and outside of the territorial waters of the Republic of Liberia

Whereas, it is in the economic interest of the Nation to provide an effective supplementary system of (registry) for national and Foreign Watercraft not otherwise covered by Title 21 of the Liberian Code of Laws of 1956,

NOW THEREFORE, it is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled:

Section 1. Chapter 11 of Title 21 of the Liberian Code of Laws of 1956, as amended, reads as follows:

CHAPTER 11. REGISTRATION OF PLEASURE WATERCRAFT, YACHT, FISHING VESSELS AND OTHER DOMESTIC COMMERCIAL VESSELS

Section 362 GENERAL

Governing Law. All matters affecting the operation and control of Liberian —registered pleasure watercraft, Yacht, fishing vessels and other domestic commercial vessels operating in and outside the territorial waters of the Republic of Liberia shall be governed by this Chapter, by the applicable sections of this Title where appropriate, and otherwise by the laws of Liberia not in conflict with this Chapter or other sections of this Title.

Section 363 IMPLEMENTATION AND ADMINISTRATION

(1) The Commissioner of Maritime Affairs (here-in-after referred to as the "Commissioner"), shall implement matters pertaining to pleasure watercraft, Yacht, fishing vessels and other domestic commercial vessels .

(2) The Commissioner shall make Rules and Regulations carrying out the provisions of this Chapter and ensure the seaworthiness of Liberian — registered ships and proper manning conditions on board. When signed by the Commissioner and approved by the President, all such Rules, Regulations and Amendments thereto shall have the full force and effect of Law.

(3) Deputy Commissioners. The Commissioner shall be assisted in his office duties by one or more Deputy Commissioners.

Section 364 FEES, FINES AND PENALTIES

The Commissioner is hereby authorized to establish Rules, Regulations and Appropriate Fees for the implementation of this Chapter, and fines and penalties for violation of any section of this Chapter, except where already provided. All fees, fines and penalties shall be paid into a special account established under this Chapter.

Section 365
APPLICABILITY

Jurisdiction. All causes of action arising out of, or under this Chapter, shall be cognizable before the Circuit Courts of this Republic sitting in Admiralty, but except as otherwise provided in this Chapter or sections of this Title, the Provisions of this Chapter shall not be deemed to deprive the courts of Liberia or elsewhere, of jurisdiction.

Section 366
SEPARABILITY

If any provisions of this Chapter or its application to any persons, natural or corporate, is held invalid, the validity of the remainder of this Chapter shall not be affected.

Section 367
APPEAL

All appeals from decisions of the Commissioner, pursuant to any Section of this Chapter or any Rules and Regulations thereunder, shall be taken to the Circuit Court of the Republic, sitting in Admiralty.

Section 368
REGISTRATION

Vessels eligible to be registered. Any pleasure watercraft, Yacht, fishing vessel and other domestic commercial vessel owned by a citizen or national of Liberia, and operating in Liberian or foreign ports may be registered under this chapter. For purpose of this Chapter, the word "citizen" shall be deemed to include corporations, partnerships and associations organized under the laws of the Republic of Liberia.

Section 369
PROCEDURE FOR REGISTRATION

Procedure for Registration:

(1) The owner shall execute an application for Registration in a form supplied by the Commissioner, providing full information and address of the owner; previous registry, if any; type; gross and net tonnages; year built; length; means of propulsion; service the vessel renders; engine numbers; description and any other information deemed necessary.

(2) The owner shall be required, when submitting an Application for Registration, to surrender, if applicable, the foreign certificate of registration, the foreign certificate of safety, the foreign radio station license, and any other documents required by the Commissioner.

(3) The owner shall also be required to submit with the application for Registration the following documents:

- a) Bill of Sale, and builder's certificate, if the vessel is new;
- b) Proof of the vessel's seaworthiness;
- c) Class certificate or the equivalent from an established marine technical surveyor's office, appointed by the Commissioner;
- d) Safety Inspection Certificate issued by the class or surveyor; and

e) Owner's affidavit to be filed with the record of all mortgages and liens on the vessel pursuant to Chapter 3 of this Title, as amended, submitted original and five copies, all duly executed and acknowledged or with proof of such execution. All mortgages shall be in the English Language or shall be translated into the English Language, properly authenticated.

Section 370
PLACE OF REGISTRATION

Application for Registration may be submitted either to the Commissioner of Maritime Affairs, Monrovia, Liberia, or to the Consul General of the Republic of Liberia in the State of the owner's residence, or to the special agent appointed by the Commissioner, who shall transmit the application to the Commissioner. Upon satisfaction of the requirements for registration, the Commissioner shall issue a temporary certificate of registry which shall be valid for 60 days, or a permanent certificate of registry.

Section 371
REGISTRATION FEES

The Commissioner shall establish, by Regulation, appropriate registration fees for all vessels, registered under this Chapter.

Section 372
CANCELLATION OF REGISTRATION

The Commissioner shall revoke or cancel the Certificate of Registry or any watercraft found not to be in compliance with any of the provisions of this chapter, or in violation of the laws of Liberia.

Section 373
NAVIGATIONAL SAFETY

Marine Safety Inspection. All vessels registered under this Chapter shall be required to undergo periodic safety inspections and shall at all times be in full compliance with international conventions and regulations regarding safety of life and property at sea, to which Liberia is a party. The Commissioner shall establish, by Rules and Regulations, appropriate fees for safety inspections.

Section 374
SAFETY EQUIPMENT

All vessels registered under this Chapter shall be required to have on board such fire fighting and life saving equipment as are required for vessels by International Convention for the Safety of Life at Sea, 1974, as amended by subsequent protocols to which Liberia is a party. The Commissioner shall establish such Rules and Regulations as are necessary to implement this Section.

Section 375
MARINE POLLUTION PREVENTION

All vessels registered under this Chapter shall be required to be in compliance with all Regulations set forth in Annexes I and II of the International convention for the Prevention of Pollution by oil, 1973, as modified by the Protocol of 1978, in so far as required.

Section 376
COLLISION PREVENTION

The International Convention for Preventing Collision at Sea, 1972, as amended, and such changes therein as in the future may be made to which Liberia shall become a party shall be followed by all vessels registered under this Chapter wherever located.

Section 377
ASSISTANCE IN CASE OF COLLISION

In case of collision between two vessels, it shall be the duty of the Master or person in charge of each vessel, without imperiling his own crew and vessel, to render assistance to the other vessel until such assistance is no longer needed, and to report the collision to the nearest Diplomatic or Consular Office or the Consul General or Vice Consul of the Republic of Liberia, Absent reasonable cause, the failure of the Master or person in charge of the vessel to render assistance or report the collision shall subject him to liability for damages caused as a result of the collision, in the absence of proof of the wrongful act, neglect or default of the other vessel.

Section 378
PENALTY FOR VIOLATION

Any owner or operator of any vessel registered under this Chapter who shall violate any section of this Chapter shall be subject to a fine not exceeding One Thousand United States Dollars (US\$1,000.00) or imprisonment for a term not exceeding six (6) months, or both, and suspension or revocation of his license.

Section 379
MARINE CASUALTIES

In case of any casualty involving a vessel registered under this Chapter where there is loss of life or loss or damage of property estimated to be in excess of Fifty Thousand United States Dollars (US\$50,000.00), the Master shall immediately forward a report thereon to the Commissioner or Deputy Commissioner of Maritime Affairs in accordance with Rules and Regulations promulgated by the Commissioner pursuant to Section 257 of this Title. Where there is a failure to execute and file a report there under, the Master and vessel shall each be subject to a fine of Five Thousand United States Dollars (US\$5000.00) upon notice from the Commissioner.

Section 380
MARINE CASUALTY INVESTIGATION

The Commissioner may, from time to time, make such Rules and Regulations as are deemed by him necessary and appropriate to investigate Marine Casualties involving vessels registered under this Chapter.

Section 381
GENERAL

No pleasure watercraft, Yacht, fishing vessel and other domestic commercial registered under this Chapter shall be navigated unless it has in its service and on board such complement of officers and crew necessary for safe, navigation, with appropriate licenses and certificates. The Commissioner may, from time to time, make such Rules and Regulations as are deemed by him necessary and appropriate to ensure compliance with this requirement.

Section 382
MINIMUM AGE

Persons under the age of fifteen (15) years shall not be employed on vessels registered Chapter, except on vessels upon which only members of the same family are employed.

Section 383
SHIPPING ARTICLES

Notwithstanding anything to the contrary in section 290 (2) of this Title, every seaman employed on board vessels registered under this Chapter shall sign shipping articles prescribed by Regulations. Failure on the part of the Master or person in charge of the vessel to obtain such signature shall subject the vessel to a fine of Two Hundred United States Dollars (US\$200.00) for each unsigned seaman. But the vessel shall not be held liable for persons who secretly stows himself away on board or falsely impersonates himself to the Master or other officers for the purpose of being carried to sea.

Section 384
OFFICERS LICENSES

Except when prevented by force majeure, all officers of vessels registered under this Chapter shall obtain licenses to fill their respective positions from the Commissioner of Maritime Affairs or any Deputy Commissioner authorized to issue licenses under the laws of the Republic of Liberia.

Section 385
PENALTY FOR VIOLATION

The Master or operator of any vessel registered under this Chapter who fails to ensure that all persons employed on his vessel have appropriate licenses and certificates shall be subject to a fine of Two Hundred Fifty United States Dollars (US\$250.00) for each seaman so employed.

Section 386
CRIMINAL ACTS

Penalty for misuse of Licenses or Certificates. Any person, not being lawfully entitled thereto, who uses or attempts to use, alters or attempts to alter, forges, counterfeits, steals, or transfers any certificates, license or other document issued to any vessel, officer, or crew by the Republic of Liberia or abets another in the commission of such acts shall be subject to a fine of Ten Thousand United States Dollars (US\$10,000.00), or imprisonment for not more than one year, or both.

SECTION 2. This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

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