

LEGISLATIVE DECREE NO. (14) (1978)
WITH REGARD TO THE
PROMULGATION OF REGISTRATION OF
SHIPS & DETERMINATION OF SAFETY
CONDITIONS ACT

WE, HAMAD BIN ISA , THE AMIR OF THE STATE OF BAHRAIN,

After review of Amiri Decree No, (4) (1975) .

And upon the presentation of the Minister of Finance and National Economy,

And after obtaining the consent of the Council of Ministers,

Promulgate the following Act

Article (1)

The Registration of Ships & Determination of Safety Conditions Act, attached to this Legislative Decree, shall come in force and any legislation inconsistent with its provisions, is hereby repealed.

Article (2)

All ministers – each according to his jurisdiction- shall implement this act, which shall be applied from first of January 1979 and shall be published in the gazette.

HAMAD BIN ISA AL KHALIFA
THE AMIR OF THE STAE OF BAHRAIN

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REGISTRATION OF SHIPS & DETERMINATION
OF SAFETY CONDITIONS ACT

Chapter (1)
Registration of Ships

Article (1)

- 1- No ship with a gross tonnage of 150 tons or more shall sail under the Bahraini flag without being registered according to the provisions of this Act.
- 2- In case of failure to register any ship according to the requirements of the law, it shall not be regarded as a Bahraini ship and it may be impounded until its captain presents the certificate of its registration. Should the ship sail under Bahraini flag without being registered as a Bahraini ship, the State shall have the right to impound such ship administratively according to the law.

Article 2

The Directorate of Ports shall be empowered to register ships. For this purpose a special registration office or more than one office shall be set up and a register shall be established there to be named the Register of Ships whose pages shall be given serial numbers and each page shall be stamped with the seal of the registration office. Each ship shall have a separate page in the above-mentioned register in which shall be entered all the relevant particulars with respect to the ship and the number thereof shall be the ship's registration number.

Article 3

The registration office shall maintain a book to be called 'Applications Book' in which shall be entered the registration applications and the documents in support thereof bearing serial numbers according to the sequence of their submission. The applicant shall be given a receipt showing the registration number, its date, time and the documents submitted with the application.

Article 4

- 1- The registration of any ship shall take place according to an application to be submitted by the ship-owner to the registration office. The application shall include the following particulars:
 - a) The present name of the ship and previous names. The ship shall not carry the name of another registered ship.
 - b) Port of registration.
 - c) Date and place of constructing the ship, or a declaration from the applicant on his lack of knowledge of the date or place of constructing the ship.

- d) Means of acquiring ownership of the ship.
 - e) Type of ship, kind of engine and capacity thereof.
 - f) Dimensions of the ship in length, width and draft.
 - g) The ship's net and gross tonnage.
 - h) Name, surname, occupation, residence and nationality of the owner/owners and statement of the share of each.
 - i) Master's name, surname, occupation, nationality and residence.
 - j) Captain's name, nationality, residence and qualifications.
 - k) Rights in kind accruing upon the ship.
 - l) Instances of impounding which have been imposed upon the ship.
- 2- The applicant shall attach to his application all the necessary documents evidencing the accuracy of the mentioned details and in particular his ownership of the ship, nationality, the company's memorandum of association, or an official copy thereof should the owner be a company. The applicant shall be required to submit a certificate concerning the deletion of the ship from the foreign ship register in which it was entered. The registration office shall maintain the original copies of the submitted documents or official copies thereof.
- 3- The applicant shall attach to his application a certificate from the directorate of ports approving the name of the ship. The ship's name shall only be altered with the approval of the Directorate of Ports.

Article 5

Should the ownership of the ship be gained outside the state, the consul of the State of Bahrain, may upon a requisition from the owner and after inspecting the ownership documents, grant the ship a temporary certificate authorizing it to sail under the Bahraini flag on a direct voyage to one of the ports of the State of Bahrain.

Article 6

- 1- After effecting the registration, the Registration Office shall issue a registration certificate containing all the particulars entered in the page assigned to the ship in the Register. The said certificate shall not be delivered to the owner of the ship before carrying out the following:
- a) To display the name of the ship on its bow from both sides in the Arabic language and in Latin letters in a prominent place and with a colour which is different from that of the ship.
 - b) To display the name of the ship and the country of registration with the same letters on its stern.
 - c) To inscribe the ship's registration number and registered net tonnage on its starboard beam.

- d) To inscribe the draft of the ship in feet and in clear figures on its bow and stern.
- 2- If this certificate is lost or damaged, the Registration office shall issue a new certificate after being satisfied that it has been lost or damaged.

Article 7

- 1- Should the ownership of the registered ship or any part thereof be transferred, the new owner shall submit an application for entering the transfer of ownership in the Register. The application shall include the following particulars:
 - a) The name of the ship and registration number.
 - b) The name, surname, occupation and nationality of both the former owner and the new owner.
 - c) Reason for the transfer of ownership and the price in case of sale.
 - d) The conditions mentioned in the transfer documents.
- 2- The application shall be accompanied with the documents evidencing above-mentioned particulars.
- 3- The registration office shall identify the persons concerned and the degree of their competence.
- 4- The above-mentioned provisions shall apply to the establishment, transfer or amendment of any right in kind accruing open the ship.

Article 8

The owner of the ship, or his heirs in case of his death, its master or captain shall immediately notify the Registration office in writing of any alteration occurring to the particulars entered in the Register. The application for introducing any amendment shall be submitted together with the relevant documents within fifteen days from the date of such amendment. The office shall enter the said amendment in the ship's page in the Register. In this case, it is necessary to submit the registration certificate with the application for the amendment so as to indicate that the amendment has been made if the said amendment so as to indicate that the amendment has been made if the said amendment has taken place during the presence of the ship in the state of Bahrain. However, if the said amendment has taken place during the absence of the ship from the port of registration, the certificate should be submitted immediately after the arrival of the ship in the said port.

Article 9

- 1- Any law suit concerning any right accruing against the ship - which should legally be proclaimed - shall be entered in the ship's page in the register. In this case, the Court's Clerk Department shall immediately serve notice to the Registration Office of filing the said law suit to effect the above-mentioned entry.
- 2- Any entry court order passed with respect to the law suit indicated in the previous paragraph, shall be entered in the page assigned for registration. For

this purpose, the Court's Clerks Department shall notify the Registration office of the relevant court order.

Article 10

- 1- Registration of any ship shall be deleted if the vessel is destroyed or if it has lost the nationality of the State of Bahrain or if a Res Judicata judgment has been passed. In such cases, the ship's owner, master or captain shall immediately notify the Registration Office if possible. Should any of these cases occur abroad, the registration certificate shall be handed over to the nearest Bahraini Consulate or any other consulate representing the state of Bahrain, in case a Bahraini consulate is not available.
- 2- Entries with regard to rights and claims shall be deleted upon the mutual agreement of the persons concerned or by virtue of a Res Judicata judgment. In this latter case, the Court's Clerks Department shall immediately notify the Registration Office so as to effect the deletion.

Article 11

- 1- Should the deletion be the result of an incident or a legal disposal, the persons concerned shall be required to submit the application for deletion within 15 days from the date of the said incident or disposal. The application shall include the following:
 - a) Applicant's name, surname occupation, nationality and residence.
 - b) The ship's name and registration number.
 - c) The right or entry required to be deleted.
 - d) Reason for deletion and documents supporting thereto.
- 2- The deletion shall be indicated in the registration certificate and the Registration office shall grant a certificate showing that the deletion has taken place.

Article 12

- 1- The Registration Office shall delete the registration of the ship in case of failure to comply with the conditions to be fulfilled in the sailors, navigators and the captain to the conditions with regard to seamen under training.
- 2- These conditions shall be determined by a resolution to be passed by the council of Ministers.

Article 13

Each legal disposal or incident or court order resulting in the establishment, transfer, amendment or forfeiture of a right in kind upon a registered ship and each disposal which is required to be pro-claimed according to the law shall not be valid against the persons concerned or against third parties unless it is registered in the Ships Register. The persons concerned shall have the right to apply for registration, and should any

of them abstain, the case may be referred to the court of law to issue an order as it deems fit

Article 14

Sequence of registration shall be according to the priority of entry in the applications book.

Article 15

The registration certificate shall only be used for a ship sailing in a legal manner. The said certificate may not be assigned or impounded for any reason or debt of whatever kind it may be.

Article 16

Each person may apply to the Registration Office to obtain a summary of the particulars included in the ship's registration page or the documents maintained in the office.

Article 17

Fees to be charged for the registration of ships' amendment of particulars, deletion, certificates and facsimiles obtained from the register or documents shall be determined by an order to be issued by the Minister of Finance and National Economy after the approval of the Council of Ministers.

Chapter II

Safety:

Article 18

- 1- No ship registered in the State of Bahrain shall sail unless it has obtained a navigation license to be granted in accordance with the provisions of this chapter.
- 2- In case it is a passenger ship, it shall also be required to obtain a passenger certificate specifying the number of passengers in each class and the type of voyage in accordance with the rules for which an order shall be issued by the Minister of Finance and National Economy.
- 3- The ship shall be required to obtain a safety certificate and a safety equipment certificate as the case may be according to the provisions of international agreements relating to the safety of lives in seas and shipping lines and the rules stipulated by this Act.

Article 19

Depending on authorized shipping classification companies certificates, the Directorate of Ports, shall grant navigation license, passenger certificate, safety certificate and safety equipment certificate shall be issued upon an application by the parties concerned. An order to be issued by the Minister concerned shall determine the particulars to be mentioned in the application and the documents to be attached therewith.

Article 20

- 1- The documents mentioned in the previous article shall not be issued before surveying the ship and ensuring that all its parts fulfill all the conditions stipulated in this **Act** and the ministerial orders to be issued for its implementation.
- 2- The navigation license shall specify the maximum number of persons which the ship may transport.
- 3- The survey which precedes the issue of any license or certificate shall take place in the ports of the State of Bahrain and under the supervision of the experts of the Directorate of Ports or the experts of the authorized shipping classification companies. The survey may take place upon the request of the person concerned in a foreign port at his expense.
- 4- If the ship is registered with one of the shipping classification organizations, it shall be exempted from each new survey with respect to the parts of the ship which have been subject of inspection by the said organization.
- 5- A ministerial order to be issued by the Minister of finance and National Economy shall determine the shipping classification companies whose certificates shall be approved in the State of Bahrain with respect to the classification of ships, determination of the sea worthiness of the hull and the ship's engines as well as the determination of the shipping lines and safety certificates. The issue of all these certificates shall be at the expense of the owner of the ship.

Article 21

- 1- The navigation license shall be valid for a renewable period of one year. In all cases, the conditions required for issuing the license should be fulfilled by the ship.
- 2- The renewal application shall be submitted in the manner and the dates to be determined by an order to be issued by the Minister of Finance and National Economy.
- 3- Should the ship sustain during the period of the license any damage that may endanger it, or if it undergoes any substantial alterations, its captain should immediately notify the Directorate of Ports to suspend the navigation license,

passenger certificate and safety equipment certificate. These documents shall only be effective after conducting a new survey.

- 4- If the period of the license expired during a voyage, it shall be extended by virtue of the law until the ship enters the first port in the State of Bahrain or the first port which has a consul of the State or a consul of the State representing the State of Bahrain. At any rate, the license period shall not be extended for more than 30 days.

Article 22

The ship survey may be conducted and navigation license may be obtained in a foreign port under the supervision of the consul of the state of Bahrain or the consul of the embassy of the state representing the state of Bahrain with the assistance of one of the authorized shipping classification organization, if present. If the consul of the State of Bahrain is not available or if a shipping classification organization is not present, the survey may be conducted and the license may be issued by the authorized maritime authority in the said port. The license issued by the said authority shall be submitted to the Directorate of Ports for approval as soon as the ship arrives in the first port in the State of Bahrain.

Article 23

In case of necessity, the Directorate of Ports or the consul of the State of Bahrain or the consul of the State representing the State of Bahrain abroad may issue a temporary navigation license for the ship to go on a particular voyage.

Article 24

- 1- No foreign ship may sail from one of the ports of the State of Bahrain or sail in its territorial waters unless it fulfills the safety conditions in accordance with the provisions of international agreements relating to the safety of lives in seas and shipping lines.
- 2- No foreign passenger ship may transport passengers from a port in the State of Bahrain without having obtained a passenger certificate.

Article 25

- 1- At all times the Directorate of Ports shall have the right to maintain control and inspection of ships which are present in the territorial waters of the State of Bahrain whether they are foreign or carry the nationality of the State of Bahrain.
- 2- As for the ships carrying Bahraini nationality, control measures embrace checking the registration of the ship and its possession of a navigation license, safety certificate, safety equipment certificate or passenger certificate as well

as scrutinizing the worthiness of engines and boilers and maintenance thereof, and the fulfillment of legal conditions relating to the number of sailors and their qualifications, and compliance with the permitted number of passengers and the adequacy of safety and rescue equipment and adherence to shipping routes and technical rules for loading cargo on board the ship and on its deck.

- 3- As for foreign ships, control measure include checking the fulfillment of the conditions provided for in international agreement relating to the safety of lives in seas and shipping lines and other international agreement.
- 4- As for ships assigned to the transport of pilgrims, control measures including ensuring the fulfillment of conditions relating to the transport of pilgrims.

Article 26

Each ship should maintain a medical and health service in accordance with the rules and regulations in this respect.

Article 27

The Director of the Directorate of Ports or whoever acts on his behalf in the port where the ship is present may forbid it from sailing if it fails to fulfill the conditions stipulated in the foregoing articles, and he may revoke such order and allow it to depart.

Article 28

- 1- Each ship registered in the State of Bahrain should have a registration certificate, navigation license, safety certificate, log book, engines book, sailors book and the certificate pertaining to the qualifications of the captain, navigation officers, engineers, wireless officers and sailors and the travel permit, statement of the ship's cargo approved by the customs office and a health certificate from the health authorities, a receipt for payment of port fees, copy of this law and the maritime law.
- 2- As for the ships used for fishing, they should have the licenses relating to fishing together with the certificates provided for in the previous clause.

Article 29

Representatives of the Ports Directorate and consuls of the State of Bahrain or consuls of embassies of states representing the state of Bahrain abroad shall be empowered to go on board ships to inspect them and to be satisfied of the fulfillment of the conditions and availability of the documents required by the law, and they shall have the right to inspect the above-mentioned documents. Their proceedings shall be recorded in minutes to be maintained by the authorities concerned and they shall be entered in the ship's log book.

Article 30

- 1- Decisions issued with respect to rejecting the grant of a navigation license, safety certificate, passenger certificate and barring the ship from departure or repealing thereof should be substantiated. The applicant shall be notified of such rejection decisions and the captain shall be immediately notified of the decision barring the ship from departure or permission to sail.
- 2- Persons concerned may appeal against the above-mentioned decisions to the minister concerned or whoever is authorized by him for this purpose within three days from the date of notification. A decision with respect to the appeal shall be made within 10 days from the date of its submission after being acquainted with the views of the authorities which have made the said decision, otherwise the appeal shall be deemed to have been sanctioned.

Chapter III

Penalties

Article 31

- 1- Anyone who runs a ship sailing under the Bahraini flag without being registered according to the provisions of this law shall be punished with imprisonment for a period of no more than one year and a fine not exceeding BD 1,000 or with either penalty.
- 2- The court of law may order the confiscation of the ship.

Article 32

Imprisonment for a period of no more than 6 months and a fine not exceeding BD 300 or either penalty shall be inflicted upon:

- 1- Any person who runs a ship without obtaining a navigation license or safety certificate, as well as the safety equipment certificate and passenger certificate in case they are required.
- 2- The ship's captain and master if the ship sailed despite the issue of a decision barring it from departure.
- 3- Any person who runs a ship under certificate or licenses which are not effective.

Article 33

Imprisonment for a period of no more than 3 months and a fine not exceeding BD 200 or either penalty shall be inflicted upon:

- 1- The ship-owner who fails to apply for entry of amendments according to Article 8 of the this Act.
- 2- The ship-owner who fails to apply for deletion of registration in the cases provided for in Articles 10 and 11 of this Act.

- 3- The captain who fails to notify the Ports Directorate of the damage or alteration provided for in Article 21 of this Act.
- 4- The captain of the ship which does not have the papers and documents provided for in Article 28 of this Act.
- 5- Each person who obscures, defaces, obliterates or blots out any of the particulars provided for in Article 4 unless his intention was to escape being captured by the enemy without prejudice to any harsher penalty imposed by any other law.

Article 34

Imprisonment for a period of no more than one month and a fine not exceeding BD 100 or either penalty shall be inflicted upon:

- 1- Each person who violates the regulations and ministerial orders issued for the implementation of this law.
- 2- Each person who impedes the functioning of the authorized employees or the experts appointed by the Directorate of Customs or Directorate of Ports.
- 3- The Ship's master or captain if the ship does not have the medical and health services provided for in Article 26 of this Act.

Article 35

All the provisions which are inconsistent with this Act are hereby repealed.

Article 36

The Minister of Finance and National Economy shall issue the regulations for implementing this law.