

The UAE Maritime Law 1981

Federal Law No. 26 of 1981

on

Maritime Commercial Law

We, Zayed bin Sultan, President of the State of the United Arab Emirates, having perused the Provisional Constitution, and Federal Law No. 1 of 1972 on the Jurisdictions of Ministries, the Powers of Ministers, and the amending legislation thereto,

And in accordance with the proposals made by the Minister of Justice, Islamic Affairs and Endowments and the Minister of Communications, and upon the agreement of the Council of Ministers, and the ratification of the Supreme Federal Council,

Have promulgated the following Law:

MARITIME LAWS OF THE GCC STATES

PART ONE Definitions

Article 1

In applying the provisions of this Law, the following words shall have the meanings set out next to each of them unless the context requires a different meaning:

The State: **The State of the United Arab Emirates**

The Government: **The Government of the State of The United Arab Emirates, or the Government of one of the member Emirates**

The Ministry: **The Ministry of Communications**

The Minister: **The Minister of Communications**

The Department: **The Maritime Inspection Department at the Ministry of Communications**

The Bureau: **The relevant bureau for the registration of ships**

The Special Register: **The register of ships in the registration bureau in the ports of the State, as specified by the Minister**

The General Register: **The register of ships at the Maritime Inspection Department.**

Article 2

The provisions of this Law shall be construed on the basis that the public policy which it seeks to achieve is the promotion of the domestic and foreign trade of the State, and also the establishment and development of an efficient, modern fleet flying the flag of the State, such as to ensure its economic security and development and the interests of its people.

PART TWO General Provisions

Article 3

In order to achieve the general policy referred to in the foregoing Article, the following shall be exempt from all taxes:

- (a) Capital invested or employed in vessels registered under the provisions of this Law, or in a project whereof the main activity is the ownership of such vessels.
- (b) Profits arising out of the carrying out of their activities by the vessels referred to in the foregoing subsection.
- (c) Loans, and the interest thereon, granted to owners of vessels registered or to be registered in accordance with the provisions of this Law, if the purpose of the loan is to build the ship, to acquire the ownership thereof, or to rebuild, repair, or operate it.

Article 4

The provisions of the foregoing Article shall be without prejudice to the right of the State to impose fees for the registration of vessels, or an annual tax on tonnage, or any other dues or taxes stipulated by this Law.

Article 5

It shall be permissible to subject vessels whereof the activities are limited to coastal navigation between the ports of the State or to activities in the ports or at the quays thereof to special rules or regulations in connection with taxes or dues imposed upon the activities thereof.

Article 6

Foreign loans invested in ships in accordance with subparagraph (c) of Article 3 of this Law may be transferred abroad together with the interest thereon in the currency in which they were granted, without being subject to the restrictions which are or may be imposed in this regard.

Article 7

1. Priority for the transport of goods between the ports of the State and likewise goods which are imported or exported shall be given to vessels flying the flag of the State, and then to vessels flying the flag of any other Arab state, without distinction between them.
2. The Minister shall issue the necessary resolutions to implement the above.

Article 8

1. The provisions of this Law shall be without prejudice to international agreements ratified by the State.
2. The following shall apply in matters for which there is no special provision in this Law:
 - (a) Maritime customs which do not conflict with the provisions of the Islamic Shari'ah.
 - (b) The principles of (natural) justice.

Article 9

Punishments contained in this Law shall be without prejudice to any greater punishment provided for by any other law.

Article 10

Periods and dates stipulated in this Law shall be calculated according to the Solar (sc. Gregorian) calendar.

CHAPTER ONE The Vessel

Article 11

1. A vessel shall mean any structure normally operating, or made for the purpose of operating, in navigation by sea, without regard to its power, tonnage, or the purpose for which it sails.
2. In applying the provisions of the Law, hovercraft used for commercial or non-commercial purposes shall be deemed to be ships.
3. All the appurtenances of the ship necessary for the operation thereof shall be deemed to be part of the ship and of the same nature.

Article 12

A vessel shall be deemed to be moveable property, to which the provisions pertaining to moveable property shall apply, save insofar as there is any stipulation in this Law making any provisions relating to real property applicable thereto.

Article 13

Every vessel must have a name, nationality, flag and port of registry.

Article 14

1. A vessel shall acquire the nationality of the State if it is registered in any of its ports, and is owned by a natural or legal person having the said nationality. If the vessel is owned by a number of persons jointly, it may only have the nationality of the State if all of the owners are of that nationality.

2. If the owner is a joint liability company, all of the partners must have the nationality of the State. In the case of limited partnerships, all of the jointly liable partners must have the nationality of the State, and at least two thirds of the capital must be owned by persons of that nationality.

In the case of limited liability companies, at least 51% of the capital must be owned by persons having the nationality of the State, and the directors must be of that nationality.

In sleeping partnerships (also: speculative companies), all sleeping partners (or: speculators) must have the nationality of the State, and at least 51% of the capital shares must be owned by nationals of the State.

In share companies, at least 51% of the capital must be owned by nationals of the State, and a majority of the members of the Board of Directors, including the Chairman of the Board, must be nationals of the State. This provision shall not apply to share companies in which the Government or other public bodies corporate participate in the establishment thereof.

3. If a vessel is owned by a body corporate in the capital of which more than one state has shares and it has the nationality of the shareholder states in accordance with international agreements, among which is the nationality of the State, it shall be permissible, by a resolution of the Council of Ministers, to confer that nationality on the ship to enable it to be registered and to give effect the desired purposes of its owner.

4. Ships confiscated for a breach of the laws of the State shall be treated as having the nationality of the State, as well as abandoned ships picked up by vessels having the nationality of the State.

Article 15

Every vessel having the nationality of the State in accordance with the foregoing Article must fly the flag of the State. It may not fly the flag of any other state, except in such cases as maritime custom permits. Non-national ships may not fly the flag of the State save in those instances provided for in this Law.

Article 16

1. It shall not be permissible for non-national ships to engage in any of the following navigational activities: -

- (a) Coastal navigation between the ports of the State.
- (b) Towing or pilotage in the ports of the State.
- (c) Fishing or pleasure cruising in territorial waters.

2. By way of exception to the foregoing subsection, it shall be permissible to license vessels of foreign nationality to undertake one or more of the activities referred to in the said subsection, for such periods and upon such terms and conditions as the Minister may decide after consultation with the appropriate authorities.

Article 17

The provisions of the criminal legislation in force in the State shall apply to offences committed on board any vessel flying the State's flag.

PART 2 Registration of Vessels

Article 18

1. It shall not be permissible for any vessel to sail upon the sea under the flag of the State unless it has been registered in accordance with the provisions of this Law.

2. Fishing boats, pleasure boats, or boats used in commerce, the total tonnage of each which does not exceed ten tons, shall be exempt from registration. The same exemption shall apply to lighters, barges, tugs, cranes, dredgers, diving boats and other floating structures working within the ports of the State.

3. It shall be permissible to register vessels and the structures referred to in the foregoing subsection if the owners thereof so request, and likewise it shall be permissible for some or all of them to be made subject to registration upon a decision of the Council of Ministers.

Article 19

It shall not be permissible, save with the approval of the Council of Ministers, to register any oil or gas tanker which is over ten years old on 1st January in the year in which registration thereof is sought, calculated from the date on which the construction of the tanker which it is sought to register was completed.

Article 20

The Maritime Inspection Department shall be responsible for the registration of ships and there shall be established for that purpose a General Register, as well as Special Registers in the Registration Bureau in the ports of the State which shall be specified by a decision of the Minister.

Article 21

1. The pages of the Special Register shall be numbered, and the Seal of the Registration Bureau affixed to each one. One or more pages in the Register shall be allocated to each ship, and the number thereon shall be the ship's registered number.

2. The General Register shall include all the particulars sent to it from the Registration Bureau from their registers. No vessel shall be registered until particulars thereof have been entered in the General Register.

Article 22

The Registration Bureau shall prepare a book in which applications for registration shall be recorded in consecutive numbers in order of the time the applications are received. A record shall be made therein of the supporting documents, and the applicant for registration shall be given a receipt giving the number and date of the entry.

Article 23

1. It shall not be permissible for a vessel to be registered until it has been measured by the Department for the assessment of its total net tonnage, determination of dimensions, and specification of all its characteristics and particulars.

2. A decision determining the characteristics and particulars, the rules and procedures for measurement, and the conditions for the grant of a certificate of measurement, shall be issued

by the Minister, having regard to the criteria stipulated by international agreements or which are in force with international classification societies, the certificate whereof shall be valid in the State.

3. It shall be permissible for the Department to confirm the measurements of a vessel which has already been registered in a foreign country if it has a certificate of measurement issued by one of the recognised classification societies.

4. If any subsequent changes are made to the vessel which affect these measurements, the Department may require that new measurements be taken of those parts affected by the changes.

Article 24

In the case of a newly constructed vessel which has not yet been registered, the applicant for registration must submit a certificate from the party which built or supervised the building of the ship, containing all information relating to the vessel, such as the characteristics, particulars, measurements, type, date and place of construction, and the party for whom it was built.

Article 25

Before submitting his application for registration, the owner of the vessel must obtain the approval of the Department to the name of the vessel, which may not be changed save with the consent of the Department. If the ship is mortgaged, it shall not be permissible to change the name without the written consent of the mortgagee creditor.

Article 26

1. By way of exception to the provisions of Article 18 and without prejudice to the provisions of Article 16, it shall not be permissible to operate pleasure cruising vessels owned by foreigners resident in the State until they have been registered on the Register of Ships. The licence shall be revoked if the vessel is used for purposes other than pleasure cruising. The relevant administrative authority shall notify the Registration Bureau thereof so that it may cancel the registration.

2. It shall not be permissible for such vessels to fly the State's flag. They must fly the flag of the owner's state.

Article 27

1. A vessel shall be registered upon application by the owner to the Registration Bureau. The application for registration must contain the following particulars:

- (a) The name of the vessel.
 - (b) The former names of the vessel and the last port of registration.
 - (c) The date and place of construction of the vessel, and the name and address of the yard or dock in which it was built.
 - (d) The type of vessel, its tonnage and dimensions.
 - (e) The name of the owner or co—owners, their surnames, occupations, religion, nationality, and places of residence, together with particulars of the share of each co-owner, and the majority agreed as between them to be followed in all matters connected with the mutual interests of the partners.
 - (f) The name of the owning company, its type and head office, names and nationalities of the members of the Board of Directors, managers and sleeping partners, and all particulars which will assist in ascertaining that the conditions specified in Article 14 of this Law have been complied with.
 - (g) The name, nationality, address, and maritime qualifications of the master of the vessel.
 - (h) The name, nationality and address of the operator.
 - (i) Mortgage, if any, with the date, the name and surname of the mortgagee creditor, his occupation, nationality and place of residence.
 - (j) Attachments which have been effected upon the vessel, and all particulars relating to such attachments.
2. The Minister shall make a decision as to the form of such application.

Article 28

The applicant for registration must attach to the application all papers and documents necessary to demonstrate the accuracy of the particulars contained in the application. He must submit an official certificate of deletion of the registration of the vessel on the foreign register on which it was formerly registered prior to its transfer to the present owner.

The Registration Bureau shall keep the originals or copies of the papers and documents submitted.

Article 29

The application for registration shall be submitted within thirty days from the completion of the construction or acquisition of ownership of the vessel. The said period shall commence from the

date of entry of the vessel into one of the ports of the State if the ship was constructed or ownership thereof acquired abroad, and in that event it shall be permissible for the Consul of the State in the place where the vessel was constructed or ownership thereof acquired, or the Consul of the State nearest to that place, to grant the vessel, after examining the documents of title or documents relating to the construction thereof, a provisional licence to fly the flag of the State in order to make one direct voyage to one of the ports of the State which has a Registration Bureau. It shall also be permissible for him, upon acceptable cause being shown, to license the vessel to call at specified ports on its way to that port.

Article 30

The Registration Bureau to which the application is submitted shall display the particulars of the application on the notice board at the said Bureau. These shall be circulated to all the Registration Bureau in the State, and the Bureau shall publish an abstract of these particulars at the applicant's expense in two daily newspapers within fifteen days from the aforementioned advertisement.

Article 31

1. It shall be permissible for any interested party to object to the registration within sixty days from the date of publication in the press as set out in the preceding Article, and no objection shall be received after the expiry of that period but without prejudice to the right to claim compensation if appropriate.

2. The Registration Bureau must note all the particulars on the page allocated to the vessel in the Special Register, as soon as the period specified in the foregoing subsection has expired, unless any objection has been submitted to it within that period.

Article 32

The objection shall be submitted to the Bureau to which the application for registration was made. The objection shall result in the registration being suspended, and the objector must raise a claim before the civil court within the area in which the Registration Bureau is situated within eight days from the expiry of the period stipulated in the foregoing Article, failing which the objection shall be deemed to be null and void. The Court must notify the relevant Registration Bureau as soon as the claim is made.

The Court shall specify the earliest session to inquire into the objection or objections, and the objector shall be obliged to give notice of the hearing to the applicant for registration at least

three days before the hearing. The Court shall make an expedited decision in one judgment upon the objection or objections. Its decision in that regard shall be subject to appeal within fifteen days from the date it was issued.

The Court may permit the applicant for registration to operate the vessel temporarily either with or without a guarantee and in that event the Court shall direct the Registration Bureau immediately to grant the applicant a provisional certificate of registration.

Article 33

It shall be permissible for the Registration Bureau to which the application for registration has been submitted, after consultation with the Department, to issue a provisional certificate of registration which will be valid for one voyage for a period of six months if in its opinion there is the possibility of the documentation being later completed or presented in full by the applicant.

Article 34

1. If no objection is made to the Registration Bureau, or if an objection is made or a claim raised after the expiry of the time limits laid down therefor, or if an order is made rejecting such claim, the said Registration Bureau shall deliver a certificate of registration to the owner, which certificate shall include all the particulars recorded in the page allocated to the vessel on the Register of Ships, and its radio call signal.

2. The certificate must be kept on board the ship for it to be presented to the Department or the Registration Bureau whenever the vessel arrives at any port in the State, for inspection thereof.

3. The Minister shall issue a decision as to the form of the registration certificate.

Article 35

1. If the certificate of registration is lost, damaged or destroyed, the relevant Registration Bureau shall issue a replacement upon the request of the owner of the vessel, after proof of loss, damage or destruction.

2. If the certificate is lost, damaged or destroyed while the vessel is abroad, the owner, the operator, or the master shall have the right to obtain a temporary permit from the nearest State consulate in accordance with the provisions of Article 29, but provided that that permit shall be valid only for the period necessary for the vessel to complete its voyage according to its itinerary set out in its timetable, or for its return to the port of registration, whichever is the shorter.

Article 36

The shipowner, operator or master must give written notification to the nearest Registration Bureau in the ports of the State, or the nearest consulate of the State if the vessel is abroad, of any variation which must be made in the particulars of the certificate of registration within thirty days from the date of the change, accompanied by the documents necessary to prove the accuracy of the new particulars. These parties shall endorse the certificate of registration with the amendment required, and must immediately notify the relevant Registration Bureau of that change so that it may be endorsed on the ship's page in the Register of Ships.

Article 37

1. Any claim the subject matter of which is a right in rem against the vessel must be endorsed on the registration page pertaining to the vessel, and the claimant must notify the relevant Registration Bureau immediately the claim is made so that the said endorsement can be made. Likewise, the judgment made in the claim must be endorsed on the register page.
2. Entries relating to rights and claims in rem shall be deleted upon the agreement of the parties concerned, or by a final order.
3. The applicant for deletion shall be issued with a certificate showing that the deletion has been made, free of charge.

Article 38

1. If the vessel sinks, is burnt, broken, seized by the enemy or lost, the owner, operator or master must notify the Registration Bureau thereof within thirty days from the date of the incident, and must return the certificate of registration to it if possible.
2. If the ownership of the vessel is transferred to a foreigner or if it loses its nationality, the said Bureau must be notified within the period referred to in the previous subsection and must return the certificate of registration to it , and if that happens while the vessel is abroad the certificate of registration shall be delivered to the nearest consulate of the State for its return to the relevant Registration Bureau.
3. In such cases the Registration Bureau will delete the registration of the vessel from the Register of Ships.

Article 39

1. If the registration of the vessel is deleted, the documents pertaining thereto shall be retained for a period of twenty five years from the deletion at the relevant Registration Bureau. The ships' register shall be permanently preserved.
2. The procedures for retention and the party responsible therefor shall be determined by a decision of the Minister.

Article 40

Every interested party shall have the right to request from the relevant Registration Bureau a certificate containing the particulars in the Register of Ships, upon payment of the prescribed duty.

Article 41

1. After the vessel is registered, the owner must carry out the following steps:
 - (a) He must write the name of the vessel and the port of registration at the bow and stern, on both sides.
 - (b) He must engrave the registration number of the vessel and its net registered tonnage on the main beam of the vessel.
 - (c) He must engrave the vessel's draught on the bow and stern.

The names and figures must be written in both Arabic and Roman script.

2. It shall be permissible for the Minister to exempt vessels or structures which are being registered upon application by the owner under subsection 3 of Article 18 from all or any of the above procedures.

Article 42

- 1- The initial vessel registration fee as per the provisions of this law will be AED Four and a half for each ton of the vessel's total registered cargo.
- 2- In all cases the maximum fee may not exceed AED Ten Thousand.

Article 43

An annual tax of AED Two for each ton of the vessel's total cargo will be imposed on each registered vessel in accordance with this law.

This tax will be due in the beginning of January each year. If the vessel was registered at a later date, the tax will be due for the period between the date of registration and December 31 of the same year.

Article 43 repeated

The sea navigation service fees for the ships will be collected as follows:

No.	Description	Fees
1-	Issuing a guarantee certificate regarding the barge insurance	AED (350)
2-	Issuing a deletion certificate for the vessel with cargo exceeding 500 tones	AED (350)
3-	Issuing a deletion certificate for fishing and recreational boats	AED (50)
4-	Issuing a deletion certificate for the ship with cargo less than 500 tones.	AED (200)
5-	Issuing the certificate of eligibility	AED (100)
6-	Issuing a certificate of release	AED (200)
7-	Issuing a certificate of ownership information for the vessel with cargo exceeding 500 tones.	AED (200)
8-	Issuing a certificate of ownership information for the vessel with cargo less than 500 tones.	AED (100)
9-	Issuing a registration certificate to replace a lost or destroyed one.	AED (200)
10-	Issuing a safety certificate for the vessel's crew	AED (300)
11-	Attestation of the sale contract for a vessel with cargo exceeding 500 tones.	AED (250)
12-	Attestation of the sale contract of a vessel with cargo less than 500 tones.	AED (50)
13-	Attestation of the Maritime Certificate	AED (50)
14-	Changing the name of the vessel with cargo exceeding 500 tones.	AED (300)
15-	Changing the name of the vessel with cargo less than 500 tones.	AED (200)
16-	Approval on extending the Maritime Certificate	AED (200)

Article 44

1. Any person who operates a vessel under the flag of the State which has not been registered in accordance with the provisions of this Law shall be liable to imprisonment for a period not exceeding one year, and to a fine not exceeding fifty thousand dirhams, or to one of the aforesaid penalties.
2. In addition to the above, an order for the confiscation of the vessel may be made.

Article 45

Any person operating a vessel with a registration certificate which has expired shall be liable to imprisonment for a period not exceeding one year or a fine not exceeding fifty thousand dirhams, or both.

Article 46

Without prejudice to any heavier penalty provided for by the criminal Law, any owner, operator or master who conceals, defaces, mutilates or erases any of the particulars stipulated in subsection 1 of Article 41 shall be liable to the penalties provided for in the foregoing Article.

Article 47

A sentence of imprisonment for a period not exceeding six months or a fine not exceeding twenty five thousand dirhams or both may be imposed on:

- (a) The owner of the vessel or the person responsible for the registration thereof as the case may be, if such person does not apply for registration within the period specified in Article 29, and likewise the owner or the person representing him at law who uses a provisional licence contrary to the provisions of the said Article.
- (b) The owner of the vessel or the person representing him at law who fails to apply for the registration of amendments and variations in accordance with Article 36.
- (c) The owner of the vessel or the person representing him at law who fails to apply for a deletion from the register in the circumstances referred to in Article 38.
- (d) Any foreigner who contravenes the provisions of Article 26.

Article 48

Without prejudice to any heavier penalty provided for by the Criminal Law, the owner of a vessel, or master, or owner's agent, who provides false particulars for the purpose of having the vessel registered or maintaining the registration contrary to the provisions of this Law shall be

liable to a term of imprisonment not exceeding one year or a fine not exceeding fifty thousand dirhams, or both.

Article 49

Any person contravening the provisions of subsection 2 of Article 34 shall be liable to a fine not exceeding one thousand dirhams.

PART 3 Control of vessels and documents

Article 50

1. Every vessel registered in the State must have a navigation licence and if it carries people it must have a certificate of safety.

2. Regulations governing the conditions for the grant of licences and certificates shall be issued, having regard to the provisions of international agreements on the safety of life at sea and on shipping lanes, and other agreements ratified by the State, as well as the provisions contained in this Part.

Article 51

1. A navigation licence and certificate of safety shall 'be issued upon an application being made to the Office.

2. The Regulations shall specify the particulars which must be given in the application, and the papers which must accompany it.

Article 52

1. Navigation licences and certificates of safety shall not be granted until after the ship has been inspected and its seaworthiness ascertained, and all the conditions imposed by the rules and regulations and ratified international agreements have been satisfied. The licence shall state the maximum load and number of persons which the ship shall be permitted to carry, including the crew.

2. If the vessel is registered with one of the classification societies it shall be exempt from any further inspection in respect of those parts of the vessel which have been inspected by that society. The Regulations shall specify the manner of carrying out the inspection referred to in the first subsection, and shall specify the classification societies whose certificates are valid in the State.

Article 53

1. Every navigation licence and certificate of safety shall be valid for a period of one year, and renewable for a like period. The application for renewal shall be made in such manner and at such time as the Regulations shall stipulate.

2. In all cases the conditions upon which the navigation licence and certificate of safety were granted must continue to be satisfied in respect of the vessel throughout the period of their validity.

3. If, during the period of the licence, the vessel suffers damage such as to expose it to danger or if fundamental alterations are made to it, the master must notify the Maritime Inspection Department immediately so that it may order that the navigation licence and certificate of safety be suspended and they may not be revalidated until after a further inspection has taken place.

Article 54

If the period of the licence or certificate expires during a voyage of the vessel, the validity thereof shall be extended by operation of law until the vessel arrives at the first port in the State or the first foreign port where the State has a consul, and in any event the period of the licence and certificate shall not be extended for more than sixty days.

Article 55

It shall be permissible for the inspection of the ship to be carried out and the navigation licence and certificate of safety to be granted in a foreign port if necessary. The foregoing shall be carried out by the consul of the State therein after seeking the assistance of one of the recognised classification societies. If there is no consul of the State in the said port, or if there is one but no recognised classification society, the inspection may be conducted and the licence and certificate granted by the relevant maritime authority in the foreign port, and in all cases the master of the vessel must submit the licence and certificate granted in accordance with the provisions of this Article to the Maritime Inspection Department immediately the vessel arrives at the first port in the State.

Article 56

The Maritime Inspection Department or the consul of the State abroad may grant the vessel a temporary licence to enable the vessel to make a specified voyage if need be.

Article 57

It shall not be permissible for any foreign vessel to sail in the ports of the State or to pass through its territorial waters unless it has a navigation licence and certificate of safety in accordance with the provisions of international agreements relating to the safety of life at sea and shipping lanes, and other ratified international agreements.

Article 58

1. The Maritime Inspection Department may at any time carry out in any of the ports of the State an inspection and check on national vessels, and likewise on foreign vessels which are there or are passing through the territorial waters of the State.

2. So far as national vessels are concerned, the check shall include verification that the vessel is registered, that it has a navigation licence and certificate of safety, that the operating and maintenance equipment are sound, and that the compulsory conditions relating to the number and qualifications of the sailors, the permitted number of passengers, adequacy of rescue and safety equipment, adherence to shipping lanes and proper practice for stowing cargo in the vessel or on deck, are being observed.

3. After verification of the foregoing matters, the Maritime Inspection Department shall grant a sailing certificate to the vessel at the commencement of every voyage. The ship may not sail in any circumstances until it has obtained that certificate.

4. So far as foreign vessels are concerned, the check shall include verification that the conditions laid down in international agreements pertaining to the safety of life at sea and shipping lanes, and other ratified international agreements, are being complied with.

5. So far as possible, checking and examination shall be carried out in such a way as to avoid interference with the commercial operations in which the vessel is engaged.

Article 59

The Head of the Maritime Inspection Office or his deputy in the port in which the ship is may order that it be forbidden to sail if some or all of the conditions set out in the foregoing Article are not satisfied. He may order the prohibition to be lifted and that the vessel may be permitted to sail when the said conditions are complied with.

Article 60

1. In the case of national ships, consuls of the State abroad and representatives of the Maritime Inspection Department within their spheres of jurisdiction shall have the right to board

the vessels to inspect them and to ascertain that the conditions are being complied with and that the documents required by this Law are available, and to peruse the same.

2. Their activities shall be written down in reports to be entered in the ship's log, and copies thereof shall be deposited with the competent authorities.

Article 61

1. Decisions refusing the grant of a navigation licence or certificate of safety, or prohibiting a ship from sailing, or cancelling such prohibition, must be given with reasons. Decisions of refusal must be communicated to the applicant, and decisions of prohibition to sail or permission to sail must be communicated to the master, immediately they are issued.

2. It shall be permissible for interested parties to appeal against the said decisions to the Minister within ten days from the date of the communication of the decision, and he must issue his decision on the appeal within ten days from the submission thereof to him, failing which the appeal will be deemed to have been allowed.

Article 62

All vessels must comply with the health and medical services rules in accordance with the Regulations to be issued by the Minister after consultation with the Minister of Health, having regard to the provisions of ratified international agreements relating thereto.

Article 63

Every vessel registered in one of the ports of the State must keep the following documents:

- (a) The certificate of registration.
- (b) The navigation licence.
- (c) The certificate of safety.
- (d) The log book.
- (e) The crew log book and engine room log book.
- (f) Passports and licences of the master and crew.
- (g) Sailing permit and health certificate.
- (h) Ship's cargo manifest endorsed by the relevant customs office.
- (i) Receipt for payment of port dues.

(j) Other documents required by this Law, and the Regulations and resolutions made to give effect thereto.

Article 64

Liability to a sentence of imprisonment for a period not exceeding six months or a fine not exceeding twenty five thousand dirhams, or both, shall attach to:

(a) The owner of a vessel or the person representing him at law who fails to obtain the navigation licence and certificate of safety.

(b) A master who fails to notify the Maritime Inspection Department of damage, or an alteration to the vessel in accordance with the provisions of subsection 3 of Article 52 of this Law.

(c) The master of a vessel who sails without obtaining a sailing permit in accordance with the provisions of subsection 3 of Article 58 of this Law.

(d) The master of a vessel who sails despite the issue of a decision of prohibition upon sailing.

(e) The master of a vessel which does not have on board the documents and papers specified in Article 63 of this Law.

Article 65

Liability to a sentence of imprisonment not exceeding one month or a fine not exceeding five thousand dirhams, or both, shall attach to

(a) Any person who contravenes the Regulations and resolutions relating to the organisation. of work in the ports of the State, and navigational rules for territorial waters.

(b) Any person who is instrumental in obstructing the work of officers entrusted with the task of inspecting the vessel.

(c) The operator and master of a vessel which does not have the medical and health services referred to in Article 62 of this Law.

PART 4 Ownership and rights in rem against the vessel

Section 1 General Provisions

Article 66

1. All dealings of which the subject matter is the construction or transfer of a ship or the extinguishment of a right of ownership therein, or any other rights in rem must be by an official document, failing which they shall be invalid.
2. If such dealings take place in a foreign country, they must be written before a consul of the State therein, or before the competent local officer if there is no consul.
3. The said dealings shall be of no effect as between the contracting parties or in relation to other parties unless they are recorded in the Register of Ships in accordance with the procedures laid down by law.

Article 67

1. A contract for the construction of a ship shall be in writing, otherwise it will be void. This provision shall apply to any variation of the contract.
2. The ownership of the vessel shall remain vested in the builder and shall not be transferred to the person at whose request it was built until he accepts delivery thereof after trials, unless there is a contrary agreement.

Article 68

1. The builder shall guarantee that the vessel is free of latent defects even if the purchaser has accepted it after trials.
2. Claims which are denied and for the delay in which there is no lawful excuse shall not be heard if;
 - (a) they are claims under the latent defects guarantee, made after the expiry of one year from the discovery of the defect; or
 - (b) they are claims under the latent defects guarantee or other claims made under a guarantee after the expiry of two years from the time of delivery of the vessel.

Article 69

1. It shall not be permissible for the owner of a national ship to sell it or to scrap it before satisfying all debts due to the State in respect thereof, and, if the said vessel is encumbered with a mortgage, the consent of the mortgagee obtained.