



BELIZE

**MERCHANT SHIPS (REGISTRATION) ACT
CHAPTER 236**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.



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CHAPTER 236

MERCHANT SHIPS (REGISTRATION)

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CHAPTER 236

MERCHANT SHIPS (REGISTRATION)

22 of 2010.
S.I. 102 of 2010.

[1st November, 2010]

PART I

Preliminary

1. This Act may be cited as the Merchant Ships (Registration) Act. Short title.

2.-(1) In this Act, unless the context otherwise requires, “Act” means this Act; Interpretation.

“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;

“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 this 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.

Establishment of
International
Merchant Marine
Registry of
Belize.

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.

(2) The Registrar shall designate the Head Office of IMMARB E in Belize to house the main operations of IMMARB E.

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 ships.

(2) Notwithstanding subsection (1) of this section, 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) of this section and follow all instructions and directives given to them by the Registrar or the Senior Deputy Registrar.

PART II

Registration of Ships

Application for 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.

(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.

Type of registration.

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.

(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.

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.

Documents
necessary for
registration.

(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) of this section, 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.

Registration in special circumstances.

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 of this Act, 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.

(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 7(1) 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 of this Act. For the purpose of this subsection and Section 34 of this Act, the certificate issued by the shipyard, as provided in subsection (3) of this section, shall be considered as the ownership title to the vessel under construction.

Vessels 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) of this section, 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.

Schedule of Fees.

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.

(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.

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

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,

International
Merchant Marine
Register of
Belize.

- (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) of this section, 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.

(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.

Port of Registry.

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

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

Measurement and survey of ships.

(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) of this section 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) of this section, 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.

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.

Change or rebuilt of ships after survey.

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.

Computation of fees in case of varying particulars.

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.

Use of certificate of registry.

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 this Act.

Loss of certificate of registry.

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.

Change of ownership of ship.

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.

(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.

Loss, etc., of a registered ship.

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.

Transfer of Belizean ship to foreign registry.

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,

(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.

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.

Grant of temporary permit.

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.

Forms of Certificate of Registry.

PART III

Name and Flag 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

Name of ships.

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 bow 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.

Marking of ships
after registration.

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

- (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.

Flag of Belize.

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

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.

Unlawful use of Belize Flag.

(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

30.-(1) Save as otherwise provided in Section 11 of this Act, 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.

Transfer of ownership of a ship.

(2) For the purpose of subsection (1) of this section, 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) of this section, the Registrar may accept any evidence he considers appropriate as evidence of delivery for the purpose of subsection (1) of this section.

Death,
bankruptcy, etc.,
of registered
owner.

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,

- (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.

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.

Sale of ship by order of Court.

PART V

Registration of Particulars

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,

Registration of titles and other documents.

- (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 of this Act 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 stated in section 13(1) and/or section 15(1) of this Act, 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 of this Act, 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) of this section 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 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.

(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.

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 of this Act.

(2) The Minister may from time to time by Order published in the

Shipping agents.

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

(2) Only,

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

(4) Notwithstanding the provisions of subsection (2) of this section, 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

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.

Mortgage of a vessel.

(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) of this Act 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.

(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.

Amendment.

(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.

Instruments of mortgage.

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 this Act.

(2) Mortgages executed in the manner prescribed by the Registration of Merchant Ships Act No. 32 of, 1989, as amended, and the Registration of Merchant Ships (Registration and Miscellaneous Provisions) Regulations, 1991, in Statutory Instrument No. 111 of 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.

Registration of mortgage by Head Office.

41. Where a mortgage executed by the owner or his authorized representative in accordance with section 40 of this Act 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.

Priority of recorded mortgages.

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.

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

Prohibition to create further mortgage.

(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.

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 on a provisionally registered ship.

45. Subject to section 50 (2) of this Act, a mortgage registered pursuant to section 44 of this Act, 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 to remain registered after termination of provisional registration of vessel.

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.

Mortgage over vessel under construction.

Mortgage in favour of security trustee.

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.

Priority notices.

48.-(1) Notwithstanding the provisions of section 43 of this Act, 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.

(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.

Discharge of mortgage.

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.

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

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 un-discharged registered mortgage of that 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, in Statutory Instrument No. 56 of 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 un-discharged registered mortgage over that ship.

(2) Subsection (1) of this Act 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) of this section, 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.

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

Mortgagee not owner of the ship.

52.-(1) Subject to subsection (1) of section 53 of this Act, 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.

Mortgagee's power to sell the vessel.

(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.

Procedure to sell vessel.

53.-(1) Notwithstanding the admiralty jurisdiction of the Supreme Court under the Supreme Court of Judicature Act, Cap.91, 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.

(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.

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.

Mortgage not affected by bankruptcy.

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.

Transfer of registered mortgage.

(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) of this section, 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) of this section, 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

Vessels subject to mortgage in previous registry.

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.

Mortgagee's consent for issue of new certificate of 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.

Priority of undischarged Mortgage of vessel's previous registry.

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

PART VII

Maritime Liens

Explanation of Maritime Liens.

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

- 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. Maritime Liens extend to vessel's appurtenances and accessories.
- 61.** A vessel shall constitute a security for a debt or other obligation either by agreement or by operation of law. Vessel as security for a 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. Sale of vessel subject to a maritime debt.
- 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, Maritime liens.
- (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.

Execution of
maritime liens.

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

- (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.

65. The maritime liens set out in section 63 of this Act 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.

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.

Priority between maritime liens in respect of salvage.

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

Extinguishment of maritime liens.

- (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 paragraph
- (b) of this section.

68. For the purpose of section 67(b) of this Act, the period of three calendar months shall commence from the date on

Calculation of time for maritime liens.

which the title of ownership is registered at IMMARBE's Head Office.

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

69. Notwithstanding section 67(b) or (c) of this Act, 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.

Computation of time for expiry of maritime liens.

70. The one year period referred to in section 67(c) of this Act shall commence,

- (i) with respect to the maritime liens set out in section 63(c) of this Act, upon the claimant's discharge from the vessel;
- (ii) with respect to the maritime liens set out in section 63 (b) and section 6 (e) to 63 (i) of this Act, when the claims secured thereby arise.

PART VIII

Bareboat Charter Registration

Dual 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.

(2) For the purpose of subsection (1) of this Act, 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.

72.-(1) For the duration of the dual registration provided for in section 71 of this Act, 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.

Payment during period of dual registration.

(2) Notwithstanding subsection (1) of this section, 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.

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

Registration of vessels under a charter contract.

(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

Interpretation of terms in this Part.

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

“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;

“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 of this Act.

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

“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;
“salvor” means any person rendering salvage services;

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

- 75.** (a) Shipowners and salvors may limit their liabilities in limit liability 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.

Persons entitled to limit liability.

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

Claims subject to limitation.

- (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) of this section 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) of this section, shall not be subject to limitation to the extent that they relate to remuneration under a contract with the person liable.

Invoking limitation not an admission of liability.

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.

Claims excepted from limitation.

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

- (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.

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

Conduct barring limitation.

recklessly and with knowledge that such loss would probably result.

Counter claims.

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.

Limitation calculations for smaller vessels.

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

- (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.

Calculation of limits of liability for larger vessels.

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

- (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.

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.

Limit of liability of salvors.

84. Where the amount calculated in accordance with sections 81(a) and 82(1)(a) of this Act, is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with sections 81(b) and 82 (1)(b)(i), of this Act, respectively, shall be available for payment of the unpaid

Limitation of calculation.

balance of claims under sections 81(a) and 82(1)(a) of this Act and such unpaid balance shall rank rateably with claims mentioned under sections 81(b) and 82(1)(b)(i) of this Act.

Measurement of ship tonnage.

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

Belize Port Authority exempted.

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

Limits of passengers' claims.

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.

(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) of this section 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 of this Act, 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 of this Act; or
- (b) if no sum has been so fixed for that date, the last preceding date for which a sum has been so fixed.

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

Aggregation of claims.

- (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 of this Act, 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 of this Act and any person for whose act, neglect or default he may be responsible.

Constitution of
limitations fund.

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 of this Act 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.

(2) A fund constituted by one of the persons mentioned in section 89(1)

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

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

(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.

Distribution of
fund.

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

92.-(1) Where a limitation fund has been constituted in accordance with section 90 of this Act, 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.

Bar to other actions.

(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) of this section, 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.

Governing law.

93. Where a limitation fund is constituted in any of the countries of the ports referred to in section 92 (2) of this Act, 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.

Apportionment of liability for damage or loss.

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.

(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.

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.

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

(2) Section 94 (3) of this Act, 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) of this Act, applies also for the interpretation of this section.

Right of contribution for loss of life or personal injuries.

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.

(2) Subsection 94 (3) of this Act, 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.

Time limits for proceedings against owner or ship.

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

- (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) of this section, 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) of this section, no proceedings under any of sections 93 to 95 of this Act, 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 of this Act, 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.

Exclusion of liability.

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

- (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) of this section, 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) of this section 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 of this Act.

(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

Revocation of Registration of a Vessel

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 for illegal activities.

101. The Registrar in accordance with section 100 of this Act, 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.

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

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.

Offence and penalty.

PART XI

Forgery, False Declarations and Forms

Penalty for
forgery, etc.

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 this Act.

Penalty for false
statements, 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,

- (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.

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.

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.

Instructions to
Deputy
Registrars.

PART XII

Miscellaneous

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.

Regulations.

(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 on board 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.

Contracts to
manage
IMMARBE
abroad.

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.

(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) of this section 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;
- (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.

Suspension of
Certificate of
Registry.

111.-(1) Where under any of the provisions of the Act or any Regulations made there under, 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 is not immediately available, to a Deputy Registrar or consular officer.

(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 comes into force on the 1st day of November 2010.

(2) The Registration of Merchant Ships Act, Revised Edition 2000, as amended, the Registration of Merchant Ships (Registration and Miscellaneous Provisions) Regulations, in Statutory Instrument No. 111 of 1991, and the Registration of Merchant Ships (Variation of Fees) Order, 2010, in Statutory Instrument No. 56 of 2010, are hereby repealed.

SCHEDULE 1

MERCHANT SHIPS (REGISTRATION) ACT

Merchant Ship's Registration Fees and Other Taxes.

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

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	\$.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</u>	
		<u>INVESTIGATION FEE</u>	
		Vessels of up to 99 G.T. and less than 24 metres in length	\$200.00
6.		<u>ANNUAL CASUALTY</u>	
		<u>INVESTIGATION FEE & INT'L</u>	
		<u>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. REGISTRATION OF PLEASURE
VESSELS (SPORTING,

RECREATIONAL AND NON-COMMERCIAL VESSELS)

Vessels of less than 10 metres in length \$100.00

10. ANNUAL TAXES FOR PLEASURE VESSELS (SPORTING, RECREATIONAL AND NON-COMMERCIAL VESSELS)

Vessels of less than 10 metres in length \$250.00

Note: See "Paragraph 13" for Registration Fees and Annual Taxes for Yachts of 24m in length, or above and 500 GT or more, for Yachts of 24m or less than 500 G.T. for Yachts of less than 24m.

11. SPECIAL REGISTRATION FEE

- | | | |
|-----|--|------------|
| (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 15,000 G.T. | \$2,500.00 |
| (d) | Vessels of 15,001 G.T. and over | \$3,000.00 |

12. DOCUMENTARY FEES

- | | | |
|-----|---|-----------|
| (a) | Provisional Patent of Navigation (vessels up to 7500 G.T.) | \$100.00 |
| (b) | Provisional Patent of Navigation (vessels 7501 G.T. and over) | \$200.00 |
| (c) | Provisional Ship Station License (vessels up to 7500 G.T.) | \$50.00 |
| (d) | Provisional Ship Station License (vessels 7501G.T. and over) | \$100.00q |
| (e) | Permanent Patent of Navigation (vessels up to 7500 G.T.) | \$150.00 |
| (f) | Permanent Patent of Navigation (vessels 7501 G.T. and over) | \$300.00 |
| (g) | Permanent Ship Station License (vessels up to 7500 G.T.) | \$100.00 |
| (h) | Permanent Ship Station License (vessels 7501 G.T. and over) | \$200.00 |
| (i) | Re-issuance of Patent of Navigation/Ship Station License due to | \$750.00 |

	Transfer of ownership	
(j)	Re-issuance of Patent of Navigation/Ship Station Licence due to change of vessel's name or tonnage resulting from modification:	
	Vessels of up to 7500 G.T.	\$500.00
	Vessels of 7501 G.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 7500 G.T.	\$750.00
	Vessels of 7501 G.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 7500 G.T. registered under Special Registry	
	For vessels up to 7500 G.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 Rating	\$100.00
(z)	Certificate of Receipt of Application	\$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</u> <u>(COMMERCIAL)</u>	US\$
	(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> <u>COMMERCIAL)</u>	
	(a) Provisional Fee (Super Yacht)	\$400.00
	(b) Provisional Fee (Large)	\$400.00
	(c) Provisional Fee (Small)	\$300.00
(c)	<u>PERMANENT REGISTRATION</u> <u>FEES COMMERCIAL)</u>	
	(a) Provisional Fee (Super Yacht)	\$600.00
	(b) Provisional Fee (Large)	\$600.00
	(c) Provisional Fee (Small)	\$400.00
(d)	<u>PERMANENT REGISTRATION</u> <u>FEES (PRIVATE)</u>	
	(a) Provisional Fee (Super Yacht)	\$400.00
	(b) Provisional Fee (Large)	\$400.00
	(c) Provisional 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 \$500)
- (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

	<u>Commercial Use only</u>	
	(a) Super Yacht	\$ 300.00
	(b) Large Yacht	\$ 200.00
	(c) Small Yacht	\$ 100.00
(g)	<u>ANNUAL SAFETY INSPECTION TAX (Yachts in Commercial use only)</u>	
	(a) Super Yacht	\$ 2000.00
	(b) Large Yacht	\$ 1500.00
	(c) Small Yacht	\$ 1000.00
(h)	<u>ANNUAL INT'L PARTICIPATION & CASUALTY INVESTIGATION FEE</u> (Yachts in Commercial Use only)	
	(a) Super Yacht	\$ 1000.00
	(b) Large Yacht	\$ 500.00
	(c) Small Yacht	\$ 250.00
(i)	<u>ANNUAL RADIO LICENSE FEE</u> (Commercial or Private)	\$ 50.00
(j)	ANNUAL SECURITY FEE (as required)	\$ 150.00
13.1	<u>OTHER DOCUMENTARY FEES FOR YACHTS:</u>	
(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 7501 G.T. and above as well as any self-propelled tankers of up to 7500 G.T. which attain certification for the Green Award or the ISO 14001 Environment 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

SCHEDULE 2

MERCHANT SHIPS (REGISTRATION) ACT

Merchant Ships Documents Registration Fees

(Section 16)

	<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

- 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 IMMARBE Head Office
Suite 204, Marina Towers, Newton Barracks,
Belize City, Belize, Central America
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)

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OFFICIAL USE ONLY

Entry in Register made on ____/____/____(d/m/y)

at _____(time)

By Officer (print name)

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