

BELIZE:

MERCHANT SHIPS (REGISTRATION) ACT, 2010

NO. 22 OF 2010

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

1. Short title
2. Interpretation
3. Establishment of International Merchant Marine Registry of Belize
4. Belizean ships
5. Registrar of Merchant Shipping
6. Deputy Registrars and Senior Deputy Registrar

PART II
REGISTRATION OF SHIPS

7. Application for registration of ships
8. Type of registration
9. Documents necessary for registration
10. Registration in special circumstances
11. Vessels under construction
12. Schedule of fees
13. International Merchant Marine Register of Belize
14. Port of Registry
15. Measurement and survey of ships
16. Change or rebuilt of ships after survey
17. Computation of fees in case of varying particulars
18. Use of certificate of registry
19. Unlawful use of certificate of registry
20. Loss of certificate of registry
21. Change of ownership of ship
22. Loss, etc., of a registered ship
23. Transfer of Belizean ship to foreign registry
24. Grant of temporary permit
25. Forms of Certificate of Registry

PART III
NAME AND FLAG OF SHIPS

26. Name of ships
27. Marking of ship after registration
28. Flag of Belize
29. Unlawful use of Belize Flag

PART IV
TRANSFERS AND TRANSMISSIONS

30. Transfer of ownership of a ship
31. Death, bankruptcy, etc. of registered owner
32. Sale of ship by order of Court

PART V
REGISTRATION OF PARTICULARS

33. Registration of titles and other documents
34. Registration of title of vessel necessary for permanent registration
35. Procedure for preliminary registration
36. Procedure for permanent registration
37. Fees for registration of documents relating to ships
38. Shipping agents

PART VI
MORTGAGES

39. Mortgage of a vessel
40. Instruments of mortgage
41. Registration of mortgage by Head Office
42. Priority of recorded mortgages
43. Prohibition to create further mortgage
44. Mortgage on a provisionally registered ship
45. Mortgage to remain registered after termination of provisional registration of vessel
46. Mortgage over vessel under construction
47. Mortgage in favor of security trustee
48. Priority notices

49. Discharge of mortgage
50. Validity of mortgage after the termination of vessel's registry
51. Mortgagee not owner of the ship
52. Mortgagee's power to sell the vessel
53. Procedure to sell vessel
54. Mortgage not affected by bankruptcy
55. Transfer of registered mortgage
56. Vessels subject to mortgage in previous registry
57. Mortgagee's consent for issue of new certificate of registry
58. Priority of undischarged mortgage of vessel's previous registry

PART VII **MARITIME LIENS**

59. Explanation of Maritime Liens
60. Maritime Liens extend to vessel's appurtenances and accessories
61. Vessel as security for a debt
62. Sale of vessel subject to a maritime debt
63. Maritime liens
64. Execution of maritime liens
65. Maritime liens in respect of salvage
66. Priority between maritime liens in respect of salvage
67. Extinguishment of maritime liens
68. Calculation of time for maritime liens
69. Mortgagee's liens to expire only upon discharge of mortgage
70. Computation of time for expiry of maritime liens

PART VIII **BAREBOAT CHARTER REGISTRATION**

71. Dual registration
72. Payment during period of dual registration
73. Registration of vessels under a charter contract.

PART IX **LIMITATION OF LIABILITY FOR MARITIME CLAIMS**

74. Interpretation of terms in this Part
75. Persons entitled to limit liability
76. Claims subject to limitation

77. Invoking limitation not an admission of liability
78. Claims excepted from limitation
79. Conduct barring limitation
80. Counter claims
81. Limitation calculations for smaller vessels
82. Calculation of limits of liability for larger vessels
83. Limit of liability of salvors
84. Limitation of calculation
85. Measurements of ship tonnage
86. Belize Port Authority Exempted
87. Limits of passengers' claims
88. Conversions of units of account
89. Aggregation of claims
90. Constitution of limitations fund
91. Distribution of fund
92. Bar to other actions
93. Governing law
94. Apportionment of liability for damage or loss
95. Loss of life or personal injuries; joint and several liability
96. Right of contribution for loss of life or personal injuries
97. Time limits for proceedings against owner or ship
98. Scope of application of this Part
99. Exclusion of liability

PART X

REVOCATION OF REGISTRATION OF A VESSEL

100. Revocation of registration for illegal activities
101. Revocation of registration of a vessel for drug trafficking, etc.
102. Offence and penalty

PART XI

FORGERY AND FALSE DECLARATIONS

103. Penalty for forgery, etc.
104. Penalty for false statements, etc.

PART XII
FORMS

- 105. Prescribed forms
- 106. Instructions to Deputy Registrars

PART XIII
MISCELLANEOUS

- 107. Regulations
- 108. Application of International Conventions
- 109. Contracts to manage IMMARBE abroad
- 110. Powers of Inspector
- 111. Suspension of Certificate of Registry
- 112. Application of this Act
- 113. General Maritime Law of England to apply
- 114. Commencement and repeal

FIRST SCHEDULE

SECOND SCHEDULE

APPENDIX 1

APPENDIX 2

APPENDIX 3

APPENDIX 4

APPENDIX 5

_____ . _____



No. 22 of 2010

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

19th October, 2010.

AN ACT to make new and improved provisions for the registration of merchant ships to meet the demands of the present-day shipping industry; and to provide for matters connected therewith or incidental thereto.

(Gazetted 23rd October, 2010.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-

PART I
PRELIMINARY

1. This Act may be cited as the

Short title.

MERCHANT SHIPS (REGISTRATION) ACT, 2010.

Interpretation.

2. (1) In this Act, unless the context otherwise requires -

“**Act**” means this Act;

“**approved**” means approved by the Registrar;

“**Belizean ship**” means a ship for the time being registered as a Belizean ship under the Act;

“**certificate of registry**”, in relation to a Belizean ship, means the certificates granted under the Act in respect of that ship and includes the Patent of Navigation (Provisional or Permanent) as defined in Appendix 2 hereof;

Appendix 2.

“**Deputy Registrar**” means a Deputy Registrar of Merchant Shipping appointed under section 6 of the Act;

“**designated office**” means any office designated by the Registrar for the operation of IMMARBE, whether within or outside Belize;

“**dollar**” or “**\$**” means a dollar in the currency of the United States of America;

“**foreign country**” means any country or place other than Belize and “foreign port” shall be construed accordingly;

“**gross tonnage**” is the gross tonnage stated in the certificate of registry of a ship, or, where a ship is not registered, the figure found in accordance with the rules for the time being in force for the measurement of ships in respect of tonnage;

“**Head Office**” means the office designated by the Registrar from time to time under section 3 of the Act to house the main operations of IMMARBE;

“**IMMARBE**” means the International Merchant Marine Registry of Belize established under section 3 of the Act;

“inspector” means a surveyor or a Nautical Inspector appointed under the Act;

“legal age” means the age of 18 years or over;

“Manager” means the person who is appointed by contract by the owner to have responsibility for the management of the ship;

“master” includes every person (except a pilot) having command or charge of a ship, seaplane or other craft when it is on or in close proximity to the water;

“Merchant Marine notices” or **“notes”** are circulars issued by the Registrar or the Senior Deputy Registrar of IMMARBE to implement or give full effect to the provisions of international conventions or instruments acceded to by Belize;

“Minister” means the Minister to whom the responsibility for IMMARBE is for the time being assigned by the Governor-General under Section 41 of the Belize Constitution;

Cap. 4.

“owner” as applied to an unregistered vessel means the actual owner, and as applied to a registered ship, means the registered owner;

“ownership title” means a bill of sale over a ship in the name of its owner or any other document attesting to such ownership over a ship;

“permanent registration” or **“permanent certificate of registry”** means that form and status of registration which indicates that a vessel is registered in IMMARBE as a Belizean ship in full compliance with the documentation or requirements for registration under the Act;

“provisional registration” or **“provisional certificate of registry”** means that form and status of registration which has a duration of up to six (6) months under which a vessel is regarded as registered in IMMARBE and authorized to fly the Belize flag while it completes the full documentation for registration as required under the Act;

“Recognized Organization” or **“R.O.”** means any technical organization authorized by IMMARBE, pursuant to the International Maritime Organization Resolution A739(18) of 4 November, 1993, 1/8, to act on its behalf in the surveys, certification and determination of tonnages and other particulars of vessels registered under the flag of Belize, as required by international conventions;

“Registrar” means the Registrar of Merchant Shipping designated under section 5 of this Act;

“Register” means the International Merchant Marine Register of Belize maintained under section 13 of this Act;

“Senior Deputy Registrar” means the Senior Deputy Registrar of Merchant Shipping appointed under section 6 of this Act;

“ship” or a **“vessel”** means and includes every description of vessel, boat or other craft used in navigation including but not limited to, for the avoidance of doubt, oil rigs, submarines, floating docks, vessels under construction, any hull made from any floating material and intended for the maritime trade and any structure capable of use in a marine environment which the Registrar may consider appropriate for its registration as a ship;

“shipping agent” means the person who acts as an intermediary between the ship owner or his representative and IMMARBE;

“shipowner” as applied to an unregistered ship, means the actual owner, and as applied to a registered ship, means the registered owner;

“**surveyor**” means a person appointed or authorized by the Registrar to survey and measure ships.

“**the Court**” means the Supreme Court of Belize exercising its admiralty jurisdiction;

“**year**”, in relation to the compulsory inspection of a ship, means a period of twelve calendar months from the date of the latest certificate of inspection, and in relation to all other matters means the calendar year.

3. (1) There is hereby established an “International Merchant Marine Registry of Belize” (hereinafter called “IMMARBE”) for the registration under the flag of Belize of vessels of any type, class, size or weight engaged in any kind of trade, service or international maritime activity, including pleasure vessels.

Establishment of International Merchant Marine Registry of Belize.

(2) The Registrar shall designate the Head office of IMMARBE in Belize to house the main operations of IMMARBE.

4. (1) A ship which is not registered under the Act shall not be recognized for the purposes of the Act or any regulations made thereunder as a Belizean ship or as being entitled to the rights and privileges accorded to Belizean ships.

Belizean ship.

(2) Notwithstanding sub-section (1) above, the Minister may in special circumstances by Order grant the status of Belizean ship to other vessels not registered under the Act.

5. The Director General of the International Financial Services Commission, for the time being, shall be the Registrar of Merchant Shipping for the purpose of the Act.

Registrar of Merchant Shipping.

6. (1) The Registrar may appoint Deputy Registrars of Merchant Shipping to facilitate the operations of IMMARBE both within and outside Belize.

Deputy Registrars and Senior Deputy Registrar.

(2) The Registrar may appoint a Senior Deputy Registrar of Merchant Shipping to assume responsibility for the operations of the Head Office.

(3) The Senior Deputy Registrar shall have all the powers of the Registrar, except those under this section.

(4) A Deputy Registrar shall have such powers as may be assigned in the instrument of appointment or as may from time to time be delegated to him by the Registrar or the Senior Deputy Registrar.

(5) The day-to-day operations of IMMARBE shall be conducted by the Registrar and the Senior Deputy Registrar, who shall have authority to pass resolutions and issue circulars, letters, notices or notes to facilitate the implementation of the provisions of this Act or any regulations made thereunder or any formalities and requirements to be complied with by vessels or users of IMMARBE on the basis of vessel type, and size, technical conditions, service provided, country of origin, navigational area and any imposition of administrative fees, licences or penalties as may be authorized under this Act.

(6) The Registrar may authorize one or more Recognized Organizations in compliance with international conventions to facilitate the technical operation of IMMARBE.

(7) All Deputy Registrars shall comply with and assist in the implementation of the resolutions and circular letters referred to in subsection (5) above and follow all instructions and directives given to them by the Registrar or the Senior Deputy Registrar.

PART II**REGISTRATION OF SHIPS**

7. (1) Any person of legal age and capacity or the duly authorized representative of such person, or a body corporate (whether established in Belize or elsewhere), may either directly or through a shipping agent apply to register a vessel in IMMARBE by submitting an application in the prescribed form as contained in Appendix I, of the Act, to any of the offices of IMMARBE, whether within or outside Belize.

**Application
for
registration of
ships.**

Appendix I.

(2) Every such application, as is referred to in subsection (1) shall be accompanied by the appropriate fee as set out in the First Schedule of the Act and the documents as specified in section 9 of the Act.

**First
Schedule.**

8. (1) Every vessel accepted for registration in IMMARBE shall first be granted a provisional registration by way of a certificate of registry for navigation purposes which shall be valid for six months. Such document may also be referred to as a Provisional Patent of Navigation.

**Type of
registration.**

(2) Every vessel accepted for registration in IMMARBE shall first be granted a provisional radio license which shall be valid for six months.

(3) Prior to the expiration of the provisional registration, an applicant may obtain a permanent registration upon compliance with the conditions set out in the Act.

(4) The applicant may, in lieu of permanent registration, apply for quarterly extensions of the provisional certificates of registry and/or the provisional radio license, upon payment of the appropriate fee as set out in the First Schedule to the Act.

**First
Schedule.**

Documents
necessary for
registration.

9. (1) Every application for provisional or permanent certificate of registry or radio license of a vessel in IMMARBE shall be submitted to the Head Office or a Designated Office in the prescribed form which shall be duly completed and signed by the shipowner or his authorised representative or the shipping agent of the vessel. Such application shall be accompanied by a duly notarized power of attorney in favour of the shipping agent and/or any other documents as may be required by Head Office as provided by resolutions and circular notes.

(2) Every application for a permanent certificate of registry of a vessel in IMMARBE shall be preceded by the permanent registration of the ownership title thereto at the Head Office.

(3) Subject to subsection (2) above, every application for provisional or permanent registration of a vessel in IMMARBE shall be accompanied by the following documents:

- (a) a duly notarized bill of sale, or a duly notarized builder's certificate, if the vessel is a new building;
- (b) an original deletion certificate or a certified copy of the extract of registry from the previous flag administration;
- (c) a duly notarized power of attorney in favour of the shipping agent of the vessel;
- (d) in the case of a vessel which is over twenty years' old, an inspection report prepared by an authorised General Safety Inspection (GSI) Surveyor stating that the vessel has passed an inspection to determine seaworthiness;

- (e) an original or a certified true copy of a tonnage certificate issued by a survey company authorised by IMMARBE; and
- (f) such other documents as may be required by Head Office.

10. (1) Where at the time of a vessel's provisional registration, the applicant is unable to deliver the documents specified in sub-section (3) of section 9 above, provisional registration may be granted on the production of a duly authenticated affidavit by the applicant undertaking to deliver all such documents within a period not exceeding ninety calendar days, and the applicant's failure to comply with this obligation may result in the cancellation of the vessel's registration.

Registration in special circumstances.

(2) The Registrar may direct that, upon being shown to his satisfaction that the owner has endeavoured to obtain the documents referred to in this Act but that due to exceptional and abnormal circumstances beyond his control, he has been unable to do so, then the applicant's failure to comply will not result in the cancellation of the ship's registration provided that the foregoing direction may be subject to any further direction as to the production of such other like document as the Registrar may further direct.

(3) In order for the applicant to be issued permanent registration, he shall have his ownership title permanently registered and such registration must be done by the applicant or the corresponding Deputy Registrar at the Head Office.

(4) In order for the applicant to be issued the permanent radio license, he shall present the appropriate application before the corresponding Deputy Registrar in the Designated Offices or to the Head Office.

11. (1) All vessels under construction may be registered in IMMARBE in the same manner as provided in Section

Vessels under construction.

7. A vessel under construction shall be granted a provisional registration by means of a provisional certificate of registry, call letters and such data as shall be necessary for the identification and processing of its documents. If and when the permanent registration of such a vessel is to be made, a Tonnage Certificate must be presented, as well as the pertinent documentation for a Permanent Certificate of Registry, as set out in Section 9. For the purpose of this subsection and Section 34, the certificate issued by the shipyard, as provided in subsection (3) below, shall be considered as the ownership title to the vessel under construction.

(2) In case of registration of vessels under construction, other taxes and charges besides registration fees, will be paid from the time that vessel is launched.

(3) A vessel shall be regarded as under construction for the purpose of this section once its keel has been laid or earlier, so long as a certificate from the shipyard where the vessel is being built shall attest to the following:

- (a) the name of the person for whom the vessel is being built;
- (b) the hull, IMO and Registration number of the vessel;
- (c) the dimensions, tonnage and type of vessel;
- (d) the place, name and domicile of the shipbuilder;
and
- (e) the undertaking by the builder to transfer ownership of the vessel under construction to the applicant and by the applicant to accept the transfer of the vessel.

(4) The grant of provisional registration and data, as provided in subsection (1) above, shall entitle the owner to use the said data in the documentation to be prepared for the vessel during its construction, and in connection with any relevant financing or for any other technical or commercial purpose concerning the vessel.

(5) The shipowner of a vessel under construction whose vessel has been granted provisional registration at IMMARBE shall be required to:

- (a) complete the permanent registration of the vessel at IMMARBE as soon as possible; and
- (b) notify IMMARBE of any changes in the vessel's particulars submitted at the time of provisional registration.

12. (1) There shall be paid to IMMARBE the several fees set out in the First Schedule to the Act for the registration of vessels and thereafter at annual intervals for the continued maintenance of such vessels as Belizean vessels.

Schedule of
Fees.
First
Schedule.

(2) Applicants for registration of yachts, pleasure crafts or house boats shall only be required to pay an initial registration fee, an annual tax and any other fee as may be prescribed in the Regulations issued from time to time. In addition, such Regulations may establish technical standards of construction, equipment, crewing and maintenance pertaining to the safety of such crafts and prevention of pollution. Such crafts shall be exempt from the payment of annual service tax and the annual inspection tax specified in the First Schedule to the Act.

First
Schedule.

(3) The Minister may from time to time by Order published in the *Gazette*, amend the First Schedule to the Act

First
Schedule.

International
Merchant
Marine
Register of
Belize.

13. (1) There shall be maintained at the Head Office of IMMARBE a register to be known as the “International Merchant Marine Register of Belize,” containing information concerning all vessels registered in IMMARBE, namely:

- (a) name of the ship;
- (b) official number and call letters of the ship;
- (c) name and address of owners;
- (d) operational address of the managers of the vessel (if different from the address of the owners);
- (e) name of the manager;
- (f) type of vessel;
- (g) gross and net tonnage;
- (h) name of Shipping Agent;
- (i) date of entry into the register;

and such other particulars as the Registrar may specify from time to time.

(2) All Deputy Registrars operating in designated offices shall maintain for those Belizean ships registered through their designated office a record comprising the information required for the vessels registered in IMMARBE as stated in subsection (1) above, and such other particulars as the Registrar may specify from time to time.

(3) For the purposes of the Act, entries in the Register (whether by the Registrar or by any Deputy Registrar) shall be in accordance with the following provisions:-

- (a) any person of legal age and capacity or the duly authorized representative of such person may be registered as the owner of a ship;
- (b) a body corporate, whether established in Belize or elsewhere, may be registered by its corporate name as the owner of a ship;
- (c) any number of persons or bodies corporate or any combination thereof may be registered as joint owners of a ship.

(4) On the completion of the registration of a vessel and upon payment of the prescribed fees, the Registrar, the Senior Deputy Registrar or the Deputy Registrar, as the case may be, shall issue a certificate of registry (provisional or permanent) in the form contained in Appendix 2 showing the particulars respecting that vessel entered in the Register.

Appendix 2.

(5) Where registration is effected by a Deputy Registrar, he shall forthwith transmit a copy of the certificate of registration and of all official receipts to the Head Office.

(6) Before a certificate of registry is issued by the Designated Offices, the written confirmation from the Head Office (by email, facsimile or other means of communication) that the name of the vessel(s) is available must first be obtained.

14. The Port of Registry of every Belizean ship shall be Belize City.

**Port of
Registry.**

15. (1) Every ship, after being provisionally registered, shall be surveyed by a surveyor appointed in accordance with the Act, and its tonnage ascertained, and the surveyor shall grant a certificate specifying the ship's tonnage, and such other particulars descriptive of the identity and marking of the ship as may for the time being be required by the

**Measurement
and survey of
ships.**

Registrar or Senior Deputy Registrar, and such certificate shall be delivered to the Head Office.

(2) Where a ship which is not registered as a Belizean ship has been measured and registered as a foreign ship, the requirements of subsection (1) above may be fulfilled by delivery of a photocopy of the ship's existing tonnage certificate to the appointed surveyor.

(3) Where a ship which is not registered as a Belizean ship has been measured without having been so registered, the appointed surveyor may, for the purposes of subsection (1) above, accept and use any suitable figures of measurement contained in the latest register relating to that ship, or, in the case of an unregistered ship, in the latest certificate of measurement relating to that ship.

Change or rebuilt of ships after survey.

16. The owner or manager of a Belizean ship shall advise the Registrar of any alteration, change or reconstruction of the ship which could affect its classification, measurement, tonnage or load line, within thirty days from the completion of the alteration, change or modification, setting forth the details thereof.

Computation of fees in case of varying particulars.

17. Where, in the surveyor's certificate or the tonnage certificate of a ship, more than one net registered tonnage is specified, the registration fees and the annual taxes shall be calculated by reference to the highest of those tonnages.

Use of certificate of registry.

18. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatsoever.

Unlawful use of certificate of registry.

19. If the master or owner or manager of a ship uses or attempts to use for its navigation a certificate of registry not legally granted in respect to that ship, he shall be guilty of an offence and shall be liable to the penalties prescribed in section 102 of the Act.

20. Where a certificate of registry of a ship is mislaid, lost or destroyed, the Registrar or any Deputy Registrar may grant a new certificate of registry on payment of the prescribed fee.

Loss of certificate of registry.

21. (1) Whenever a change occurs in the ownership of a ship, the Registrar shall be notified accordingly and a new certificate of registry shall be applied for by the new owner.

Change of ownership of ship.

(2) The new owner or owners, operators or the master shall, for the purpose of obtaining a new certificate, deliver the certificate of registry to any Deputy Registrar as soon as practicable after the change occurs.

22. In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing to be a Belizean ship, the owner of the ship shall, immediately on becoming aware of the event, give notice thereof to the Registrar, and the Registrar shall make an entry thereof in the Register, and the registration of the ship shall be considered as closed, except insofar as it relates to any unsatisfied mortgages entered therein.

Loss, etc., of a registered ship.

23. (1) The owner of a Belizean ship who wishes to transfer the ship to a foreign registry may do so if there are no claims outstanding in favour of the Government of Belize and shall submit to the Registrar:

Transfer of Belizean ship to foreign registry.

- (a) a written application specifying the name of the ship;
- (b) the reason for the proposed transfer;
- (c) the name and nationality of the proposed new owner, if any;
- (d) the name of the country to whose registry the proposed transfer is desired; and

- (e) the cancellation or written consent of every registered mortgage or mortgagee.

(2) Having satisfied the Registrar by the provision of the above documents, the owner shall, if he requests, be issued with a “permission to transfer” certificate to assist with the transfer of the vessel to its new registry, and after the transfer of the vessel has been effected, the Registrar shall issue a deletion certificate on payment of the appropriate fees whereupon the Belize registry of the vessel will be considered as closed.

Grant of temporary permit.

24. Where it appears to the Registrar that by reason of any special circumstances it would be desirable that permission be granted to a ship to pass, without being previously registered, from a port in Belize to a port outside Belize, the Registrar may grant a temporary permit to such a ship, and that permit, for the time being, and within the limits therein mentioned, shall have the same effect as a certificate of registry.

Forms of Certificate of Registry. Appendix 2.

25. Unless otherwise ordered by the Registrar, the prescribed forms of certificate of registry (provisional and permanent) shall be as set out in Appendix 2 hereto.

PART III

NAME AND FLAG OF SHIPS

Name of ships.

26. (1) The Registrar shall refuse the registration of a ship by the name by which it is proposed to be registered, if it is already the name of a registered ship or a name which is so similar to the name of a registered ship as to be likely to deceive or mislead.

(2) No change shall be made in the name of a Belizean ship without the prior written permission of the Registrar, and such permission shall not be granted unless the Registrar is satisfied that all registered mortgagees have given their consent to the proposed change of name.

(3) Application for such permission shall be in writing, and if the Registrar is satisfied that the application is reasonable, he may grant it and thereupon the ship's name shall forthwith be altered in the Register, in the ship's certificate of registry, and on its bows and stern.

(4) Where it is shown to the satisfaction of the Registrar that the name of a ship has been changed without permission, he shall direct that its name be altered to that which the ship bore before the change.

(5) If any person acts or permits any person under his control to act in contravention of this section, or omits to do, or permits any person under his control to omit to do, anything required by this section, the Registrar may impose a fine not exceeding one thousand dollars and in addition, the Registrar may suspend the certificate of registry of the ship until this provision has been complied with.

27. (1) Every ship, after being registered, shall be marked permanently and conspicuously to the satisfaction of the Registrar as follows:

Marking of ships after registration.

- (a) its name shall be marked on each of its bows, and its name and its port of registry shall be marked on its stern, on a dark ground in white or yellow letters, or on a light ground in black letters;
- (b) if the Registrar is of the opinion that a ship is insufficiently or inaccurately marked, he may suspend the certificate of registry of the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

28. (1) The national colour of a Belizean ship shall be the national flag of Belize and such ship shall wear no other flag.

Flags of Belize.

(2) Belizean ships shall hoist the national colours at all times.

Unlawful use
of Belize Flag.

29. (1) If any person uses or permits any person to use any flag of Belize on board a foreign ship wherever located for the purpose of making that ship appear to be a Belizean ship he shall be guilty of an offence and shall be liable on summary conviction to the penalties prescribed in Section 102 of the Act.

(2) In any proceedings under this section, the burden of proving the right to use the flag and assume the character of a Belizean ship shall be upon the person using and assuming the same.

PART IV

TRANSFERS AND TRANSMISSIONS

Transfer of
ownership of a
ship.

30. (1) Save as otherwise provided in Section 11 for vessels under construction, the ownership of a registered vessel shall be transferred by the handing over of a bill of sale followed by the physical delivery of the vessel to the purchaser.

(2) For the purpose of sub section (1) above, a bill of sale shall contain the IMO number of the ship and such description of the ship as is contained in a surveyor's certificate issued by a duly authorized surveyor or some other description sufficient to identify the ship to the satisfaction of the Registrar.

(3) The execution by the seller and the purchaser of a protocol of delivery and acceptance shall be deemed sufficient evidence that the vessel has been physically delivered to the purchaser.

(4) The signatures on the bill of sale and protocol of delivery and acceptance shall be authenticated by a notary

public or a Deputy Registrar of IMMARBE in the place where such documents are issued before they can be registered at the Head Office.

(5) In addition to the document referred to in subsection (3) above, the Registrar may accept any evidence he considers appropriate as evidence of delivery for the purpose of subsection (1).

31. (1) Where the property in a registered ship is transmitted to another person on the death or bankruptcy of a registered owner, or by any lawful means other than by a voluntary transfer-

**Death,
bankruptcy,
etc., of
registered
owner.**

- (a) that person shall authenticate the transmission by making and signing a declaration (in this section called a declaration of transmission) identifying the ship and a statement of the manner in which, and the person to whom, the property has been transmitted;
- (b) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in a court as proof of the title of persons claiming under a bankruptcy;
- (c) if the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation or an official extract therefrom.

(2) The Registrar shall, on receipt of the declaration of transmission and the accompanying documents, enter in the Register the name of the person entitled under the transmission to be registered as owner of the ship, the property which has been transmitted, and where there is more than one such person, the names of all such persons.

Sale of ship by order of Court.

32. Where a court of competent jurisdiction orders the sale of any ship, the order of the Court shall contain a declaration of vesting in some person named by the Court the right to transfer that ship, and that person shall thereupon be entitled to transfer the ship in the same manner and to the same extent as if he were the registered owner thereof, and the Registrar shall give effect to the request of the person so named in respect of any such transfer and/or to the request of any person deriving title to the vessel under a bill of sale executed by the person so named, to the same extent as if such named person or transferee were the registered owner, as the case may be.

PART V

REGISTRATION OF PARTICULARS

Registration of titles and other documents.

33. (1) The registration of ownership titles, mortgages, assignments and other documents relating to vessels which are governed by this Act shall be of the following kinds:-

- (a) preliminary registration; and
- (b) permanent registration.

(2) The preliminary registration of such documents shall be valid for six calendar months and shall have the same legal effect as permanent registration, provided that permanent registration is effected within the six months' validity period of preliminary registration failing which the preliminary registration shall lapse.

Registration of title of vessel necessary for permanent registration.

34. The registration of the ownership title at the Head Office shall be necessary to complete the vessel's permanent registration and to register a mortgage thereon.

Procedure for preliminary registration.

35. (1) The preliminary registration of documents relating to vessels referred to in Section 33 above shall be effected at the Head Office through IMMARBÉ's Deputy Registrars

and their designated offices on the basis of the applications submitted to them for that purpose.

(2) The applications for preliminary registration shall be in the prescribed form and shall contain all the requisite information stated in section 13(1) and/or section 15(1), as appropriate.

(3) Where any such application is received and processed at one of IMMARBE's designated offices abroad, it shall be promptly transmitted to the Head Office by e-mail, facsimile or courier service.

(4) With every application for preliminary registration of documents referred to in Section 33 above, the applicant shall deliver, in duplicate and duly authenticated in like manner as provided in section 30 (4) of this Act, the documents required to be so registered.

(5) Upon verification that the application complies with all the necessary requirements, and upon payment of the prescribed fees, the Head Office shall effect the preliminary registration of such documents, and shall issue or authorise the corresponding designated office to issue the certificate of preliminary registration.

(6) After the completion of the preliminary registration, one set of documents delivered by the applicant under subsection (4) above shall be filed at the designated office through which the preliminary registration was effected, and the other set shall be returned to the applicant with a special seal affixed thereto confirming that preliminary registration was effected by the said documents.

36. (1) The permanent registration of ownership titles, mortgages, assignments of mortgages, discharge of mortgages, supplements or addenda thereto, or any other documents relating to vessels which are subject to this Act

Procedure for permanent registration.

shall be effected at the Head Office, provided that such documents are in the prescribed form and comply with all the requirements of this Act or any regulations made thereunder.

(2) If the documents presented for permanent registration have been preliminarily registered at IMMARBE in accordance with section 35 of this Act, the applicant shall resubmit the same set of documents returned to him pursuant to subsection (6) of that section.

(3) Where a document for permanent registration is in a language other than the English language, it shall be translated into the English language, by a competent and qualified translator.

(4) The documents will then be officially filed at the Head Office and shall be permanently registered in the corresponding record book, provided that they are in the prescribed form and comply with all the requirements of this Act or any regulations made thereunder.

(5) After permanent registration has been completed, one registered certified true copy of the filed documents, duly sealed, together with a certificate of permanent registration containing the official date and time of permanent registration, shall be delivered to the applicant, and the original documents used for permanent registration shall be kept on the vessel's file at the Head Office.

Fees for
registration of
documents
relating to
ships.
Second
Schedule.

37. (1) There shall be paid to IMMARBE the several fees set out in the Second Schedule to this Act for the preliminary and permanent registration of every document pursuant to sections 35 and 36 above.

Second
Schedule.

(2) The Minister may from time to time by Order published in the *Gazette* amend the Second Schedule.

38. (1) Every vessel registered in IMMARBE shall have at all times a shipping agent in Belize appointed by the shipowner.

Shipping
agents.

(2) Only:-

- CAP. 320 (i) an attorney-at-law who holds a current practising certificate issued in accordance with section 11 of the Legal Profession Act;
- CAP. 305 (ii) an accountant who possesses a current practising certificate in accordance with section 9 of the Accountancy Profession Act;
- CAP. 250 (iii) a company registered under the Companies Act which is a licensed bank or a financial institution within the meaning of the Banks and Financial Institutions Act; or
- CAP. 263 (iv) a person designated for the purpose by the Minister,

may act as a shipping agent.

(3) The Minister shall, after consultation with such persons and interest groups as he may consider appropriate, prescribe qualifications for persons who may be designated as shipping agents under paragraph (iv) of subsection (2) above.

(4) Notwithstanding the provisions of subsection (2) above, the Minister may, after consultation with such persons and interest groups as he may consider appropriate, disqualify any person or company from acting or continuing to act as a shipping agent if he is satisfied that such person or

company is engaged in undesirable or unscrupulous activities or is otherwise not a fit and proper person or company to act as a shipping agent.

(5) Every formal application submitted to IMMARBE shall be signed by the shipping agent of the vessel as well as by the owner or his duly authorised representative.

(6) Persons who were shipping agents prior to 20th May, 1996, may continue to be shipping agents after that date notwithstanding that they do not possess the qualifications of shipping agents specified in this section and a vessel registered in IMMARBE may continue to employ such shipping agents.

PART VI

MORTGAGES

Mortgage of a vessel.

39. (1) The owner of a registered vessel in respect of which the ownership title has been registered, either preliminary or permanent, may mortgage it as security for a loan or other valuable consideration whether or not related to the vessel, or to meet any lawful obligation, present or future.

(2) It shall be lawful for a mortgage to be executed and registered in favour of a security trustee appointed or acting under a trust for the benefit of persons to whom a debt or other obligation is due. Such security trustee shall, in any such case, be recognized as the mortgagee of the particular mortgage and shall be entitled to exercise all the rights in relation to that mortgage as are accorded to mortgagees by this Act.

(3) A registered mortgage shall attach to the vessel in respect of which it is registered until it is discharged:

Provided that:

- (a) where a vessel has been sold pursuant to an order made by or under the supervision of a competent court within the jurisdiction in which the vessel is lying at the time of sale, the interest of the holder of a registered mortgage in the ship shall pass on to the proceeds of the sale of the vessel and the extent of the interest of the holder of the registered mortgage in such proceeds of sale as well as the ranking of its interest in order of priority with respect to such proceeds relative to that of other creditors shall be a matter for the determination of such competent court in accordance with the laws of Belize; and
- (b) where a vessel has been sold by a mortgagee pursuant to his rights under section 53 (2) below and it is stated in the bill of sale that the ship is being sold free from such encumbrances, then the rights arising from such registered mortgage shall no longer be exercisable in relation to that vessel.

(4) A mortgage registered under this Act may be drawn up to secure the payment of a principal sum and interest, an account current, as well as the performance of any other lawful obligation.

(5) For the purposes of this Part, the term “account current” means any indebtedness of a mortgagor in favour of a mortgagee arising and determinable in accordance with the loan agreement, guarantee, deed of covenant or other form of contract which gives rise to the relevant underlying obligations and to which reference is made in the relevant mortgage.

Amendment.

(6) Where a registered mortgage is amended, the Deputy Registrar at the Head Office shall, on the production of the instrument of mortgage executed in accordance with the provisions of section 40 of this Act containing the amendment, together with the written consent on the said instrument of the mortgagee whose mortgage has been amended, make a note thereof in the Register to the effect that the mortgage has been amended. Any such amendment shall, with effect from the time and date of such note, form an integral part of the registered mortgage which it amends and such mortgage, as amended, shall continue to have the same priority as it had before the amendment was noted.

(7) Subject to the provisions of this section, an amendment of a mortgage may be effected for any lawful purpose, such as, but without limitation...

- (i) to increase the amount secured by such mortgage; and
- (ii) to extend such mortgage to secure any other obligation of the mortgagor, whether as principal or as surety for any other person, in favour of the mortgagee.

(8) An amendment of a mortgage may not be effected after the obligations secured by the registered mortgage have been satisfied.

(9) Where any mortgages other than the mortgage that it is intended to amend are entered in the register of the ship, an amendment shall not be noted unless the consent in writing of all the other mortgagees is produced to the Registrar.

(10) The consent to an amendment to a mortgage shall be signified by means of a declaration executed by the mortgagee in accordance with the provisions of section 40 of this Act.

40. (1) The instrument creating any such security (referred to in this Part as a “mortgage”) shall be in the form prescribed in Appendix 3 hereof or in such other form as the Senior Deputy Registrar at the Head Office may approve. The signature(s) on the mortgage shall be authenticated in like manner as prescribed in section 30(4) of the Act.

Instruments of mortgage.

Appendix 3.

(2) Mortgages executed in the manner prescribed by the Registration of Merchant Ships Act, 1989, as amended, and the Registration of Merchant Ships (Registration and Miscellaneous Provisions) Regulations, 1991 prior to the enactment of this Act shall remain valid until they are discharged. Notwithstanding the above, the new provisions of this Act shall apply to all such previously executed mortgages.

**Act 32/1989.
5/1996.**

**S. I. 111 of
1991.**

41. Where a mortgage executed by the owner or his authorized representative in accordance with section 40 is produced to the Deputy Registrar at the Head Office, he shall record it in the register at the Head Office thereby creating a right *in rem* against the vessel.

Registration of mortgage by Head Office.

42. Mortgages shall be registered in the order in which they are produced to the Deputy Registrar at the Head Office for the purpose of registration in the Register and he shall enter and sign on each mortgage a statement to the effect that it has been registered by him, stating the date and time of the registration. Mortgages shall rank in the order in which they are registered save always that two or more mortgagees may agree to vary such priority and any agreement for such purpose may be presented for noting by the Registrar and will have legal effect from the date of having been noted in the register of the ship.

Priority of recorded mortgages.

43. (1) Where it is stated in the mortgage or in the Deed of Covenant or loan agreement or guarantee or other document appended thereto that it is prohibited to create further mortgages over a vessel without the prior written

Prohibition to create further mortgage.

consent of the mortgagee, any other mortgage registered in violation of this provision shall be null and void.

(2) IMMARBE shall not record a transfer of ownership of the vessel or any change of name of the vessel or terminate the ship's registration at the request of the owner, as the case may be, unless the appropriate consent in writing of the mortgagee is produced, failing which any recording in the Register of a transfer of ownership or a termination of the ship's registration at the request of the owner shall be null and void.

(3) IMMARBE shall not approve any application by the registered owner for the registration of a Belize registered vessel in another Registry under a bareboat charter without the prior consent in writing of each mortgagee. Mortgages on a Belize registered ship which are also registered in another Registry under a bareboat charter may only be recorded at the Head Office.

Mortgage on a provisionally registered ship.

44. A mortgage may be registered at the Head Office in respect of a provisionally registered vessel, and where a mortgage is so registered, it shall be subject to all relevant provisions relating to mortgages under this Act and the registration regulations.

Mortgage to remain registered after termination of provisional registration of vessel.

45. Subject to section 50 (2) of this Act, a mortgage registered pursuant to section 44 shall continue to be a registered mortgage until it is discharged, even if the provisional registration of the vessel in respect of which the mortgage was registered, ceases to be effective.

Mortgage over vessel under construction.

46. For the purpose of section 39 (1) of this Act, "vessel" includes a vessel under construction and the provisions of this Part shall apply to such a vessel.

47. It shall be lawful for a mortgage to be executed and registered in favour of a security trustee appointed or acting under a trust for the benefit of persons to whom a debt or other obligation is due. Such security trustee shall, in any such case, be recognized as the mortgagee for enforcement and for all other purposes of the particular mortgage and shall be entitled to exercise all the rights in relation to that mortgage as are accorded to mortgagees by this Act.

Mortgage in favour of security trustee.

48. (1) Notwithstanding the provisions of section 43 above, priority notices may be given to the Head Office by the intending mortgagees with the written consent of each prior ranking mortgagee in a form approved by IMMARBE, and such priority notice shall, when recorded in the Register, determine the priority of the interest to which the notice relates.

Priority notices.

(2) Registration regulations may provide for the giving to Head Office by intending mortgagees of priority notices in a form prescribed by or approved under the regulations which, when recorded in the Register, determine the priority of the interest to which the notice relates.

49. Where a registered mortgage is discharged, the Deputy Registrar at the Head Office shall, on the production of the instrument of Discharge of Mortgage in the form prescribed in Appendix 4 hereof, duly signed and attested, make an entry in the Register to the effect that the mortgage has been discharged, and upon such entry having been made, the interest which passed to the mortgagee shall vest in the person in whom, having regard to intervening acts and circumstances, if any, it would have vested if the mortgage had not been made.

Discharge of mortgage.

Appendix 4.

50. (1) Where the registration of a vessel terminates by virtue of any provision of this Act or any regulations made thereunder, such termination shall not affect any entry in the Register of any undischarged registered mortgage of that

Validity of mortgage after the termination of vessel's registry.

S.I. 56/99.

vessel or any share therein. Notwithstanding the above, IMMARBE shall give 60 days' prior notice in writing to the registered mortgagee(s) of a vessel in the event that it decides to cancel the registration of a vessel, whether provisional or permanent, in the exercise of the powers conferred upon it by Regulation 8 of the Registration of Merchant Ships (Disciplinary) Regulations, 1999 or otherwise. In such circumstances, the registration of a vessel, whether provisional or permanent, shall be suspended until such time as the mortgage is discharged or the expiration of the 60 days' notice, whichever is the earlier, at which time the registration will be cancelled, so however that such cancellation shall not affect any entry in the Register of any undischarged registered mortgage over that ship.

(2) Subsection (1) shall not apply to an entry in the Register in a case where the Deputy Registrar at IMMARBE's Head Office is satisfied that any person appearing on the Register to be interested as a mortgagee under the mortgage in question has consented to the entry ceasing to have effect or whose existence as a legal entity has ceased by operation of law or otherwise.

(3) In the case referred to in subsection (1) above, the mortgagee shall have absolute power to dispose of the vessel in respect of which he is registered as mortgagee in the register, notwithstanding that the mortgagor has fully complied with any other requirements of the mortgage instrument.

Mortgagee not owner of the ship.

51. The mortgagee shall not by reason of the mortgage be deemed to be the owner of the ship.

Mortgagee's power to sell the vessel.

52. (1) Subject to subsection (1) of section 53 below, every registered mortgagee shall have power, if an event of default occurs under the mortgage or the deed of covenant or other contractual document appended thereto, to sell the vessel or share in respect of which he is registered, by private

sale, or to arrest the vessel and request a competent court to dispose of it at a public auction and to give effectual receipts for the purchase money.

(2) Where two or more mortgagees are registered in respect of the same vessel or share, a subsequent mortgagee shall not, except under an order of a court of competent jurisdiction, sell the vessel or share without the concurrence of every prior mortgagee. In the event of default, the mortgagee may take possession of the vessel either directly or through the appointment of a third party or entity, subject to having given to the mortgagor such notice (if any) as the mortgage or deed of covenant or relevant contractual document requires.

53. (1) Notwithstanding the admiralty jurisdiction of the Supreme Court under the Supreme Court of Judicature Act, a registered mortgage may be enforced in Belize by a suit/action *in rem* in the Supreme Court, sitting in admiralty jurisdiction, upon default of any term or condition of such mortgage.

Procedure to
sell vessel.

CAP. 91.

(2) A registered mortgage may also be enforced by a suit/action *in rem* in Admiralty or otherwise in any foreign country in which the vessel shall be found, pursuant to the procedure of such country for the enforcement of ship mortgages on vessels prescribed under the laws of such country, provided that the priorities of maritime liens will always be subject to Belize law, to the extent that the competent court in such country permits.

(3) Where the Court, whether under the Act or otherwise, orders the sale of any vessel, the order of the Court shall contain a declaration vesting in some person named by the Court the right to transfer that vessel, and that person shall thereupon be entitled to transfer the vessel in the same manner and to the same extent as if he were the registered owner thereof, and the Registrar shall deal

with any application relating to the transfer of the vessel made by the person so named or by any person deriving title to the vessel under a bill of sale executed by the person so named as if that person or transferee were the registered owner.

Mortgage not affected by bankruptcy.

54. In the absence of fraud, a registered mortgage of a vessel shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the registration of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of registered mortgage. Appendix 5.

55. (1) A registered mortgage over a vessel may be transferred to any person and, on production of the instrument of Transfer of Mortgage in the form prescribed in Appendix 5 hereof, the Deputy Registrar at IMMARBE's Head Office shall record it by entering in the register the name of the transferee as mortgagee of the vessel, and shall enter and sign on the instrument of transfer a statement to the effect that it has been registered by him, stating the date and time of the registration.

(2) Where the mortgage interest in a ship is transmitted to any person by any lawful means, other than by a transfer under subsection (1), that person shall produce to the Deputy Registrar at IMMARBE's Head Office a statement of the manner in which and to whom the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a vessel.

(3) The Deputy Registrar at IMMARBE's Head Office, on the receipt of the documents, and the production of the evidence referred to in subsection (2), shall enter the

name of the person entitled under the transmission in the register as mortgagee of the ship.

56. Not later than the time of first registration at IMMARBE, whether provisional or permanent, the owners of vessels which are subject to registered mortgages in their previous foreign registry shall deliver evidence in the form of each mortgagee's written consent to the transfer of the vessel from the previous Registry to IMMARBE and for the registration of such mortgages at IMMARBE. Every such document of consent shall be attested by a notary public. On the production of the prescribed instruments of Mortgage of a Vessel and the Deeds of Covenant or other contractual documents appended thereto, if available, those mortgages on being registered at IMMARBE, shall be recorded in the same order of precedence as was indicated in the previous foreign registry irrespective of whether or not they have been cancelled in the previous registry.

Vessels subject to mortgage in previous registry.

57. Each mortgagee's written consent, duly notarized, shall also be required for the issue of a new certificate of registry due to the transfer of ownership, or the change of name of the vessel or the owner, as well as for the vessel's deregistration or bareboat charter registration as provided under Part VIII of this Act.

Mortgagee's consent for issue of new certificate of registry.

58. In the case of foreclosure, the holder of a mortgages registered in Belize will be subordinate to the mortgage lien and priority status of any undischarged mortgage in the previous registry if such mortgage has been registered in Belize according to the procedure prescribed in section 56.

Priority of undischarged mortgage of vessel's previous registry.

PART VII

MARITIME LIENS

59. Vessels constitute a particular class of moveables which form separate and distinct assets within the estate of

Explanation of Maritime Liens.

their owners for the security of actions and claims to which they are subject. In the event of the bankruptcy of the owner of a vessel, all actions and claims to which a vessel may be subject shall have preference on the said vessel over all other debts of the estate.

Maritime
Liens extend
to vessel's
appurtenances
and
accessories.

60. A vessel shall include, together with the hull, all equipment, machinery and other appurtenances or accessories belonging to it, which are on board or which have been temporarily removed therefrom.

Vessel as
security for a
debt.

61. A vessel shall constitute a security for a debt or other obligation either by agreement or by operation of law.

Sale of vessel
subject to a
maritime debt.

62. A vessel subject to a maritime debt callable on it may be arrested and be judicially sold at the port where it is lying, at the instance of a legitimate creditor. The Master may represent the owner in the respective legal proceedings.

Maritime
liens.

63. Each of the following claims against the owner, bareboat charterer, manager or operator of the vessel shall be secured by a maritime lien on the vessel, and shall rank in the order listed below:

- (a) judicial costs and expenses arising out of the arrest and subsequent sale of the vessel, and such costs and expenses will include, *inter alia*, the costs for the upkeep of the vessel and the crew as well as wages and other sums and costs referred to herein, incurred from the time of arrest as well as any sums due to IMMARBE such as, but not limited to, unpaid taxes and fees;
- (b) claims for reward for salvage of a vessel;
- (c) claims for wages and other sums due to the Master, officers and other members of the

- vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;
- (d) the registered ship mortgage;
 - (e) claims in respect of loss of life or personal injury occurring, whether on land or on water, directly connected with the operation of the vessel;
 - (f) claims for port, canal and other waterway dues and pilotage dues;
 - (g) claims based on tort arising out of the physical loss or damage caused by the operation of the vessel other than loss of or damage to cargo, containers and passengers' effects carried on the vessel;
 - (h) claims for general average;
 - (i) the sums due under obligations incurred for the supply, maintenance, repair and operation of the vessel;
 - (j) sums due under the terms of any charter or cargo contracts;
 - (k) the unpaid price of the last purchase of the vessel and any interest owed thereon during the last 24 months.

64. No maritime lien shall attach to a vessel to secure claims set out in section 63 (b) and section 63 (f) which arise out of or result from:

**Execution of
maritime
liens.**

- (i) damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the claimants pursuant to international conventions or national law providing for strict liability and compulsory insurance or other means of securing the claims; or
- (ii) radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or of radioactive products or waste.

Maritime liens
in respect of
salvage.

65. The maritime liens set out in section 63 above shall rank in the order listed, provided however that maritime liens securing claims for reward for the salvage of the vessel shall take priority over all other maritime liens which have attached to the vessel prior to the time when the salvage operations giving rise to the said liens were performed.

Priority
between
maritime liens
in respect of
salvage.

66. The maritime liens securing claims for reward for the salvage of the vessel shall rank in the inverse order of the time when the claims secured thereby accrued. Such claims shall be deemed to have accrued on the date on which each salvage operation was terminated.

Extinguishment
of maritime
liens.

67. All maritime liens against a vessel shall be extinguished-

- (a) by the judicial sale of the vessel; or
- (b) after three calendar months following the permanent registration of a change of ownership of the vessel; or
- (c) after a period of one year, unless such period expired before the expiry of the period mentioned in subsection (b) above.

68. For the purpose of section 67(b), the period of three calendar months shall commence from the date on which the title of ownership is registered at IMMARBE's Head Office.

Calculation of time for maritime liens.

69. Notwithstanding section 67(b) or (c) above, the registered ship mortgage shall continue in full force and effect until such time as the discharge has been duly executed by the mortgagee and registered at IMMARBE's Head Office or the mortgage is cancelled as a result of the sale of the vessel pursuant to a court order.

Mortgagee's liens to expire only upon discharge of mortgage.

70. The one year period referred to in section 67(c) shall commence:

Computation of time for expiry of maritime liens.

- (i) with respect to the maritime liens set out in section 63(c), upon the claimant's discharge from the vessel;
- (ii) with respect to the maritime liens set out in section 63 (b) and section 63 (e) to 63 (i), when the claims secured thereby arise.

PART VIII

BAREBOAT CHARTER REGISTRATION

71. (1) The vessels registered in IMMARBE may, in order to comply with the terms of a charter contract, obtain a second registration at the registry of another country without affecting their registration at IMMARBE.

Dual registration.

(2) For the purpose of subsection (1) above, the applicant shall submit a formal application to IMMARBE giving full details of the contract, including the name and address of the charterer and date of expiration of the said contract. If the vessel has a mortgage recorded on it, a notarized letter of consent from the mortgagee shall also be submitted.

(3) IMMARBE shall, if satisfied that all formalities have been complied with by the applicant, authorise the vessel's dual registration for a period of two years in the first instance. This period may be extended from time to time for like periods as and when necessary upon cause being shown to IMMARBE.

(4) In every case of dual registration, it shall be the responsibility of the applicant to obtain the necessary approval of the competent authority of the country in which second registration is being sought.

Payment during period of dual registration.

72. (1) For the duration of the dual registration provided for in section 71, the vessel shall continue to make all the relevant annual payments and other dues, and its title or any mortgage or other documents shall be registered exclusively at the Head Office.

(2) Notwithstanding subsection (1) above, the applicant may deliver certified true copies of the documents registered at the Head Office to the authorities of the second Registry in order to render such documents a matter of public record at such Registry.

Registration of vessels under a charter contract.

73. (1) Foreign vessels may be registered in IMMARBE under the terms of a charter contract.

First Schedule.

(2) IMMARBE shall, upon payment of the fees specified in the First Schedule, issue a special navigation and radio license to the vessel which shall be valid for two years, but may be extended from time to time for like periods as and when necessary upon cause being shown to IMMARBE.

(3) In every case of registration under this section, a notarized copy of the charter contract and a certificate of freedom from registered encumbrances or a registered lienholder's letter of consent shall be delivered by the applicant to IMMARBE's Head Office for record.

(4) During the period of dual registration of a vessel at IMMARBE under this section, no title, deed, mortgage or other document relating to the said vessel shall be registered at IMMARBE, and all such documents shall be registered at the vessel's original registry.

PART IX

LIMITATION OF LIABILITY FOR MARITIME CLAIMS

74. For the purposes of this Part, unless the context otherwise requires-

Interpretation
of terms in
this Part.

“environmental damage” means any injury, harm, break, scratch, alteration, spoil, impairment, mutilation or destruction to the natural environment that reduces or threatens its ability to maintain the processes essential to life and/or which reduces its aesthetic appeal; and includes damage to the Belize Barrier Reef System and critical habitat;

“IMO” means the International Maritime Organization;

“ship” includes any structure (whether completed or in the course of completion) launched and intended for use in navigation as a ship or part of a ship;

“shipowner” includes charterer, manager or operator of a ship;

“salvage services” means services rendered in direct connection with salvage operations;

“salvor” means any person rendering salvage services;

“salvage operation” means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters and includes the operations

referred to in paragraphs (iv), (v) and (vi) of section 76 below.

“Special Drawing Right” or **“SDR”** means a unit of account as established by the International Monetary Fund (IMF).

Persons entitled to limit liability.

75. (a) Shipowners and salvors may limit their liabilities in accordance with this Part.
- (b) An insurer of liability for claims subject to limitation under this Part shall be entitled to the benefit of limitation to the same extent as the assured.
- (c) A person for whose act, neglect or default the shipowner or salvor is responsible may limit his liability under this Part.

Claims subject to limitation.

76. (1) Subject to sections 77 and 78 below, the following claims shall be subject to limitation of liability regardless of the basis of liability-

- (i) claims in respect of loss of life or personal injury or loss of or damage to property, including damage to harbour works, basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
- (ii) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
- (iii) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;

- (iv) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;
- (v) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
- (vi) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with this Part, and further loss caused by such measures.

(2) The claims referred to in subsection (1) above shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise, but the claims referred to in paragraphs (iv), (v) and (vi) of subsection (1) shall not be subject to limitation to the extent that they relate to remuneration under a contract with the person liable.

77. For the purposes of this Part, the liability of a shipowner shall include liability in an action against his ship, and the act of invoking limitation shall not constitute an admission of liability.

**Invoking
limitation not
an admission
of liability.**

78. Limitation of liability under this Part shall not apply to the following claims-

**Claims
excepted from
limitation.**

- (a) claims for salvage and corresponding claims under a contract;
- (b) claims for contribution in general average;

- (c) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the contract of service between the shipowner or salvor and such servants, the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is under such contract only permitted to limit his liability to an amount greater than that provided for in section 80 below;
- (d) claims for oil pollution damage;
- (e) claims subject to any law applicable in any country governing or prohibiting limitation of liability for nuclear damage;
- (f) claims against the shipowner of a nuclear ship for nuclear damage;
- (g) claims for damage in connection with the carriage of hazardous and noxious substances; and
- (h) claims for environmental damage to Belize's environment, including the Belize Barrier Reef System and critical habitat.

**Conduct
barring
limitation.**

79. A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

80. Where a person entitled to limitation of liability under this Part has a claim against the claimant arising out of the same occurrence, this Part shall only apply to the balance, if any.

Counter claims.

81. (1) The limits of liability for claims other than those referred to in section 78 above, arising on any distinct occasion, shall be calculated as follows-

Limitation calculations for smaller vessels.

(a) in respect of claims for loss of life or personal injury-

—166,667 special drawing rights for a ship with a tonnage not exceeding 300 tons;

(b) in respect of any other claims-

—83,333 special drawing rights for a ship with a tonnage not exceeding 300 tons.

(2) The Minister may make regulations for the limits of liability for ships of less than 300 tons and shall inform the IMO of any such limits of liability.

82. Subject to (b) below, the limits of liability for claims other than those referred to in section 78, arising on any distinct occasion, shall be calculated as follows-

Calculation of limits of liability for larger vessels.

(a) in respect of claims for loss of life or personal injury -

(i) 2,000,000 special drawing rights for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess of 2,000 tons, the following amounts in addition to that mentioned in subparagraph (i) -

- (A) for each ton from 2,001 to 30,000 tons, 800 special drawing rights;
- (B) for each ton from 30,001 to 70,000 tons, 600 special – drawing rights; and
- (C) for each ton in excess of 70,000 tons, 400 special drawing rights;

(b) in respect of any other claims:-

(i) 1,000,000 special drawing rights for a ship with a tonnage not exceeding 2,000 tons; and

(ii) for a ship with a tonnage in excess of 2,000 tons the following amount in addition to that mentioned in subparagraph (i) -

- (A) for each ton from 2,001 to 30,000 tons, 400 special drawing rights;
- (B) for each ton from 30,001 to 70,000 tons, 300 special drawing rights; and
- (C) for each ton in excess of 70,000 tons, 200 special drawing rights.

Limit of liability of salvors.

83. The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which, he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

Limitation of calculation.

84. Where the amount calculated in accordance with sections 81(a) and 82(1)(a) above is insufficient to pay the

claims mentioned therein in full, the amount calculated in accordance with sections 81(b) and 82 (1)(b)(i), above, respectively, shall be available for payment of the unpaid balance of claims under sections 81(a) and 82(1)(a) above and such unpaid balance shall rank rateably with claims mentioned under sections 81(b) and 82(1)(b)(i).

85. For the purposes of this Part, a ship's tonnage shall be its gross tonnage.

Measurement of ship tonnage.

86. This Part does not apply to the Belize Port Authority and the owners of any dock in Belize

Belize Port Authority exempted.

87. (1) In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 special drawing rights multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate.

Limits of passengers' claims.

(2) For the purpose of this section, "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship-

- (a) under a contract of passenger carriage; or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

(3) In the case of a ship for which there is in force a Passenger Ship Safety Certificate or Passenger Certificate, as the case may be, issued under or recognised by this Act, the ship's certificate mentioned in subsection (1) above shall be that certificate.

**Conversions of
units of
account.**

88. For the purpose of converting the amounts mentioned in sections 81, 82, 83, 84 and 87 from special drawing rights into dollars, one special drawing right shall be treated as equal to such a sum in dollars as the International Monetary Fund has fixed as being the equivalent of one special drawing right for-

- (a) the date the limitation fund shall have been constituted, payment is made, or security is given under section 90 below; or
- (b) if no sum has been so fixed for that date, the last preceding date for which a sum has been so fixed.

**Aggregation of
claims.**

89. (1) The limits of liability determined in accordance with sections 81, 82, 83, 84 and 87 shall apply to the aggregate of all claims which arise on any distinct occasion-

- (a) against the shipowner and any person for whose act, neglect or default he or they are responsible; or
- (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
- (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

(2) The limits of liability determined in accordance with section 87 above shall apply to the aggregate of all claims

subject thereto which may arise on any distinct occasion against the shipowner in respect of the ship referred to in section 87 above and any person for whose act, neglect or default he may be responsible.

90. (1) Any person alleged to be liable and seeking to limit his liability under this Part may constitute a fund by depositing with the Court an amount at least equivalent to the limit provided for in sections 82 or 87 above as appropriate, or by producing a guarantee acceptable to the Court, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund, and the fund so constituted shall be available only for the payment of claims in respect of which the limitation of liability can be invoked.

**Constitution
of limitations
fund.**

(2) A fund constituted by one of the persons mentioned in section 89(1)(a) or section 89(1)(b) above or his insurer; or by a person or his insurer in respect of section 89(2) shall be deemed to have been constituted by all persons mentioned in sections 89(1)(a) and 89(1)(b) above, or all persons in respect of section 89(2) above, as the case may be.

(3) The Court may determine the rate of interest to be applied for the purposes of subsection (1) above.

(4) Where a fund is deposited with the Court in accordance with this section for the payment of claims arising out of any occurrence, the Court may stay any proceedings relating to any claim arising out of that occurrence which are pending against the person by whom the fund has been constituted.

91. (1) Subject to sections 81, 82 and 87, the fund shall be distributed among the claimants in proportion to their established claims against the fund.

**Distribution of
fund.**

(2) The Court may proceed in such manner as to the exclusion of any claimants who do not make claims within a certain time and as to payment of costs, as the Court thinks just.

(3) No lien or other right in respect of any ship or property shall affect the proportions in which any amount is distributed among several claimants.

(4) All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Part and all costs incurred in relation thereto may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

(5) Where, before the fund is distributed, the person liable, or his insurer, has settled the claim, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Part.

(6) In making any distribution in accordance with subsection (2), the Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims, subrogated or otherwise, that may be established later.

Bar to other actions.

92. (1) Where a limitation fund has been constituted in accordance with section 90, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.

(2) Where a ship or other property is attached or arrested in connection with a claim which appears to the Court to be founded on liability to which limitation is applicable under this Part, and in respect of which a fund

has been constituted or a security or guarantee has been deposited, the Court shall order the release of the ship or property if the limitation fund has been constituted in the countries of any of the following ports -

- (i) the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter;
- (ii) the port of disembarkation in respect of claims for loss of life or personal injury; or
- (iii) the port of discharge in respect of damage to cargo, but where the release is ordered, the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim for which the ship or property was arrested or attached.

(3) Subsections (1) and (2) above shall apply only if the claimant brings a claim before the Court and the limitation fund is actually available and freely transferable in respect of that claim.

93. Where a limitation fund is constituted in any of the countries of the ports referred to in section 92 (2) above, the rules relating to its constitution and distribution, and all rules of procedure in connection therewith, shall be governed by the law of the country governing the contract of carriage.

Governing law.

94.(1) Where, by the fault of two or more ships, damage or loss is caused to one or more of those ships, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was at fault.

Apportionment of liability for damage or loss.

(2) Where, in any such case, having regard to all the circumstances, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

(3) This section applies to persons other than the owners of ships who are responsible for the faults of the ships, as well as to the owners of ships and where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the ship in question, this section applies to the charterers or other persons for the time being so responsible instead of the owners.

(4) Nothing in this section shall operate so as to render any ship liable for any loss or damage to which the fault of the ship has not contributed.

(5) Nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(6) In this section, “freight” includes passage money and hire.

(7) In this section, references to damage or loss caused by the fault of a ship include references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

Loss of life or personal injuries; joint and several liability.

95. (1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships shall be joint and several.

(2) Section 94 (3) also applies to this section.

(3) Nothing in this section shall be construed as depriving any person of any right of defence on which, apart from this section, he might have relied in an action brought

against him by the person injured, or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in the manner provided by law.

(4) Section 94 (7) applies also for the interpretation of this section.

96. (1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and any other ship or ships, and a proportion of the damages is recovered against the owners of one of the ships which exceeds the proportion in which the ship was in fault, they may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively at fault.

Right of contribution for loss of life or personal injuries.

(2) Subsection 94 (3) applies also to this section.

(3) Nothing in this section authorises the recovery of any amount which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(4) In addition to any other remedy provided by law, the persons entitled to any contribution recoverable under this section shall, for the purposes of recovering it, have the same rights and powers as the persons entitled to sue for damages in the first instance.

97. (1) This section applies to any proceedings to enforce any claim or lien against a ship or its owners-

Time limits for proceedings against owner or ship.

- (i) in respect of damage or loss caused by the fault of that ship to another ship, its cargo or freight or any property on board it; or

- (ii) for damages for loss of life or personal injury caused by the fault of that ship to any person on board another ship.

(2) The extent of the fault is immaterial for the purposes of this section.

(3) Subject to subsections (5) and (6) below, no proceedings to which this subsection applies shall be brought after the period of two years from the date when -

- (i) the damage or loss was caused; or
- (ii) the loss of life or injury was suffered.

(4) Subject to subsections (5) and (6) below, no proceedings under any of sections 93 to 95 to enforce any contribution in respect of any overpaid proportion of any damages for loss of life or personal injury shall be brought after the period of one year from the date of payment.

(5) The Court may, in accordance with the rules of court, extend the period allowed for bringing proceedings to such extent and on such conditions as it thinks fit.

(6) The Court, if satisfied that there has not been during any period allowed for bringing proceedings, any reasonable opportunity of arresting the defendant ship within-

- (i) the jurisdiction of the Court, or
- (ii) the territorial sea of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business,

shall extend the period allowed for bringing proceedings to an extent sufficient to give a reasonable opportunity of so arresting the ship.

98. (1) This Part shall apply whenever any person referred to in section 75 seeks to limit his liability before the Court or seeks to procure the release of a ship or other property, or the discharge of any security given.

Scope of application of this part.

(2) In the event of a conflict between the provisions of this Part and any other law or international convention to which Belize is a party, the provisions of this Part shall prevail.

99. (1) Subject to subsection (3) below, the owner of a Belize registered ship shall not be liable for any loss or damage in the following cases, namely-

Exclusion of liability.

- (i) where any property on board the ship is lost or damaged by reason of fire on board the ship; or
- (ii) where any gold, silver, watches, jewels or precious stones on board the ship are lost or damaged by reason of theft, robbery or other dishonest conduct and their nature and value were not at the time of shipment declared by their owner or shipper to the owner or master of the ship in the bill of lading or otherwise in writing.

(2) Subject to subsection (3) below, where the loss or damage arises from anything done or omitted by any person in his capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment as a servant of the owner of the ship, subsection (1) above shall also exclude the liability of-

- (i) the master, member of the crew or servant; and
- (ii) in a case where the master or member of the crew is the servant of a person whose liability

would not be excluded by that subsection apart from this paragraph, the person whose servant he is.

(3) This section does not exclude the liability of any person for any loss or damage resulting from any such personal act or omission of his as is mentioned in section 79 above.

(4) In this section “owner”, in relation to a ship, includes any part owner and any charterer, manager or operator of the ship.

PART X

REVOCAION OF REGISTRATION OF A VESSEL

Revocation of registration for illegal activities.

100. Where a vessel registered in IMMARBE, whether in Belize or elsewhere, infringes, violates or engages in an activity in breach of this Act, or any regulations, resolutions or circular notes or letters made or issued thereunder, or any international convention to which Belize is a party, or any United Nations sanctions, the Registrar may, subject to the provisions of this Act with regard to ship mortgage, revoke the registration of such vessel from IMMARBE, or impose a fine not exceeding fifty thousand dollars,

Revocation of registration of a vessel for drug trafficking, etc.

101. The Registrar in accordance with section 100 above shall have the right to revoke the registration of a vessel registered in IMMARBE, if it is established in any court of law (whether in Belize or elsewhere) that such a vessel is engaged in the transportation of drugs or is involved in other illegal activities.

Offence and penalty.

102. Every person who, with intent to evade the provisions of this Act or any other law, forges any certificate of registry or other documents relating to a ship, or with like intent flies the flag of Belize on a ship, commits an offence and shall be liable on summary conviction to

imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand dollars, or to both such fine and term of imprisonment, and in every such case the ship in respect of which the offence was committed shall be forfeited.

PART XI

FORGERY AND FALSE DECLARATIONS

103. Any person who forges or fraudulently alters any register, builder's certificate, surveyor's certificate, tonnage certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or any entry or endorsement made in or on any of those documents, shall be guilty of an offence and shall be liable on summary conviction to the penalties prescribed in section 102 of the Act.

Penalty for
forgery, etc.

104. Every person who, in the case of a declaration made in the presence of or produced to the Registrar under the Act or any regulations made thereunder or in any document or other evidence produced to the Registrar-

Penalty for
false
statements,
etc.

- (a) wilfully makes any false statement concerning the title to, or ownership of, or the interest existing in, any ship; or
- (b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

PART XII**FORMS**

Prescribed forms.

105. (1) The several instruments and documents specified in the Act and its appendices and in any other regulations for the time being pertaining to the Act shall be the prescribed forms for the purposes of the Act and shall be utilized for those purposes in that form or as nearly thereto as circumstances permit.

(2) The Registrar shall cause the prescribed forms to be supplied to all Deputy Registrars for distribution to persons required to use the same.

(3) The Registrar may from time to time by Order published in the Gazette amend any of the forms prescribed in the appendices to this Act or in any regulations made thereunder, or prescribe any new forms as he may consider fit.

Instructions to Deputy Registrars.

106. The Registrar may, for the purpose of carrying into effect the Act, give such instructions to Deputy Registrars as to the manner of making entries in the registers, the execution and attestation of powers of attorney, any evidence required for identifying any person, or the referring to him of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of the Act or the regulations made thereunder, as he thinks fit.

PART XIII**MISCELLANEOUS**

Regulations.

107. (1) The Minister may make regulations for the better carrying out of the provisions of this Act, including the prescribing of fees, forms and other things that need to be prescribed.

(2) Such regulations may provide that any contravention or breach thereof shall be punishable by Order of the Registrar to a fine not exceeding ten thousand dollars, or on summary conviction before a Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

108. (1) When an international Convention or other international instrument has been ratified, acceded or adhered to by the Government of Belize, the Registrar or the Senior Deputy Registrar of IMMARBE is hereby empowered to issue Merchant Marine Notices in order to give full effect to the implementation of its provisions onboard IMMARBE registered ships.

**Application of
International
Conventions.**

(2) In the event that any Merchant Marine Notice conflicts in any manner with a provision of that Convention or instrument, the provisions of the Convention or instrument shall prevail.

(3) Any legal instrument issued by the International Maritime Organization (IMO) or the International Labour Organization (ILO) comprising International Conventions, Protocols or Codes pertaining to merchant shipping, shall, as far as practicable, be submitted for consideration to a technical committee consisting of the Belize Port Authority, the Belize National Coast Guard Service (BNCG) and IMMARBE, who shall advise and make recommendations to the Government of Belize prior to accession, adhesion or ratification by Belize of such legal instrument.

109. (1) For the more efficient operation of IMMARBE, the Minister may, if he thinks fit, engage the services of a person or a body corporate possessing the qualifications and expertise necessary to manage IMMARBE's business abroad.

**Contracts to
manage
IMMARBE
abroad.**

(2) Any such contract as is referred to above may authorize the person or body corporate with whom it is made to do all things necessary for IMMARBE's operations, including the designation of worldwide representatives of IMMARBE, approval of classification societies and radio accounting authorities, appointment and approval of worldwide inspectors, and establishment of IMMARBE's offices abroad.

(3) Every such contract as is referred to in this section shall contain a provision that the Auditor-General shall be entitled to audit the accounts of the person or body corporate who is contracted to manage IMMARBE's operations.

**Powers of
Inspector.**

110. (1) For the purpose of ensuring that the provisions of the Act and Regulations made thereunder, or of any international convention, are duly observed and complied with, and for the effective carrying out of his powers and duties under the Act and such regulations, an inspector in Belize may:

- (a) go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof to which the said provisions apply;
- (b) require answers or returns to be given or made by the master or any other member of the crew of a ship to any inquiries he is required or thinks fit to make;
- (c) require the production of any books, papers or documents; and
- (d) administer oaths for obtaining sworn testimony.

(2) The powers conferred upon an inspector by subsection (1) above may be exercised by a Deputy Registrar or his designate on or in respect of a Belizean ship outside Belize.

(3) Powers conferred by this section shall not be exercised so as to unnecessarily detain or delay any ship.

(4) Any person who:

- (a) obstructs the Registrar or his designate in the exercise of his powers under this Act or under any other power conferred by the Act or any regulations made thereunder; or
- (b) without reasonable excuse, fails to comply with any requirement made under this Act; or
- (c) knowingly gives a false answer to any question put to him by an inspector or Registrar or his designate,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

111. (1) Where under any of the provision of the Act or any Regulations made thereunder, the certificate of registry of a Belizean ship is suspended, the person by whom the suspension is made shall give to, or cause to be served on, the master of the ship a written notice of the suspension, and thereupon the ship shall not proceed to sea and the master shall forthwith deliver up the certificate of registry to the person by whom it was suspended or, if such person not immediately available, to a Deputy Registrar or consular officer.

**Suspension of
Certificate of
Registry.**

(2) In the case of any contravention of this Act, the master of the ship shall be guilty of an offence and shall,

unless a higher penalty is otherwise prescribed, be liable to a fine not exceeding one thousand dollars by the Registrar.

**Application of
this Act.**

112. This Act shall not, except as specifically provided by order of the Minister, apply to any ship that is owned by and is in the service of the Government of Belize, other than for commercial purposes.

**General
Maritime law
of England to
apply.**

113. Insofar as it does not conflict with any provisions of this Act or any regulations made thereunder, or any other law of Belize, the non-statutory general maritime law of England is hereby declared to be and is adopted as the general maritime law in respect of all vessels registered under the Act.

**Commencement
and repeal.**

114. (1) This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

**CAP. 236.
Act 14/03.
S. I. No. 111/
1991.
S.I. 56/2010.**

(2) Upon the coming into force of this Act, the Registration of Merchant Ships Act, as amended, the Registration of Merchant Ships (Registration and Miscellaneous Provisions) Regulations, and the Registration of Merchant Ships (Variation of Fees) Order, 2010, shall stand repealed.

_____ . _____

FIRST SCHEDULE

[Para 2]

[(Sections 5(2), 8(1), 8(2) and 20(2)]

1.	<u>REGISTRATION FEES</u>	<u>US\$</u>
(a)	Vessels of up to 1000 G.T.	\$300.00
(b)	Vessels of 1001 to 2000 G.T.	\$550.00
(c)	Vessels of 2001 to 7500 G.T.	\$1,100.00
(d)	Vessels of 7501 G.T. to 15,000 G.T.	\$1,500.00
(e)	Vessels of 15,001 and over	\$3,000.00
2.	<u>ANNUAL TONNAGE TAX</u>	
(a)	Vessels of up to 500 G.T.	\$0.10 per N.T. or fraction thereof. (minimum of \$50 per vessel)
(b)	Vessels of 501 G.T. to 7500 G.T.	\$5.10 per N.T. or fraction thereof. (minimum of US\$200.00 per vessel)
(c)	Vessels of 7501 G.T. and over	\$0.10 per G.T. (no minimum)
3.	<u>ANNUAL SERVICE TAX</u>	
(a)	Vessels of up to 1000 G.T.	\$300.00
(b)	Vessels of 1001 to 2000 G.T.	\$550.00
(c)	Vessels of 2001 to 7500 G.T.	\$1,100.00
(d)	Vessels of 7501 G.T. to 15,000	\$1,500.00
(e)	Vessels of 15,001 and over	\$3,000.00

4.	<u>ANNUAL INSPECTION TAX</u>	
(a)	Vessels of up to 1500 G.T.	\$500.00
(b)	Vessels of 1501 to 7500 G.T.	\$1,000.00
(c)	Vessels of 7501 G.T. to 15,000 G.T.	\$1,500.00
(d)	Vessels of 15,001 G.T. and over	\$3,000.00
5.	<u>ANNUAL CASUALTY INVESTIGATION FEE</u>	
	Vessels of up to 99 G.T. and less than 24 metres in length	\$200.00
6.	<u>ANNUAL CASUALTY INVESTIGATION FEE & INT'L PARTICIPATION FEE</u>	
(a)	Vessels of 100 to 1000 G.T.	\$300.00
(b)	Vessels of 1001 to 5000 G.T.	\$450.00
(c)	Vessels of 5001 to 7500 G.T.	\$600.00
(d)	Vessels of 7501 G.T. to 15,000 G.T.	\$750.00
(e)	Vessels of 15,001 G.T. and over	\$1000.00
7.	<u>ANNUAL RADIO LICENSE FEE</u>	
	All vessels regardless of tonnage	\$50.00
8.	<u>ANNUAL AGE SURCHARGE</u>	
(a)	Vessels between 20 and 24 years of age	15%
(b)	Vessels of 25 to 29 years of age	25%
(c)	Vessels of 30 years and over	30%

Note: *Annual age surcharge is applied on the Annual Tonnage, Service & Inspection Taxes detailed in this Schedule.*

9.	<u>REGISTRATION OF PLEASURE VESSELS (SPORTING, RECREATIONAL AND NON- COMMERCIAL VESSELS)</u>	
	Vessels of less than 10 metres in length	\$100.00
10.	<u>ANNUAL TAXES FOR PLEASURE VESSELS (SPORTING, RECREATIONAL AND NON- COMMERCIAL VESSELS)</u>	
	Vessels of less than 10 metres in length	\$250.00
Note:	<i>See "Paragraph 13" for Registration Fees and Annual Taxes for Yachts of 24m in length, or above and 500GT or more, for Yachts of 24m or less than 500G.T. for Yachts of less than 24m.</i>	
11.	<u>SPECIAL REGISTRATION FEE</u>	
	(a) Vessels up to 3500 G.T.	\$1,000.00
	(b) Vessels of 3501 G.T. to 7500 G.T.	\$1,500.00
	(c) Vessels of over 7501 G.T. to 15,000G.T.	\$2,500.00
	(d) Vessels of 15,001 G.T. and over	\$3,000.00
12.	<u>DOCUMENTARY FEES</u>	
	(a) Provisional Patent of Navigation (vessels up to 7500G.T.)	\$100.00
	(b) Provisional Patent of Navigation (vessels 7501G.T. and over)	\$200.00
	(c) Provisional Ship Station License (vessels up to 7500G.T.)	\$50.00

(d)	Provisional Ship Station License (vessels 7501G.T. and over)	\$100.00
(e)	Permanent Patent of Navigation (vessels up to 7500G.T.)	\$150.00
(f)	Permanent Patent of Navigation (vessels 7501G.T. and over)	\$300.00
(g)	Permanent Ship Station License (vessels up to 7500G.T.)	\$100.00
(h)	Permanent Ship Station License (vessels 7501G.T. and over)	\$200.00
(i)	Re-issuance of Patent of Navigation/Ship Station License due to Transfer of ownership	\$750.00
(j)	Re-issuance of Patent of Navigation/Ship Station License due to change of vessel's name or tonnage resulting from modification:	
	Vessels of up to 7500G.T.	\$500.00
	Vessels of 7501G.T. and over	\$750.00
(k)	Re-issuance of a document due to loss or destruction or extension	\$300.00
(l)	Dual Registration Fee (charter-in or charter-out)	\$300.00
(m)	Deletion Certificate:	
	Vessels up to 7500G.T.	\$750.00
	Vessels of 7501G.T. and over	\$1000.00
(n)	Ex-Officio Certification Letter:	

	Vessels up to 7500 G.T.	\$750.00
	Vessels of 7501 G.T. and over	1000.00
(o)	Exemption Certificate	\$250.00
(p)	Bunker Certificate	\$250.00
(q)	Civil Liability Certificate for Oil Pollution Damage	\$100.00
(r)	Minimum Safe Manning Certificate	\$250.00
	For vessels up to 7500G.T. registered under Special Registry	\$50.00
	For vessels over 7501G.T. registered under Special Registry	\$100.00
(s)	Re-issuance of Minimum Safe Manning Certificate due to name change and/or Ownership change (regardless of G.T.)	\$100.00
(t)	Re-issuance of Minimum Safe Manning Certificate due to change in area of trading and/or crew and/or vessel's particulars (regardless of G.T.)	\$200.00
(u)	Re-issuance of Minimum Safe Manning Certificate due to loss or destruction of the original (regardless of G.T.)	\$100.00
(v)	Certificate of Liens and Encumbrances	\$200.00
(w)	Endorsement for Officers serving on vessels (Seafarers)	\$200.00
(x)	Endorsement for Radio Officers	\$200.00
(y)	Certificate for Ratings	\$100.00

(z)	Certificate of Receipt of Application (CRA) (Special Registrations only)	\$50.00
(aa)	For the replacement of each lost or destroyed Endorsement or Certificate of Competency	\$50.00
(bb)	Issuance of a Specialized Training Certificate	\$20.00
(cc)	Reservation of vessel's name per month	\$20.00
(dd)	Other Certification not specified in this schedule	\$100.00

13. YACHT REGISTRATION

The undernoted fees are applicable for Yachts registered under IMMARBE's Yacht Code:-

(a) <u>REGISTRATION FEES (COMMERCIAL)</u>	<u>US\$</u>
(a) Provisional Fee (Super Yacht)	\$500.00
(b) Provisional Fee (Large)	\$500.00
(c) Provisional Fee (Small)	\$400.00
(b) <u>REGISTRATION FEES (PRIVATE)</u>	
(a) Provisional Fee (Super Yacht)	\$400.00
(b) Provisional Fee (Large)	\$400.00
(c) Provisional Fee (Small)	\$300.00
(c) <u>PERMANENT REGISTRATION FEES (COMMERCIAL)</u>	
(a) Permanent Fee (Super Yacht)	\$600.00
(b) Permanent Fee (Large)	\$600.00
(c) Permanent Fee (Small)	\$400.00
(d) <u>PERMANENT REGISTRATION FEES (PRIVATE)</u>	
(a) Permanent Fee (Super Yacht)	\$400.00
(b) Permanent Fee (Large)	\$400.00
(c) Permanent Fee (Small)	\$300.00

(e) ANNUAL TONNAGE TAX

(a) Super Yachts in Commercial use	.20 cents per G.T. Or fraction thereof, (minimum \$500)
(b) Large Yachts in Commercial use	.20 cents per G.T. Or fraction thereof, (minimum \$500)
(c) Small Yachts in Commercial use	.20 cents per G.T. Or fraction thereof, (minimum \$400)
(d) Super Yachts in Private use	.15 cents per G.T. Or fraction thereof, (minimum \$400)
(e) Large Yachts in Private use	.15 cents per G.T. Or fraction thereof, (minimum \$400)
(f) Small Yachts in Private use	.15 cents per G.T. Or fraction thereof, (minimum \$300)

(f) ANNUAL SERVICE TAX (Yachts in Commercial Use only)

(a) Super Yacht	\$300.00
(b) Large Yacht	\$200.00
(c) Small Yacht	\$100.00

(g) ANNUAL SAFETY INSPECTION TAX (Yachts in Commercial Use only)

(a) Super Yacht	\$2000.00
(b) Large Yacht	\$1500.00
(c) Small Yacht	\$1000.00

(h) ANNUAL INT'L PARTICIPATION & CASUALTY
INVESTIGATION FEE

(Yachts in Commercial Use only)

(a) Super Yacht	\$1000.00
(b) Large Yacht	\$ 500.00
(c) Small Yacht	\$ 250.00

(i) ANNUAL RADIO LICENSE FEE

(Commercial or Private)

\$ 50.00

(j) ANNUAL SECURITY FEE (as required) \$150.00

(13.1) OTHER DOCUMENTARY FEES FOR YACHTS:

(a) Provisional Certificate of Registry (maximum 6 months)
 Super Yachts in commercial use \$150.00
 Large Yachts in commercial use \$125.00
 Small Yachts in commercial use \$100.00

(b) Provisional Certificate of Registry (maximum 6 months)
 Super Yachts in private use \$100.00
 Large Yachts in private use \$100.00
 Small Yachts in private use \$ 75.00

(c) Provisional Ship Station Radio License (maximum 6 months)
 Super Yachts in commercial use \$100.00
 Large Yachts in commercial use \$100.00
 Small Yachts in commercial use \$ 75.00

(d) Provisional Ship Station Radio License (maximum 6 months)
 Super Yachts in private use \$ 75.00
 Large Yachts in private use \$ 75.00
 Small Yachts in private use \$ 50.00

(e) Permanent Certificate of Registry
 Super Yachts in commercial use \$200.00
 Large Yachts in commercial use \$175.00
 Small Yachts in commercial use \$150.00

(f) Permanent Certificate of Registry
 Super Yachts in private use \$200.00
 Large Yachts in private use \$100.00
 Small Yachts in private use \$100.00

(g) Permanent Ship Station Radio License
 Super Yachts in commercial use \$150.00
 Large Yachts in commercial use \$125.00
 Small Yachts in commercial use \$100.00

(h) Permanent Ship Station Radio License	
Super Yachts in private use	\$150.00
Large Yachts in private use	\$100.00
Small Yachts in private use	\$ 75.00
(i) Minimum Safe Manning Certificate (permanent)	
Super Yachts in commercial use	\$200.00
Large Yachts in commercial use	\$150.00
Small Yachts in commercial use	\$ 75.00
(j) Re-issuance fee for Minimum Safe Manning Certificate	
Super Yachts in commercial use	\$100.00
Large Yachts in commercial use	\$ 75.00
Small Yachts in commercial use	\$ 50.00
(k) Re-issuance fee for Continuous Synopsis Record (CSR)	\$100.00
(l) Certificate of Compliance (commercial or private use)	
Super Yachts	\$200.00
Large Yachts	\$150.00
Small Yachts	\$100.00
(m) Tonnage Measurement Certificate (commercial or private use)	\$100.00
(n) Exemptions, waivers, dispensations for yachts in commercial use only	\$200.00
(o) Endorsements/CRA's for yachts in commercial use only	\$100.00

13.2. INCENTIVES (YACHTS ONLY)

Special discounts apply for multiple applications by Groups/Yacht Clubs/ other associations and ship builders. Also, a 15% discount on Annual Taxes is granted to yachts which comply with ISO 14001 or equivalent.

14. PENALTY FOR LATE PAYMENT OR FILING

- 14.1 A penalty fee of US\$500.00 is payable due to the non-submission of documents required for the permanent registration of a vessel
- 14.2 If a fee or tax is not paid on the due date, penalties are charged on all outstanding payments as follows:
- 10% if outstanding for a period in excess of 30 days but not exceeding 90 days;
 - an additional 10% if outstanding for a period in excess of 90 days but not exceeding 180 days;
 - an additional 10% if outstanding for a period in excess of 180 days

15. INCENTIVES

- 15.1 Rebates, or other incentives **up to a maximum of 10%** may be granted to Owners/Managers registering 3 or more vessels taking into consideration, *inter alia*, the age, type and size of the tonnage transferred.
- 15.2 For vessels of 7501 G.T. and over only:
- A vessel which is transferring from another Registry but remains under the same ownership or management shall be credited with the Annual Tonnage tax pre-paid to its former Registry on a pro-rata basis for the unexpired period in the former registry.
 - A vessel which is laid up for more than 3 consecutive months in any period of 12 months shall only pay 25% of its Annual Tonnage tax during the period of such lay-up.

- A vessel which is trading (not laid up) and which is not the subject of any Port State Control detention for a continuous period of 12 months will be entitled to a 25% rebate on the Annual Tonnage tax due for the subsequent period of 12 months. After 24 or more continuous months of no Port State Control detentions, the rebate will rise to 35% of the normal annual tonnage tax due. All rebates will cease in the event that a vessel is detained by Port State Control with effect from the date of such occurrence.
- Any vessel of 7501G.T. and above as well as any self-propelled tankers of up to 7500GT which attain certification for the Green Award or the ISO 14001 Environmental Standard will qualify for a 15% rebate on the Annual Tonnage Tax for each year during which they hold a valid certificate relating thereto.

16. ADMINISTRATIVE CHARGES

- 16.1 IMMARBE may impose a surcharge on the above mentioned Taxes and Fees in respect of the registration of a Specialized or hybrid vessel involving the examination of complete technical or operational data or consideration. Also, in the event of vessel arrests or other legal disputes, IMMARBE may charge additional administration fees so as to reflect the management time and expenses incurred by them in respect of their involvement in such arrests or legal disputes.

NOTES: "G.T." means gross tonnage
"N.T." means net tonnage

SECOND SCHEDULE
 [(Section 16(1))]

[Para 2]

	<u>US \$</u>
1. Preliminary Registration of each document	\$300.00
2. Permanent registration of each document:	
(a) Ownership title (Bill of Sale, Builder's Certificate)	\$300.00
(b) Vessel's Mortgage	\$750.00
(c) Mortgage Supplements, Addenda or Assignments	\$300.00
(d) Recording of any other type of document, lien or encumbrance	\$300.00
(e) Discharge of Mortgage	\$200.00
(f) Re-issuance of any certificate of recording due to amendment or loss thereof	\$300.00

_____ *** _____

SEE EXPLANATION ON THE REVERSE

SEE EXPLANATION ON THE REVERSE



APPENDIX I

**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE
REGISTRATION OF MERCHANT SHIPS ACT, 1989/1996
APPLICATION FOR REGISTRATION OF SHIPS
TO THE DESIGNATED OFFICE IN**

(LOCAL OF THE DESIGNATED OFFICE)

1. APPLICANT'S NAME: _____
 2. APPLICANT'S ADDRESS: _____
 3. NAME OF OWNERS: _____
 4. ADDRESS OF OWNERS: _____
 (NO P.O. BOX ALLOWED)
 5. VESSEL'S MANAGER OR HOME PORT ADDRESS (incl. phone, fax number & email address): _____

6. NAME OF VESSEL: _____ 7. IMO NUMBER: _____
 8. PREVIOUS NAME: _____ 9. PREVIOUS NATIONALITY: _____

10. TYPE OF REGISTRATION REQUESTED (TICK AS APPROPRIATE):

- PROVISIONAL STATUS PERMANENT STATUS SPECIAL FOR SCRAP PLEASURE YACHT OR
 UNDER CONSTRUCTION DUAL (CHARTER IN) SPECIAL FOR DELIVERY non-commercial craft

11. GENERAL DESCRIPTION OF THE VESSEL

TYPE OF VESSEL		MATERIAL OF THE HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK	
No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS		YEAR BUILT
*LENGTH (LBP)	BREADTH	DEPTH	TYPE AND POWER OF ENGINES		NAME OF ENGINES MAKERS	SPEED

12. SPECIFICATION IN CASE OF FISHING VESSELS

SUB-CATEGORY	AREA OF FISHING (SEE CODES ON REVERSE)	TYPE OF FISHING GEAR (SEE CODES ON REVERSE)	CATCH SPECIES (TYPES) (SEE CODES ON REVERSE)	CARRYING CAPACITY (IN CUBIC OR METRIC TONS)
<input type="checkbox"/> FREEZER / REEFER				
<input type="checkbox"/> FISH CARRIER				
<input type="checkbox"/> FISH FACTORY				
<input type="checkbox"/> ONLY FISHING				
OTHER:				

13. DESCRIPTION OF RADIO EQUIPMENT (IN CASE OF VESSELS NOT REQUIRING GMDSS EQUIPMENT)

14. VESSEL EQUIPPED FOR GMDSS AREA(S): A1 A1+A2 A1+A2+A3 A1+A2+A3+A4
 (Tick one box only, as applicable)

15. ISM CODE CERTIFICATION (when applicable): Document of Compliance Safety Management Code (SMC)

16. AUTHORIZED ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: _____
 (Letter from the Radio Accounting Entity confirming the agreement with the vessel's owner's representative is required.)

COMPLETE ADDRESS OF RESPONSIBLE FOR RADIO ACCOUNTS: _____

17. AUTHORIZED SURVEY COMPANY: _____

18. NAME OF SHIPPING AGENT IN BELIZE: _____

19. AFFIDAVIT

Pursuant to Sec. 7(1)(2) and (3) of the Registration of Merchant Ships Act, 1988/1996 I, _____
 authorized representative of the vessel _____, declare that the above information is true and
 hereby undertake to deliver the necessary documents required to obtain full term registration, no later than on the expiration date of the
 Provisional Patent of Navigation.

Given this _____ day of _____ of the year _____ Signed before me,

NAME AND SIGNATURE OF APPLICANT

SIGNATURE OF AGENT/D.R. RECEIVING APPLICATION

EXPLANATION

1.	NAME OF THE PERSON HAVING CAPACITY AND AUTHORITY TO APPLY FOR REGISTRATION (SIGNATURE OF THE AFFIDAVIT BELOW IS REQUIRED).	
2.	FULL ADDRESS WHERE THE APPLICANT CAN BE CONTACTED IN EMERGENCY SITUATIONS	APPENDIX I
3.	NAME OF THE PERSON/COMPANY TO APPEAR IN THE DOCUMENTS AS REGISTERED OWNERS	
4.	FULL ADDRESS OF THE REGISTERED OWNERS AS IT SHALL APPEAR IN THE REGISTRATION DOCUMENTS	
5.	CONTACT DETAILS OF AGENT/MANAGER WHO CAN BE CONTACTED IN EMERGENCY SITUATIONS	
6.	ACTUAL NAME UNDER WHICH THE VESSEL WILL NAVIGATE. NAME SHALL BE AVAILABLE.	
7.	IMO NUMBER IS MANDATORY AND CAN BE OBTAINED THROUGH THE FLAG ADMINISTRATION, THROUGH LLOYD'S INFORMATION GROUP, OR THROUGH THE CLASS/SURVEY ORGANIZATION	
8.	FORMER NAME OF THE VESSEL BEFORE ENTERING THE DELIZE REGISTRY. IF NEWLY BUILT, PLEASE WRITE "NO FORMER NAME" OR "NEW CONSTRUCTION".	
9.	FORMER NATIONALITY BEFORE ENTERING IN DELIZE. IN NO CASE IT COULD BE "BELIZE" IF NEWLY BUILT PLEASE WRITE: "NEW CONSTRUCTION". IF BOUGHT IN AUCTION PLEASE WRITE "JUDICIAL SALE" OR "AUCTIONED".	
10.	SPECIFY TYPE OF REGISTRATION STATUS REQUESTED	
11.	PROVIDE GENERAL PARTICULARS AS THEY SHALL APPEAR IN THE REGISTRATION DOCUMENTS *Length (LRP) (Length Between Perpendicular) For vessels 24m & over LRP required should be in accordance with the Int'l Tonnage Measurement (ITM) and/or Loadline Conventions (LLC). For vessels less than 20m not in possession of an ITC/BELIC certificate, the LRP should be as stated on the Builder's Certificate.	
12.	PROVIDE SPECIFIC DETAILS ON FISHING VESSELS: - SPECIFIC CATEGORY OF FISHING SHALL BE INDICATED (PBB/FAC/FACTORY/FISHING, ETC.) - SPORT FISHERY TYPE SHALL BE INDICATED, FOR EXAMPLE, BOAT BOAT, DELINEAT, HAND-LINE, HAMPPOON, LONGLINE, MID-WATER, PURSE SEINE, ROD & REEL, SPORT HAND-LINE, SPORT FISHERIES, SURFACE FISHERIES, TENDER LINE, TRAP, TROLL, UNCLASSIFIED METHOD - AREA OF FISHING SHALL BE SPECIFIED AS REQUIREMENTS WILL DIFFER WHEN FISHING IN THE ATLANTIC, PACIFIC, INDIAN OCEAN, MEDITERRANEAN SEA, ANTARCTIC, ETC - CARRYING CAPACITY OF THE VESSEL SHALL BE INDICATED EITHER IN METRIC TONS OR SHORT TONS	
13.	PROVIDE DESCRIPTION OF THE RADIO EQUIPMENT ON BOARD THOSE VESSELS NOT REQUIRED TO COMPLY WITH GMDSS REGULATIONS. THIS DESCRIPTION WILL APPEAR IN THE RADIO LICENSE.	
14.	SELECT ONE OF THE BOXES AS CORRESPONDING - ALL CARGO VESSELS OF 300 GRT AND ABOVE AND ALL PASSENGER VESSELS ARE REQUIRED TO HAVE GMDSS EQUIPMENT - FISHING VESSELS OF 75 MTS. LENGTH OR MORE AND ALL FISH FACTORY VESSELS REQUIRE GMDSS EQUIPMENT REGARDLESS OF TRADING AREA. - FOR THE E.U.: FISHING VESSELS OF 40MTS. OR MORE BUILT BEFORE JAN. 1, 1996 AND FISHING VESSELS OF 30MTS. OR MORE BUILT AFTER JAN. 1, 1996 ARE REQUIRED TO BE FITTED WITH GMDSS EQUIPMENT.	
15.	SPECIFY IF THE MANAGEMENT COMPANY HAS "DOC", AND IF THE VESSEL HAS "SMC", AS REQUIRED BY THE ISM CODE	
16.	ALL VESSELS HANDING COMMUNICATIONS ONBOARD MUST APPOINT A RADIO ACCOUNTING ENTITY TO BE IN CHARGE OF THE VESSEL'S RADIO ACCOUNTS. UNDER SPECIAL CIRCUMSTANCES "PRIVATE COMMUNICATION" MAY BE APPROVED BY BMMARSE, PROVIDED THAT THE VESSEL DOES NOT NEED BMMR AND/OR BMMARANT NUMBERS.	
17.	AN IMMARSE APPROVED "RESIDENT AGENT" IS REQUIRED TO BE APPOINTED FOR EACH VESSEL AND WILL SERVE AS LMSION WITH IMMARSE FOR ALL MATTERS	
18.	THE AFFIDAVIT IS A LEGALLY BINDING DECLARATION AND MUST BE SIGNED BY THE APPLICANT AND THE AGENT REPRESENTING THE VESSEL AT BMMARSE	

FISHING ZONES CODES	
HS	HIGH SEAS
EEZ	EXCLUSIVE ECONOMIC ZONE

AREA CODE	
EAT	EAST ATLANTIC
NR	NORTHWEST ATLANTIC
NTRO	NORTH TROPICAL ATLANTIC
SW	SOUTHWEST ATLANTIC
COMX	GULF OF MEXICO
WEST	WEST ATLANTIC
ATL	ATLANTIC UNCLASSIFIED
CAR	CARIBBEAN AREA
IND	INDIAN OCEAN
NRW	NORTHWEST CENTRAL ATLANTIC
NRN	NORTH ATLANTIC
SOAT	SOUTH ATLANTIC
NRN	NORTHWEST ATLANTIC
ETRO	EAST TROPICAL ATLANTIC
SE	SOUTH/EAST ATLANTIC
TROP	TROPICAL ATLANTIC
CAN	CANARY ISLANDS AREA
BISC	BAY OF BISCAY
MED	MEDITERRANEAN SEA
ATME	ATLANTIC INCL. MEDITERRANEAN SEA
ASR	ARABIC SEA
SADR	SOUTH ARABIC SEA
NADR	NORTH ARABIC SEA
SISC	STRAIT OF SICILY
SOIN	SOUTH INDIAN SEA
NOIN	NORTH INDIAN SEA
TYIN	TYNNEBIAN SEA
LISU	LIGURIAN SEA
SARD	SARDINIA AREA
AZOR	AZORES ISLANDS AREA
MORA	MADERA ISLANDS AREA
IO	INDIAN OCEAN
PF	PACIFIC OCEAN
NP	NORTH PACIFIC OCEAN
SP	SOUTH PACIFIC OCEAN
OTR	PLEASE SPECIFY

GEAR CODES	
LL	LONGLINE
LUMB	LONGLINE WITH MOTHER BOAT
LUPB	POURON-BESED LONGLINE
LUB	HORN-AND-OR LONGLINE
PLG	LARGE SCALE PURSE SEINE (OVER 50MT CAPACITY)
PS	PURSE SEINE
PSB	SMALL SCALE PURSE SEINE (LESS THAN 50MT CAPACITY)
PSD	DOUBLE-BEAT PURSE SEINE
TROL	TROLL
TRAP	TRAP
SURF	SURFACE FISHERIES UNCLASSIFIED
SPOR	RECREATIONAL FISHERIES (SHORTLY BOAT AND REEL)
TRAW	TRAWL
DR	DRIFT NET WITH ICE REEL
DRP	DRIFT NET WITH FREEZER
SB	SEAT BOAT
HMP	HAMPPOON
HMB	HAND LINE
PM	MIDWATER PURSE SEINE (IN 100MFT. CAPACITY)
PSB	PURSE SEINE (SHORT LINE DRIFT)
RR	ROD AND REEL
MR	MID-WATER TRAWL (POLYAC TRAWL)
OLL	OLLINET (JOINT NET)
PLFB	PURSE SEINE CATCHING LARGE FISH
PLFB	PURSE SEINE CATCHING SMALL FISH
MRB	ROD AND REEL CATCHING LARGE FISH
MRB	ROD AND REEL CATCHING SMALL FISH
HS	HULL SEINE
TS	TREMBLE NET
SPHL	SPORT FISHING USING HAND LINE
ALL	BOTTOM LONGLINE OR DEEP LONGLINE
LLD	LONGLINE DISCARD
MRB	MID-WATER TRAWL
TL	TENDED-LINE DISCARD
MRD	ROD AND REEL DISCARD
OLD	OLLINET DISCARD
MRB	ROD AND REEL DISCARD
HTO	HET TONS OVERBOARD
JO	JOSE
UNC	UNCLASSIFIED SEIN, BY-CATCH
OTHER	PLEASE SPECIFY

FISHING SPECIES CODE (ENGLISH & SPANISH NAMES)		
BFT	BLUE FIN TUNA	ATUN ROJO
SBT	SOUTHERN BLUE FIN TUNA	ATUN ROJO DEL SUR
YPT	YELLOW FIN TUNA	MAHEL
ALB	ALBACORE	ATUN BLANCO
BT	BIG EYE TUNA	MAJUNO
BLF	BLACK FIN TUNA	ATUN AZUL NEGRO
LTA	ATLANTIC BLACK SHIPPAK	BARBETA
SHU	OCEANIC SHIPPAK	LEFUNDU
BOB	ATLANTIC BISHOP	BOBITO
FRE	FRENCH TUNA	MEJUN
SOP	FLAUN BISHOP	TABARTE
WAD	WALDOD	PETO
SSA	SPOTTED SPANISH MACKEREL	CARPA
WMB	WING BACKEREL	CARPA LORO
SAI	ATLANTIC SALPISH	PEC NELA
BLB	BLACK MARLIN	ADAM NEGRO
BLM	ATLANTIC BLUE MARLIN	ADAM AZUL
WMB	ATLANTIC WHITE MARLIN	ADAM BLANCO
SWO	STRIPED MACKEREL	PEL ESPADA
SPF	SPERM FISH	---
STH	STRIPED TUNA SPECIES	ESPECIE DE ATUN NO DEFINIDO
STT	BIG TUNA UNCLASSIFIED	TUNO GRANDE
YOB	YORK TUNA	ATUN JORNE
BL	BULLFINCH UNCLASSIFIED	MARLINES NO CLASIFICADOS
SMT	SMALL TUNAS	TUNO PEQUEÑO
WGR	WINGED MACKEREL UNCLASSIFIED	CARPA NO CLASIFICADO
WAF	WAFRICA SPANISH MACKEREL	CARPA COSTE AFRICANO
CRD	CRUDO	CARPA CRUDA
BLT	BULLET TUNA	MEJUN
WIK	WIKO SPECIES OF TUNAS	ESPECIES DE ATUN MEXICANO
WMA	WAFRICA SPANISH MACKEREL	SEBIA
OTHER	PLEASE SPECIFY	

PRODUCT CONDITION CODE	
F	FRESH
FB	FROZEN
SB	SKINNED AND BUTTERED
DR	DRESSED
FL	FILLET

APPENDIX II



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE

"IMMARBE"

REGISTRATION OF MERCHANT SHIPS ACT, 1989
PERMANENT PATENT OF NAVIGATION

NAME OF VESSEL

CALL LETTERS

REGISTRATION NO.

NAME AND ADDRESS OF OWNERS

DESCRIPTION OF VESSEL				
TYPE OF VESSEL	MATERIAL OF HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK

No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS	YEAR BUILT

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKER	SPEED

PREVIOUS NAME _____ PREVIOUS NATIONALITY _____

TYPE OF RADIO EQUIPMENT: _____

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: _____

COMPLETE ADDRESS OF ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: _____

RESIDENT AGENT: _____

DATE OF ISSUANCE

DATE OF EXPIRATION

The Registrar of the International Merchant Registry of Belize, by the powers vested thereupon by Registration of Merchant Ships Act, 1989 and amendments thereto, hereby authorizes and extends the present Permanent Patent of Navigation.

Registrar



APPENDIX 3
INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE
MORTGAGE REGISTRATION FORM

Official Number	IMO Number	Name of Ship	Port of Registry
Propulsion and Engine Details		Vessel Dimensions	
Propulsion:		Length:	meters
Type of Engines:		Breadth:	meters
Total Power:		Depth:	meters
Particulars of Tonnage			
GROSS TONNAGE:	tons	NET TONNAGE:	tons

THE MORTGAGE

Mortgagor's Full Name		Mortgagee's Full Name	
Mortgagor's Address		Mortgagee's Address (Residential address - for an individual; Registered office address - for a body corporate; Principal place of business - for a statutory body or foreign body corporate)	
Telephone number		Telephone number	
Fax number		Fax number	
E-mail address		E-mail address	

Whereas the Mortgagor and the Mortgagee have entered into a Loan Agreement/Deed of Covenant / a document of obligation, * dated, enclosed herewith as Exhibit A and made part of this Mortgage form; whereas the Mortgagee in consideration of the foregoing has advanced to the Mortgagor the sum of plus interest at the rate of to be repaid in the form and manner as described in Exhibit A herein. The Mortgagor now covenants with the Mortgagee to pay the Mortgagee the sums for the time being due on this security, whether by way of principal or interest at the times and in the manner aforesaid. For the purpose of better securing to the Mortgagee the payment of such sums, the Mortgagor hereby mortgages to the Mortgagee the above-mentioned ship and of shares therein of which the Mortgagor is the owner in the ship above described, and in its boats and appurtenances. Further, the mortgagor covenants with the Mortgagee that the Mortgagor has power to mortgage in the manner aforesaid the above said ship, and that the same is free from encumbrances, except as appears on the register in relation to the ship.*

In witness whereof we have affixed our signature/common seal this Day of

Seal	Individual/Corporation	Attestation
	Name of individual/corporation per..... Signature as Individual/Director/Secretary/Officer/ Attorney-in-fact (h) signature as Individual/Director/Secretary/ Officer/Attorney-in-fact (h) In the presence of the witness whose Attestation is given opposite	I, the notary (f)..... of (g)..... herby testify that in my presence (i) this Mortgage was signed by as Individual/Director/Secretary/Officer/ Attorney-in-fact (h), on behalf of the Mortgagor and..... as individual/Director/Secretary/Officer/ Attorney-in-fact (h), on behalf of the Mortgagee Signature of witness.....

- * If no subsisting encumbrances exist, delete the last phrase 'except as appears on the register in relation to the ship'.
- * Document to be authenticated by a notary public.
- * Delete as necessary

NOTES:

- 1 If more than one mortgage then a separate mortgage is required from each mortgagor, unless the shares are jointly held.
- 2 The expression "Mortgagor" and "Mortgagee" used in this document shall include their heirs, successors, assigns, executors, administrators or any other legal representative.
- 3 Registered mortgagors and mortgagees are reminded of the importance of keeping the Deputy Registrar at IMMARBE's Head Office in Belize informed of any changes in residence and/or other contact details shown above.
4. Describe the nature of the amount paid, or consideration by entering the principal sum or stating that there is an account current or line of credit, giving details of the interest, method of repayment and referring to the Loan Agreement/ Deed of Covenant/document of obligation, appended hereto and the date on which it was executed.

When complete you should send this form, together with the appropriate fee and supporting documents (if required) to:

The Deputy Registrar
 INMARBE Head Office
 Suite 204, Marina Towers, Newtown Baracks,
 Belize City, Belize, Central America
 Telephone: +501 223 5026 / 5031 / 5047
 Fax: +501 223 5048 / 5070 / 5087
 E-mail: immarbe@btb.net

OFFICIAL USE ONLY	
Entry in Register made on	_____ / _____ / _____ (d/m/y)
	at _____ (time).
By Officer (print name).....	



**APPENDIX 4
INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE
DISCHARGE OF MORTGAGE FORM**

Official Number	IMO Number	Name of Ship	Port of Registry
Propulsion and Engine Details		Vessel Dimensions	
Propulsion:		Length:	meters
Type of Engines:		Breadth:	meters
Total Power:		Depth:	meters
Particulars of Tonnage			
GROSS TONNAGE:		NET TONNAGE:	
	tons		tons

THE MORTGAGE			
Mortgagor's Full Name		Mortgagee's Full Name	
Mortgagor's Address		Mortgagee's Address <small>(Residential address - for an individual; Registered office address - for a body corporate; Principal place of business - for a statutory body or foreign body corporate)</small>	
Telephone number		Telephone number	
Fax number		Fax number	
E-mail address		E-mail address	

In consideration of the amount of _____ now received from Mortgagor, I / We, the above-mentioned Mortgagee discharge the within-written security.

*delete as appropriate

In witness whereof we have affixed our signature/common seal this Day of

Seal	Individual/Corporation	Attestation
	Name of individual/corporation per..... Signature as Individual/Director/Secretary/Officer/ Attorney-in-fact (h) signature as Individual/Director/Secretary/ Officer/Attorney-in-fact (h) In the presence of the witness whose Attestation is given opposite	I, the notary (f)..... of (g) hereby testify that in my presence (i) this Mortgage was signed by as Individual/Director/Secretary/Officer/ Attorney-in-fact (h), on behalf of the Mortgagor and..... as individual/Director/Secretary/Officer/ Attorney-in-fact (h), on behalf of the Mortgagee Signature of witness.....

* Document to be authenticated by a notary public.

NOTES:

1. If more than one mortgage then a separate mortgage is required from each mortgagor, unless the shares are jointly held.
2. The expression "Mortgagor" and "Mortgagee" used in this document shall include their heirs, successors, assigns, executors, administrators or any other legal representative.
3. Registered mortgagors and mortgagees are reminded of the importance of keeping the Deputy Registrar at IMMARBE's Head Office in Belize informed of any changes in residence and/or other contact details shown above.
4. Describe the nature of the amount paid, or consideration by entering the principal sum or stating that there is an account current or line of Credit, giving details of the interest, method of repayment and referring to the Loan agree Deed of Covenant/document of obligation appended hereto and the date on which it was executed.

When complete you should send this form, together with the appropriate fee and supporting documents (if required) to:

The Deputy Registrar
 IMMARBE Head Office
 Suite 204, Marina Towers, Newtown Barracks,
 Belize City, Belize, Central America
 Telephone: +501 223 5026 / 5031 / 5047
 Fax: +501 223 5048 / 5070 / 5087
 E-mail: immarbe@btl.net

OFFICIAL USE ONLY	
Entry in Register made on _____ / _____ / _____ (d/m/y)	
at _____ (time).	
By Officer (print name).....	



APPENDIX 5
INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE
Transfer of Mortgages and Transmission of Mortgage Interest by
Death, Bankruptcy Etc. Form

Official Number	IMO Number	Name of Ship	Port of Registry
Propulsion and Engine Details		Vessel Dimensions	
Propulsion:		Length:	meters
Type of Engines:		Breadth:	meters
Total Power:		Depth:	meters
Particulars of Tonnage			
GROSS TONNAGE:	tons	NET TONNAGE:	tons

THE MORTGAGE					
Mortgagor's Full Name		Mortgagee's Full Name		Transferee's Full Name	
Mortgagor's Address		Mortgagee's Address (Residential address - for an individual; Registered office address - for a body corporate; Principal place of business - for a statutory body or foreign body corporate)		Transferee's Address (Residential address - for an individual; Registered office address - for a body corporate; Principal place of business - for a statutory body or foreign body corporate)	
Telephone number		Telephone number		Telephone number	
Fax number		Fax number		Fax number	
E-mail address		E-mail address		E-mail address	

I / We, the above-mentioned Mortgagee, in consideration of the amount paid to me / us by the above-mentioned Transferee, hereby transfer the benefit of the within-written security to the above-mentioned Transferee

In witness whereof we have affixed our signature/common seal this Day of

Seal	Individual/Corporation	Attestation
	Name of Individual/corporation per..... Signature as Individual/Director/Secretary/Officer/ Attorney-in-fact (h) signature as Individual/Director/Secretary/ Officer/Attorney-in-fact (h) In the presence of the witness whose Attestation is given opposite	I, the notary (f)..... of (g)..... herely testify that in my presence (i) this Mortgage was signed by as Individual/Director/Secretary/Officer/ Attorney-in-fact (h), on behalf of the Mortgagor and..... as individual/Director/Secretary/Officer/ Attorney-in-fact (h), on behalf of the Mortgagee and (ii) the corporate seal (h)/personal seal (h) of the Transferee was affixed this.....day of..... Signature of witness.....

- * Document to be authenticated by a notary public.
- * Delete as necessary

NOTES:

- 1 If more than one mortgage then a separate mortgage is required from each mortgagor, unless the shares are jointly held.
- 2 The expression "Mortgagor" and "Mortgagee" used in this document shall include their heirs, successors, assigns, executors, administrators or any other legal representative.
- 3 Registered mortgagors and mortgagees are reminded of the importance of keeping the Deputy Registrar at IMMARBE's Head Office in Belize informed of any changes in residence and/or other contact details shown above.

When complete you should send this form, together with the appropriate fee and supporting documents (if required) to:

The Deputy Registrar
 INMARBE Head Office
 Suite 204, Marina Towers, Newtown Barracks,
 Belize City, Belize, Central America
 Telephone: +501 223 5026 / 5031 / 5047
 Fax: +501 223 5048 / 5070 / 5087
 E-mail: immarbe@btl.net

OFFICIAL USE ONLY
<p style="text-align: center;">Entry in Register made on _____ / _____ / _____ (d/m/y)</p> <p style="text-align: center;">at _____ (time),</p> <p>By Officer (print name).....</p>