



BELIZE

REGISTRATION OF MERCHANT SHIPS ACT CHAPTER 236

REVISED EDITION 2000 SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
REGISTRATION OF MERCHANT SHIPS ACT	5
Amendments in force as at 31st December, 2000.	



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CHAPTER 236**

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CHAPTER 236

REGISTRATION OF MERCHANT SHIPS

ARRANGEMENT OF SECTIONS

Preliminary

1. Short title.
2. Interpretation.

Establishment of IMMARB

3. Establishment of International Merchant Marine Registry of Belize.
4. Registrar and Deputy Registrars of Merchant Shipping.

Registration of Ships

5. Application for registration of ships.
6. Types of registration.
7. Documents necessary for registration.
8. Schedule of fees.
9. International Merchant Marine Register of Belize and certificate of registry.

Transfers and Transmissions

10. Transfer of ownership of vessel.
11. Mortgage of vessels.
12. Vessels with previously registered mortgage.

Registration of Particulars

13. Registration of titles and other documents.
14. Procedure for preliminary registration.
15. Procedure for permanent registration.
16. Fees for registration of documents relating to ships.

Shipping Agents

17. Shipping agents.

Dual Registration

18. Dual registration.
19. Payments during period of dual registration and other matters.
20. Registration of vessels under a charter contract.

Maritime Liens

21. Maritime liens.
22. Extinguishment of maritime liens.
23. Contracts to manage IMMARBE abroad.
24. Regulations.
25. Revocation of registration for illegal activities.
26. Offence and penalty.

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 236

REGISTRATION OF MERCHANT SHIPS

[20th December, 1989]

Preliminary

CAP. 196C,
R.E. 1980-1990.
32 of 1989.
5 of 1996¹.
S.I. 107 of 1992.
S.I. 55 of 1999.

- 1. This Act may be cited as the Registration of Merchant Ships Act. Short title.
- 2. In this Act, unless the context otherwise requires- Interpretation.

“certificate of registry” means the certificate granted under section 9 of this Act;

“Deputy Registrar” means a Deputy Registrar of Merchant Shipping appointed under section 4 of this Act;

“designated office” means any office designated by the Attorney-General for the operation of IMMARBE, whether within or outside Belize;

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

“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 this Act to house the main operations of IMMARBE; 5 of 1996.

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

¹ Act 5 of 1996 came into force on the 20th May, 1996, by virtue of Statutory Instrument 73 of 1996.

“Register” means the International Merchant Marine Register of Belize maintained under section 9 of this Act;

“Registrar” means the Registrar of Merchant Shipping designated under section 4 of this Act;

5 of 1996

“Senior Deputy Registrar” means the Senior Deputy Registrar of Merchant Shipping appointed under section 4 of this Act;

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

“ship” means and includes every description of vessel, boat or other craft used in navigation;

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

“vessel” includes any ship or boat, or any other description of vessel used in navigation;

“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.

Establishment of IMMARBE

Establishment of International Merchant Marine Registry of Belize.

3.-(1) There is hereby established an “International 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.

(2) The Registrar shall designate a head office for IMMARBE.

Registrar and Deputy Registrars of Merchant Shipping.

4.-(1) The Solicitor-General, for the time being, shall be the Registrar of Merchant Shipping for the purposes of this Act.

- (2) The Registrar may appoint Deputy Registrars of Merchant Shipping to facilitate the operations of IMMARBE both within and outside Belize. 5 of 1996.
- (3) The Registrar may appoint a Senior Deputy Registrar of Merchant Shipping to assume responsibility for the operations of the Head Office. 5 of 1996.
- (4) The Senior Deputy Registrar shall have all the powers of the Registrar except the powers contained in this section or in section 3 (2). 5 of 1996.
- (5) 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 Senior Deputy Registrar. 5 of 1996.
- (6) The day-to-day operations of IMMARBE shall be conducted by the Head Office and the Senior Deputy Registrar, who shall have authority to pass resolutions and issue circular letters to facilitate the implementation of the provisions of this Act and any regulations made thereunder. 5 of 1996.
- (7) All Deputy Registrars shall comply with and assist in the implementation of the resolutions and circular letters referred to in subsection (6) above and follow all instructions and directives given to them by the Registrar or by the Senior Deputy Registrar. 5 of 1996.

Registration of Ships

- 5.-(1) Any person of the age of majority or the duly authorised representative of such person, or a body corporate (whether established in Belize or elsewhere), may apply to register a vessel in IMMARBE by submitting an application in the prescribed form to any of the offices of IMMARBE whether within or outside Belize. Application for registration of ships.
- (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 and the documents as specified in section 7. First Schedule.
- 6.-(1) Every vessel accepted for registration in IMMARBE shall first be granted a provisional registration which shall be valid for six months. Types of registration. 5 of 1996.

- 5 of 1996. (2) Notwithstanding subsection (1) above, an applicant may apply immediately for permanent registration of a vessel in accordance with section 7 (3).
- 5 of 1996. (3) Prior to the expiration of the period of provisional registration, an applicant shall apply for the permanent registration of the vessel in accordance with the provisions of this Act or any regulations made thereunder.
- 5 of 1996. (4) Notwithstanding subsection (2) above, an applicant may apply for up to two quarterly extensions of the period of provisional registration upon payment of the prescribed fees.
- Documents necessary for registration.
5 of 1996. 7.-(1) Every application for provisional registration 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 vessel's agent.
- 5 of 1996. (2) Every application for permanent registration of a vessel in IMMARBE shall be preceded by the permanent registration of the title thereto at the Head Office.
- 5 of 1996. (3) Subject to subsection (2) above, every application for permanent registration shall be submitted to the Head Office, and shall be accompanied, where applicable, by the following documents:-
- (a) a duly notarised bill of sale, or a duly notarised 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 notarised power of attorney in favour of the shipping agent of the vessel; and
 - (d) in the case of a vessel which is over twenty years old, an inspection report prepared by an authorised Government

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.

8.-(1) There shall be paid to IMMARBE the several fees set out in the First Schedule to this Act for the registration of vessels and for the maintenance of such vessels in good standing under the flag of Belize: Schedule of fees.
First Schedule.

Provided that an applicant for the registration of yachts, pleasure craft or any non-profit vessels exclusively for private use shall only be required to pay an initial registration fee of five hundred dollars and an annual tax of one thousand dollars. Such craft shall be exempt from the payment of annual service tax and the annual inspection tax specified in the said Schedule.

(2) The Attorney General may from time to time by Order published in the *Gazette* amend the First Schedule.

9.-(1) There shall be maintained in 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 and such particulars as the Registrar may specify from time to time. International
Merchant Marine
Register of Belize
and certificate of
registry.
5 of 1996.
5 of 1996.

(2) All Deputy Registrars operating in designated offices shall maintain a record comprising of information concerning the vessels registered in IMMARBE through them and such particulars as the Registrar may specify from time to time.

(3) 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 grant a certificate of registry (provisional or permanent) comprising the particulars respecting the vessel entered in the Register. 5 of 1996.

5 of 1996. (4) 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.

Transfers and Transmissions

Transfer of ownership of vessel. 10.-(1) The ownership of a registered vessel shall be transferred by bill of sale followed by the delivery of the vessel to the purchaser.

5 of 1996. (2) The execution by the purchaser of a protocol of delivery and acceptance shall be deemed sufficient evidence that the vessel has been delivered to the purchaser.

5 of 1996. (3) 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 of 1996. (4) The registration of the title to the vessel at the Head Office shall be necessary to complete the vessel's registration and the permanent registration of a mortgage thereon.

Mortgage of vessels. 11.-(1) The owner of a vessel may execute a mortgage as security for a loan or other valuable consideration or to meet any lawful obligation, present or future.

(2) The mortgage, duly executed by the owner or his authorised representative, shall be registered at IMMARBE's Head Office in order to create *in rem* rights against the vessel.

(3) The deed of mortgage may be executed in the form prescribed by regulations made hereunder and shall be signed by the owner as mortgagor and shall contain the following information:-

- (a) names and addresses of the mortgagor and the mortgagee;
- (b) maximum amount secured by the mortgage, including (in ad-

dition to the capital) all interest accrued, costs, collection expenses, any amounts resulting from currency fluctuations and other sums agreed between the parties;

- (c) maturity dates of both capital and interest or the manner of determining these dates, unless the mortgage has been executed as security for obligations repayable on demand or as security for future obligations or for obligations which have not arisen at the date of execution of the mortgage;
- (d) rate of interest payable (in cases where the parties have agreed on the payment of interest), or the manner of determining such rate of interest;
- (e) full description of the vessel, including its tonnage, dimensions, registration number and radio call sign;
- (f) any other provisions that may be agreed between the parties.

(4) The signature(s) on the deed of mortgage shall be authenticated in like manner as prescribed in section 10 (3) of this Act before the deed can be registered at the Head Office. 5 of 1996.

(5) The mortgage deed may stipulate that the mortgagee may proceed to the private sale of the vessel in the event of default by the mortgagor.

12.-(1) The vessels which are subject to a registered mortgage in their previous registry shall deliver the mortgagee’s written consent to the transfer of flag not later than sixty calendar days after their provisional registration at IMMARBE. Every such document shall be notarised by a notary public. Vessels with previously registered mortgage.

(2) The mortgagee’s written consent, duly notarised, shall also be required for the issue of new navigation licences due to transfer of ownership, or the change of name of the vessel or the shipowner, as well as for the vessel’s deregistration.

Registration of Particulars

- Registration of titles and other documents.
5 of 1996.
- 13.-(1) The registration of 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 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.
- Procedure for preliminary registration.
5 of 1996.
- 14.-(1) The preliminary registration of documents shall be effected at the Head Office through IMMARBE'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.
- (3) Where any such application is received and processed at one of IMMARBE's designated offices abroad, it shall be promptly transmitted to IMMARBE's head office by telex or facsimile service.
- 5 of 1996.
- (4) With every application for preliminary registration, the applicant shall deliver, in duplicate and duly authenticated in like manner as provided in sections 10 (3) and 11 (4) of this Act, the documents desired to be so registered.
- 5 of 1996.
- (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 and shall issue or authorise the corresponding designated office to issue the certificate of preliminary registration.
- 5 of 1996.
- (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.

15.-(1) The permanent registration of 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 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.

Procedure for permanent registration.
5 of 1996.

(2) If the documents presented for permanent registration have been preliminarily registered at IMMARBE in accordance with section 14 of this Act, the applicant shall resubmit the same set of documents returned to him pursuant to subsection (6) of that section.

5 of 1996.

(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.

5 of 1996.

(4) The documents shall 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 of 1996.

(5) After permanent registration has been completed, one registered certified true copy of the file 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.

5 of 1996.

16.-(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 14 and 15 above.

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

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

Shipping Agents

Shipping agents. 17.-(1) Every vessel registered in IMMARBE shall have at all times a shipping agent in Belize appointed by the shipowner.
5 of 1996.

5 of 1996. (2) Only:-

CAP. 320. (i) an attorney-at-law who holds a current practicing 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 Attorney General, may act as a shipping agent.

5 of 1996. (3) The Attorney General 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.

5 of 1996. (4) Notwithstanding the provisions of subsection (2) above, the Attorney General 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 shipowner or his duly authorised representative. 5 of 1996.

(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 vessel registered in IMMARBE may continue to employ such shipping agents. 5 of 1996.

Dual Registration

18.-(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 notarised letter of consent from the mortgagee shall also be submitted. 5 of 1996.

(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, which period may be extended on reasonable 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.

19.-(1) For the duration of the dual registration provided for in section 18, 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. Payments during period of dual registration and other matters. 5 of 1996.

(2) Notwithstanding subsection (1) above, the applicant may deliver certified true copies of the documents registered at the Head Office to the authorities of 5 of 1996.

the second Registry in order to render such documents a matter of public record at such Registry.

Registration of
vessels under a
charter contract.
First Schedule.
5 of 1996.

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

(2) IMMARBE shall, upon payment of the fees specified in the First Schedule, issue a special navigation and radio licence 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.

5 of 1996.

(3) In every case of registration under this section, a notarised 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 designated office for record.

5 of 1996.

(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 mother registry.

Maritime Liens

Maritime liens.

21. The several sums and credits set out below shall, in the order of priority shown herein, constitute maritime liens against the vessel-

5 of 1996.

- (a) judicial costs and other similar collection expenses;
- (b) salaries and any other labour payments owed to the captain and other crew members for the last voyage of the vessel;
- (c) all amounts owed for the docking of the vessel and for its loading and unloading;
- (d) indemnifications owed by reason of damages caused during the operation of the vessel due to negligence or other causes attributable to the captain or any member of the crew;

- (e) the registered ship mortgage;
- (f) amounts owed by reason of obligations incurred to supply, maintain and operate the vessel;
- (g) amounts owed under the terms of any charter or cargo contracts;
- (h) the unpaid price of the last purchase of the vessel and interest owed thereon during the last two years.

22.-(1) Notwithstanding the admiralty jurisdiction of the Supreme Court under the Supreme Court of Judicature Act, all maritime liens against a vessel shall be extinguished:-

Extinguishment of maritime liens.
CAP. 91.

- (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.

5 of 1996.

(2) For the purpose of paragraph (b) of subsection (1) above, the period of three calendar months shall commence from the date on which the title of ownership is registered at IMMARBÉ's designated office.

(3) Notwithstanding subsection (1) above, the registered ship mortgage shall continue in full force and effect until such time as the discharge has been duly executed by the mortgage and registered at the Head Office or the mortgage is cancelled as a result of the sale of the vessel pursuant to a court order.

5 of 1996.

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

Contracts to manage IMMARBÉ abroad.

(2) Any such contract as is referred to above may authorise the person or body corporate with whom it is made to do all things necessary for IMMARBÉ's operations, including the designation of world-wide representatives of

IMMARBE, approval of classification societies and radio accounting authorities, appointment and approval of world-wide inspectors, and establishment of IMMARBES 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 IMMARBES operations.

Regulations.

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

5 of 1996.

(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.

Revocation of registration for illegal activities.
5 of 1996.

25. Where a vessel registered in IMMARBES 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 revoke the registration of such vessel from IMMARBES or impose a fine not exceeding fifty thousand dollars.

Offence and penalty.

26. 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.

5 of 1996.

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

55 of 1999.

1.	<u>REGISTRATION FEES:</u>	<u>US\$</u>
	(a) Vessels of up to 500 G.T.....	\$ 200.00
	(b) Vessels of 501 to 1,000 G.T.....	\$ 300.00
	(c) Vessels of 1,001 to 2,000 G.T.....	\$ 500.00
	(d) Vessels of 2,001 to 5,000 G.T.....	\$1,000.00
	(e) Vessels of 5,001 to 10,000 G.T.	\$1,100.00
	(f) Vessels of 10,001 to 20,000 G.T.	\$1,200.00
	(g) Vessels of more than 20,000 G.T.....	\$1,500.00

2. ANNUAL TAX:

US\$0. 10 per net ton or fraction thereof.

3 ANNUAL SERVICE TAX:

(a)	Vessels of up to 500 G.T.....	\$ 200.00
(b)	Vessels of 501 to 1,000 G.T.....	\$ 300.00
(c)	Vessels of 1,001 to 2,000 G.T.....	\$ 500.00
(d)	Vessels of 2,001 to 5,000 G.T.....	\$1,000.00
(e)	Vessels of 5,001 to 10,000 G.T.....	\$1,500.00
(f)	Vessels of 10,001 to 20,000 G.T.....	\$1,200.00

(g)	Vessels of more than 20,000 G.T.....	\$1,500.00
4.	<u>ANNUAL INSPECTION TAX:</u>	<u>US\$</u>
(a)	Vessels of 0 to 1,500 G.T.....	\$ 500.00
(b)	Vessels of 1,501 to 8,000 G.T.....	\$1,000.00
(c)	More than 8,000 G.T.	\$1,500.00
5.	<u>DOCUMENTARY FEES AND OTHER TAXES:</u>	
(a)	New licences due to transfer of Ownership.....	\$ 750.00
(b)	New licences for amendment in vessel's structure or particulars, other than simple corrections.....	\$ 500.00
(c)	Deregistration.....	\$ 750.00
(d)	Issuance of duplicate navigation licences due to loss or destruction of the original(s).....	\$ 300.00
(e)	Dual registration fee.....	\$ 500.00
(f)	Extension of navigation licences.....	\$ 300.00
(g)	Reservation of vessel's name	\$ 20.00 <i>per month.</i>

6. INCENTIVE FOR REGISTRATION OF SEVERAL VESSELS

BY THE SAME OWNER:

Upon application by the same owner or his agent to register more than one vessel at the same time or within a specified period determined by the Registrar, an incentive rate reduction of the registration fee and/or first year’s annual service tax may be approved by the Registrar on the recommendations of the IMMARBE’s Head Office.

7. PENALTY FOR LATE PAYMENT OR FILING:

7.1 If a fee or tax is not paid on the due date, a penalty of 10% shall be charged on all outstanding payments.

7.2 A penalty of US\$500.00 shall be charged for non-submission of vessel’s documents.

8. REGISTRATION OF SPORTING, RECREATIONAL AND NON-COMMERCIAL VESSELS

S.I. 123 of 1992.

US\$

8.1 Registration fee (including first year’s annual tax).....\$750.00

8.2 Annual tax (for second and subsequent years).....\$500.00.

N.B. “G.T.” means gross tonnage

S.I. 107 of 1992.

SECOND SCHEDULE

[Section 16 (1)]

US\$

1. Preliminary registration of each document.....\$500.00 (in addition to all necessary expenses)
2. Permanent registration of each document:
 - (a) Ownership documents\$300.00
 - (b) Ship mortgages\$750.00
 - (c) Mortgage supplements, addenda or assignments\$300.00
 - (d) Discharge deeds\$200.00