

Translation. Only the Danish document has legal validity.

Order no. 41 of 22 January 1999 issued by the Danish Maritime Authority

Order on ship registration

In pursuance of section 3(3), section 12(2) and (4), section 14(2), section 15(3), section 27, section 33, section 39(3) and section 514a of the merchant shipping act (*søloven*), cf. consolidated act no. 39 of 20 January 1998, as amended by act no. 901 of 16 December 1998, the following provisions are laid down:

Chapter 1

Application for registration

Section 1. The Registrar of Shipping shall be responsible for keeping the ship register. The Danish Maritime Authority shall carry out the Registrar of Shipping's secretarial obligations.

Section 2. Applications for registration of a ship and a shipping company shall be forwarded to the Registrar of Shipping on a special form available from the Danish Maritime Authority.

Subsection 2. If the shipping company is already registered as the owner of a ship, reference may be made to previous application for registration.

Subsection 3. The obligation to apply for registration shall rest with the owner or owners of the ship; as regards partnerships and limited partnerships, all the partners liable; as regards companies and associations that have elected a board, all the members; and as regards private limited companies without a board, the management.

Subsection 4. The application for registration shall be signed by all the persons obliged to apply for registration. As regards companies and associations, it shall, however, suffice if the application for registration is signed by those authorised to sign for the company or association when selling and mortgaging a ship.

Subsection 5. In special circumstances, the Registrar of Shipping may permit the application for registration to be registered though a few signatures are missing.

Subsection 6. The Registrar of Shipping may require that the information in the application for registration be documented.

Section 3. When applying for registration of a new-built ship, a builder's certificate from the yard that has built the ship, containing data for identification of the ship as well as confirmation that the ship is built at the builder's expense and that the ownership of the ship has been transferred to the builder.

Subsection 2. If a ship is acquired from abroad, legitimation that the seller is obliged to have disposal of the ship shall be presented in addition to the acquirer's document of title, normally in the form of a declaration from the relevant foreign registration authority showing that the seller was registered in the foreign ship register as owner of the ship and that this is or will be deleted from the register.

Subsection 3. If it is not possible to procure a document of title for the purchaser or legitimation of the seller, the procedure on preclusion of other rights mentioned in section 41 of the merchant shipping act (*søloven*) may be used.

Subsection 4. A ship exempted from the obligation to apply for registration with the ship register may, at the owner's request, be registered in the ship register. When applying for

registration of the ship, documents of title and documentation of previous sales of the ship shall be presented. If it is not possible to present documentation of previous sales of the ship, the procedure on preclusion of other rights mentioned in section 41 of the act may be used.

Section 4. If a ship under construction is wanted registered pursuant to section 10(3) of the act, the application for registration shall be forwarded together with the information about the owner mentioned in section 2.

Subsection 2. The application for registration shall be signed, and the information provided shall be confirmed by both the yard and the builder. Furthermore, the information provided shall be confirmed through endorsement by the Danish Maritime Authority or a person or company authorised to do so by the Danish Maritime Authority.

Subsection 3. When completing a ship that is built at a Danish yard at foreign expense and that is registered in the ship building register, application for deletion from the ship building register and the original builder's certificate shall be forwarded to the Registrar of Shipping.

Section 5. Before it is possible to register a ship, it shall be proven – insofar as the owner is not already registered as the owner of a Danish ship – that the nationality conditions stipulated in section 1 or section 2 of the act are met. This shall be done by the owner filling in and signing, cf. section 2(3), a special form available from the Danish Maritime Authority.

Subsection 2. Should any doubt arise as to whether the nationality conditions are met, proof to this effect may be required to be presented.

Subsection 3. In quite special cases, the Registrar of Shipping may ignore individual persons' signature on nationality declarations insofar as the other signatories declare that the persons concerned meet the conditions mentioned in the declaration and that it must be assumed as matters stand that the conditions are met.

Subsection 4. As regards companies registered in the information system of the Danish Commerce and Companies Agency, a special form shall be submitted with information about the company's registration number. The form shall be signed by those authorised to sign the company when selling and mortgaging a ship.

Subsection 5. If the ship is owned by a foundation, an association or a company, except a private limited company or a limited company, it shall be stated especially in the application for registration who can sell or mortgage the ship. If a management or managing shipowner has been elected, this shall be applied for registration. A management shall be considered as a managing shipowner and thus it shall not be possible to apply for registration of a special managing shipowner. If the ship is owned by a shipping partnership, a managing shipowner shall be elected and an application for registration hereof shall be submitted.

Subsection 6. If, due to the owner's address abroad or other similar reasons, difficulties may be expected to arise for the registration authorities when seeking to contact the shipping company, the Registrar of Shipping may require the stating of an agent in this country authorised to act on behalf of the owner in relation to the registration authorities and who shall be responsible that the obligations resting with the shipping company pursuant to this act are met.

Section 6. The nationality conditions mentioned in section 5(1) and (2) shall not apply when applying for registration of a ship in the ship building register.

Section 7. When applying for registration of a managing shipowner of a shipping partnership, it shall be proven that he or she meets the conditions stipulated in section 103(2) of the act and in order no. 1044 of 6 December 1996 on registration in the ship register of ships whose owner does

not meet the conditions of section 1 of the merchant shipping act, as amended by order no. 168 of 24 February 1997, and the person concerned shall in writing declare that he or she is willing to assume the function.

Section 8. If a registered ship or a ship's share is sold to a Danish purchaser, both the seller and the purchaser shall be obliged to apply for registration hereof. The seller shall be obliged to issue a bill of sale to the purchaser.

Subsection 2. If the new owner is not already registered as the owner of a Danish ship or ship's share, an application for registration shall be filed as mentioned in section 2(1) as well as a nationality declaration as mentioned in section 5(1)-(3). If the owner is already registered, it shall be informed in writing what ships or ship's shares he or she is already the owner of.

Section 9. If changes are made to the circle of liable partners in a partnership or a limited partnership or the board of an association, written reporting hereof as well as documentation of the changes shall be forwarded, signed by all the partners or board members. Newly appointed partners or board members shall, furthermore, give a declaration of nationality, as mentioned in section 5(1) and (2).

Subsection 2. In special circumstances, the Registrar of Shipping may grant exemptions from these provisions as regards individual signatures, cf. section 2 and section 5(3).

Subsection 3. Changes of the management or as regards the managing shipowner shall be reported by the board of the relevant company or association. The same shall apply when adopting new provisions regulating the powers to sign the company or association in connection with the sale and mortgaging of a ship.

Subsection 4. As regards companies registered in the information system of the Danish Commerce and Companies Agency, the Registrar of Shipping shall, on his or hers own initiative, acquire the information required for the registration. Information that the company meets the conditions of nationality shall be given on a special form.

Subsection 5. If a shipping partnership has elected a new managing shipowner, the shipping partners shall be obliged to report this.

Subsection 6. If changes are made to the type, main dimensions, tonnage or driving power of a ship, the shipping company shall report the change to the Registrar of Shipping within 30 days after the change. The reporting obligation shall be considered met if the change has been reported to the Danish Maritime Authority within the time-limit stipulated.

Section 10. If a ship is lost, scrapped, condemned or sold to foreign buyers, or if the owner no longer meets the conditions of nationality stipulated in section 1 or section 2 of the act, the owner shall, cf. section 2(3), report this to the Registrar of Shipping in writing. If the conditions of nationality are expected to be set right, or if there is a possibility of the ship being procured or rescued, the Registrar of Shipping may postpone the deletion.

Subsection 2. If a ship is sold to a foreign buyer, the application for registration shall be made on a special form accompanied by the document of sale by means of which the ship is sold.

Subsection 3. The reporting of a ship's loss shall be made on a special form and shall contain a more detailed description of the conditions of the loss. If the reporting does not contain the necessary information, it may be required supplemented, possibly through the submission of a transcript of the maritime inquiry.

Subsection 4. Reporting of scrapping shall be accompanied by certificate issued by relevant authority on the carrying out of the scrapping.

Subsection 5. Reporting of condemnation shall be accompanied by a transcript of the condemnation business or any other proof of the legal carrying out of the condemnation.

Subsection 6. Reporting of deletion of a recreational craft with a gross tonnage below 20 may be made at the request of the registered owner on a special form accompanied by the ship's certificate of nationality and documentation that the distinctive number or letters have been deleted from the ship. However, in special cases the Registrar of Shipping may grant exemptions from the requirements to submit a certificate of nationality and documentation of deletion of the distinctive number or letters from the ship. However, it shall be a prerequisite for deletion that no mortgage, right of use or other rights in the ship are registered at the time of the reporting.

Chapter 2

The basis of application for registration of rights and the making of the registration

Section 11. As the basis for application for registration of rights in a ship, a document to be applied for registration is required.

Subsection 2. The signature and authority of the issuer of the document as well as the authenticity of the signature shall be confirmed by the Notary Public, a lawyer or two attesting witnesses. The position and address of the witnesses shall be given. The signatures shall, if they are not absolutely legible, be repeated in block letters, by means of a stamp or in type-writing.

Subsection 3. The document shall give the name, port of registry and call distinctive number or letters of the ship concerned. Furthermore, the applicants name, address and telephone number shall be given at the top of the first page. When reporting amending endorsements to a previously registered document, the name and address of the reporting person shall be added to the endorsement. A charge document shall give the address of the creditor or the address of an agent authorised to receive services or notices on behalf of the mortgagee.

Subsection 4. The Registrar of Shipping may send all notices concerning the registration to the applicant with binding effect.

Subsection 5. If more rights are instituted through a document, it shall be stated by endorsing the document what rights at applied registered. If this is not done, only the right(s) given as the main purpose of the document shall be registered.

Subsection 6. A document that is conditional, may be registered as title only when the condition is related to the occurrence of specific events or facts or to the expiry of a more definite time-limit.

Subsection 7. If application is made for registration of a conditional bill of sale, it shall be stated expressly in the registration endorsement that the bill of sale is registered as conditional. If the seller declares that the condition is met, it shall when registering this in the registration endorsement be stated that the bill of sale is now final.

Subsection 8. If suspicion arises that a document applied for registration is false or forged, or if any other reason should arise for this, the registered owner of the ship shall immediately be contacted about this.

Section 12. When registering seizure, sentences and other public legal proceedings, a declaration from the authority concerned or a confirmed transcript from its books shall be presented and the proceedings shall concern a person who is, according to the ship register, authorised to have disposal of the ship or the ship's share.

Subsection 2. In case a spouse retains undivided possession of an estate, a declaration from the probate court stating that the estate has been handed over to the spouse shall be registered. In the same way, the heirs shall in connection with administration of an estate out of court be registered as owners of the deceased's ship or ship's share in accordance with a so-called "skifteudskrift", i.e. a document by which the deceased's spouse gives security to the other heirs for what is due to them from the estate. If one or more of the heirs are wanted to be registered as owners or if the heirs want to take over the ship or the ship's part as shipping partners, either an executor's assent or a "skifteudskrift" with the heirs' endorsed declaration on the taking over of the ship or the ship's part shall be required as well as the ratio according to which they shall be participants.

Subsection 3. In legal proceedings about ships or ship's parts, the plaintiff may, when the court before which the case is set down for trial has made a decision hereon, request a confirmed copy of the writ registered. If the case lapses without judgment or if the judgment is against the plaintiff and the time-limit for an appeal expires without appeal, the defendant shall request the writ deleted from the register.

Section 13. If a ship or a ship's part is sold through final forced sale, the bailiff – and in case of bankruptcy, administration by the court or in case of an executor's administration of an estate including a ship or ship's part, the liquidator, the bankruptcy court or the executor – shall immediately inform the Registrar of Shipping hereof for registration purposes.

Subsection 2. If a person owning a ship or a ship's part is deprived of his or hers legal capacity pursuant to section 6 of the act on guardianship (*værgemålslov*), the guardian shall ensure that the decision is registered so that it is valid in connection with agreement on the ship concluded with the legally incapable person in good faith.

Subsection 3. The notices mentioned shall be recorded in the day list and be registered on the ship's sheet.

Subsection 4. For registering rights following forced sale, administration by the court or an executor's administration of an estate, a title document, transcript from the bailiff's protocol or an executor's assent shall be required.

Section 14. Documents applied to be registered shall be in Danish. However, in special cases the Registrar of Shipping may grant permission for registering documents that are not in Danish.

Subsection 2. Builder's certificates, bills of sale, mortgages, owner's mortgages and letters of indemnity applied to be registered shall be made on the forms approved by the Registrar of Shipping. The Registrar of Shipping may permit that also other documents are received for registration.

Subsection 3. Additions to as well as deletions and amendments to the part of the text of mortgages, owner's mortgages and letters of indemnity that have been separated as customary in the form may be made only when they are reproduced under the individual contents of the document.

Section 15. The Registrar of Shipping shall cause the necessary copies to be taken of documents forwarded for registration.

Section 16. Documents for registration shall be handed in to the Danish Maritime Authority, the ship register, Vermundsgade 38C, DK-2100 Copenhagen East, from 9.00 to 14.00 hours on the opening days of the Danish Maritime Authority. The day list is finalised every day at the end of the time of delivery. Documents received later are recorded in the day list for the following day when the office is open.

Subsection 2. Documents of title duly signed and received by telefax (fax no. +45 39 27 38 03) or transferred electronically (srg@dma.dk) in the formats approved by the Danish Maritime Authority shall be recorded in the day list, cf. subsection 1.

Subsection 3. The documents recorded shall be supplied with the date of receipt, cf. subsection 1.

Subsection 4. When the original document of the document received by telefax or transferred electronically, cf. subsection 2, is received by the Danish Maritime Authority, the ship register, it shall be recorded under the same date as the fax received or the document transferred electronically. If the original document is not received within seven days from the receipt of the telefax or the electronic transfer, the Registrar of Shipping shall reject the registration.

Section 17. A document applied to be registered in the ship register shall be recorded on the same day as application for registration is filed with the ship register in a day list with a brief record of what the application for registration concerns. After having been recorded in the day list, the document shall be provided with an endorsement about the time of the recording.

Subsection 2. After the recording in the day list, it shall be examined whether it is possible to register the document and whether the information mentioned in section 5 and section 15 of the act have been procured.

Subsection 3. If it is not, on the basis of the information available, possible to register the document, the application for registration shall be rejected. If the information necessary has not been procured, the Registrar of Shipping may require a correction to be made within a time-limit.

Section 18. If a document does not meet the provisions laid down in sections 29-33 of the act, cf. sections 11-14, registration shall be rejected and it shall be deleted from the day book. A document may also be rejected already when it is reported for recording in the day book. The applicant shall be informed about the rejection as soon as possible.

Subsection 2. If it is estimated that the fault may be remedied, the Registrar of Shipping may determine a time-limit for remedying the fault or provide the document with a note about the fault, if relevant, cf. section 34(2) and (3) of the act.

Subsection 3. If the fault is not remedied within the time-limit determined, the document shall be deleted from the day list. If it is estimated that the regulations on the obligation to apply for registration have been contravened, the necessary measures for remedying the faults shall be sought enforced, possibly by instituting proceedings.

Subsection 4. When a document has been registered, an endorsement to this effect shall be made on the document and on the copies hereof. If a note has been given on a document about other documents that its contents contradict, an addition about the note shall be made in the ship register.

Subsection 5. If two conflicting rights to the same ship are applied to be registered on the same day, each of the documents shall be recorded with a note about the other document. If both the rights applied to be registered are documents of title, entries shall be made in the ship register as mentioned in subsection 3 and at the same time the title holders shall be requested to settle their mutual relation through the legal system or in some other way within a time-limit determined pursuant to section 36(2) of the act, cf. section 34(2). If the time-limit is exceeded, the entries shall be deleted from the ship register and the documents shall be deleted from the day list.

Subsection 6. When a document has been registered or rejected, it shall be returned to the applicant to whom requests to remedy faults shall also be sent. Insofar as possible the Registrar of Shipping should already when receiving the application for registration urge the applicant to seek the fault remedied.

Subsection 7. Negotiable mortgages shall be sent by registered mail or in some other way whereby the proof is secured.

Section 19. In the ship register, every ship, including every ship under construction, shall have its own sheet (the ship's sheet). On the ship's sheet, the distinctive number or letters, use and tonnage measurements of the ship shall be given as well as a brief reproduction of the information mentioned in section 5 and in section 15 of the act. In connection with the ship register, a name index of the ships registered shall be kept.

Subsection 2. When a ship is deleted from the ship register, it shall be transferred to a historic register.

Subsection 3. A document shall be recorded in the ship's sheet in the register through a brief note about its nature, the issuer of it and the person to whom it has been issued, the date of the entry into the day list as well, as regards documents of title, the date of the registration. In connection with user contracts, the terms related to time and – in connection with mortgages – the amount of the mortgage debt, the preferential position and the address of the creditor shall be stated. In connection with mortgages, the rate of interest and the repayment terms may be stated.

Subsection 4. In connection with the ship register, a shipping company register shall be kept, in which the shipping companies whose ships are recorded in the ship register shall be recorded with information about what ships are owned by each individual shipping company. For each ship, a reference shall be made to the ship's sheet.

Subsection 5. Special registers shall also be kept of ships used commercially for fishing or for retrieving boulders and earth.

Section 20. After the registration, a duplicate or copy of the document registered provided with the same endorsement as that on the document shall be placed in a file established for the ship (ship's file).

Section 21. If a decision made by the Registrar of Shipping pursuant to section 43 of the act is brought before the high court, a note to this effect shall be made in the day list and in the ship's sheet.

Chapter 3

Openness to the public, etc. of the registration

Section 22. The day list, the ship register and the shipping company register shall be open to the public. Ship's files shall not be lent out, but shall be open to the public under supervision.

Section 23. The Registrar of Shipping may, upon request, issue a transcript of the ship's sheet or the document copies in the ship's files. A transcript of the ship's sheet shall include registered rights and rights applied to be registered that have not been deleted.

Subsection 2. If rights remain on the ship's sheet after the deletion of the ship from the ship register, a note shall be made on transcripts of the ship's sheet and certificates that these rights have not elapsed.

Section 24. At the beginning and in the middle of each month, an announcement shall be made in the Danish Official Gazette about the registrations made during the past half month.

Chapter 4 *Certificates of nationality*

Section 25. When a ship is registered, and the necessary information about the ship's tonnage and driving power are available, the Registrar of Shipping shall issue a certificate of nationality for the ship. The certificate shall be delivered by the Registrar of Shipping or be delivered through the Danish Maritime Authority or a Danish foreign representation. The certificate shall contain information about the ship's name, port of registry, type, gross and net tonnage as well as its owner.

Subsection 2. Before a certificate of nationality is issued:

- 1) the distinctive number or letters assigned to the ship shall be marked on the ship in a clear and indelible manner in a conspicuous place within the permanent structure of the ship; and
- 2) the ship's name and port of registry shall be given on the stern or, if this is not possible, in a suitable place as close to the stern as possible. The painting shall be made in Latin letters in a light colour against a dark background or the opposite with the name above the port of registry. If the name consists of two or more words, free space of at least one letter's width shall be available between each of the words. The letters shall be easily legible. The height shall be at least 8 cm, and the thickness of the line shall be at least 1.2 cm. As regards ships with a gross tonnage of or above 20, the name shall furthermore in the same design be placed on the ship's sides. Ships used for fishing and boulder fishing and fitted with special marks of identity shall, however, be exempted from this provision.

Subsection 3. If the ship has been issued with a temporary certificate of nationality, it shall be withdrawn when the final certificate of nationality is handed over.

Section 26. In the following cases, the Registrar of Shipping may make a temporary certificate of nationality for a more specific period:

- 1) For a Danish ship that has not yet been registered, when it is completed or when it is bought from abroad. It is a precondition that an application for registration has been forwarded and that an estimate of the documentation available presents a sufficient basis for the ship meeting the registration conditions.
- 2) For a registered Danish ship, when its certificate of nationality is not on board.

Subsection 2. The Registrar of Shipping may extend the validity of a temporary certificate of nationality.

Subsection 3. In special circumstances, the Danish Maritime Authority may draw up a temporary certificate of nationality as stipulated in subsection 1.

Section 27. When a ship is built or bought abroad and taken over in a foreign port, a Danish foreign representation may issue a temporary certificate of nationality for the ship for a period that may not exceed a year. The Registrar of Shipping may extend the validity of a temporary certificate of nationality beyond one year from the date of issue.

Section 28. If the Registrar of Shipping, following an examination of the documentation available, finds that registration of the ship must be rejected or if the shipping company does not procure the necessary documentation for the ship's registration, the temporary certificate of nationality shall cease to be valid and shall be withdrawn by the Registrar of Shipping. The shipping company shall be obliged to hand over the certificate upon the request of the Registrar of Shipping.

Subsection 2. When the ship is registered and the information about tonnage and driving power necessary to issue a final certificate of nationality are available, the temporary certificate of nationality shall be substituted by a final certificate of nationality.

Section 29. The certificate of nationality shall be kept on board at any time and shall be presented when requested by a Danish authority.

Subsection 2. Additions to or endorsement on a certificate of nationality may be made only by the Registrar of Shipping, the Danish Maritime Authority or a Danish foreign representation or by a person or company authorised to do so by the Danish Maritime Authority.

Section 30. A certificate of nationality that has been finished or damaged may be substituted by a new one. Similarly, a new certificate of nationality may be issued when the previous one has gone missing. The shipping company shall inform about the details of the losing of the certificate of nationality and shall oblige itself to immediately redeliver the certificate should it be found.

Section 31. If changes are made concerning the conditions pertaining to a ship that shall be stated in the certificate of nationality pursuant to section 25(1), the Registrar of Shipping shall issue a new certificate. In special circumstances, the Registrar of Shipping may request the Danish Maritime Authority or a Danish foreign representation to make a few changes of minor importance to a certificate of nationality. The shipping company shall be obliged to hand over the certificate or to provide all the assistance necessary for handing over the certificate.

Section 32. When a ship is deleted from the ship register, its certificate of nationality shall be forwarded to the Registrar of Shipping or a written account shall be delivered about the reason why this cannot be done. If the ship is deleted from the ship register as sold to a foreign buyer or if the owner no longer meet the conditions of nationality in section 1 or section 2 of the act, the marked distinctive number or letters showing the ship's registration as Danish shall be deleted and the Danish Maritime Authority or a Danish foreign representation shall be contacted with a view to ascertain the deletion and informing the Registrar of Shipping accordingly.

Chapter 5 *Special registers*

Section 33. The Registrar of Shipping shall keep a special register of ships used commercially for shipping.

Subsection 2. It is a condition for being admitted to this register that a permit is available from the Directorate of Fisheries on the ship's use for commercial fishing.

Subsection 3. A ship shall be deleted from this register if the ship, according to a notice from the Directorate of Fisheries or from the owner, is not used or can no longer be legally used for commercial fishing.

Section 34. If the intention is to use a ship for commercial fishing, the owner shall report this to the Registrar of Shipping, possibly through a note on the application for registration.

Subsection 2. The Registrar of Shipping shall assign the ship a port registration number consisting of one or more letters followed by a figure.

Subsection 3. The port registration number shall be assigned according to the district in which the ship is registered. The country is divided into the following districts with the following letters:

District	Letters
Esbjerg	E
Fredericia	FA
Frederikshavn	FN
Haderslev	HV
Hanstholm	HM
Helsingør	H
Hirtshals	HG
Holstebro	L
Horsens	HO
Kalundborg	KA
Korsør	KR
København	K
Køge	KE
Middelfart	MI
Nykøbing F	NF
Næstved	ND
Odense	O
Randers	RS
Ringkøbing	RI
Rønne	R
Skagen	S
Skive	SK
Svendborg	SG
Sønderborg	SØ
Thisted	T
Aalborg	A
Århus	AS

Section 35. The port registration number shall be painted conspicuously and distinctly on both sides of the bow insofar as place allows, 8 to 10 cm below the gunwale, in a white colour against a black background. Each individual letter and figure shall be at least 45 cm high and the thickness of the line shall be at least 6 cm. As regards registered ships with a gross tonnage of until 15, the regulations for fishing vessels of class 2 stipulated in section 49(3) concerning the size of letters and figures shall, however, apply.

Subsection 2. Fishing vessels used for fishing according to the decree on common fishing in Flensborg Inderfjord in force shall, in addition to the ordinary port registration number, carry the special mark “F.F.” in the same size as the port registration number. The mark shall be painted behind the port registration number.

Subsection 3. The port registration number of the ship shall be given on the certificate of nationality.

Subsection 4. As regards the ships mentioned in subsection 2 used for fishing in Flensborg Inderfjord the designation “F.F.” shall also be given in the certificate of nationality after the port registration number.

Section 36. The Registrar of Shipping shall keep a special register of ships used commercially for retrieving boulders and gravel.

Subsection 2. It shall be a condition for being admitted to this register that a permit to extract raw materials issued by the Nature Agency is available.

Subsection 3. A ship shall be deleted from this register upon the request of the shipping company or the Nature Agency.

Section 37. If it is intended to use a ship commercially for retrieving boulders and gravel, the owner shall inform the Registrar of Shipping of this in writing.

Subsection 2. The Registrar of Shipping shall assign the ship with a boulder fishing vessel number consisting of the letters “St.F. followed by a figure.

Subsection 3. The boulder fishing vessel number assigned shall be painted on both sides of the ship’s bow. Each individual letter and figure shall be at least 25 cm high and painted in white colour against a black background or the opposite.

Subsection 4. The boulder fishing vessel number shall be given on the certificate of nationality.

Section 38. The marking of ships required by sections 25, 35 and 37 with the name, port registration number and boulder fishing vessel number as well as changes hereof shall be made as soon as possible after the registration and within 30 day hereafter be presented to the authorities even if the ship is not engaged in trade. Within the same time-limit, a certificate on the marking be forwarded to the Registrar of Shipping upon request.

Section 39. The ship’s owner shall be responsible for ensuring that the marking is maintained appropriately, that it is not deleted, changed, made unidentifiable or hidden. The ship may not have another name or number painted on it than the one registered in the ship register.

Chapter 6

Application for registration in the boat register

Section 40. The Registrar of Shipping shall keep a boat register. The ships mentioned in section 41(1) shall be admitted to the register if they have a gross tonnage below 20. This shall, however, not apply if an application for registration of the ship has been filed with or if it has been registered in the ship register.

Subsection 2. Ships registered in the boat register shall be assigned a number consisting of the letters FTJ followed by a figure. The number shall be marked on the ship and shall serve as the ship’s title number.

Section 41. The following may be admitted to the boat register:

- 1) Passenger vessels which shall, according to maritime law, be supplied with a trade permit as a passenger vessel.
- 2) Cargo vessels fitted with a complete deck or which have been measured with a gross tonnage of or above 4 when used commercially for carrying goods or in any other way equal hereto – insofar as they shall not be registered as one of the vessels mentioned in items 1, 3, 4 or 5.
- 3) Fishing vessels used for commercial fishing. It shall be a condition for being admitted that a permit is available from the Directorate of Fisheries on the ship’s use for commercial fishing.
- 4) Boulder fishing vessels used commercially for retrieving boulders and gravel. It shall be a condition for being admitted that a permit to extract raw materials issued by the Nature Agency is available.
- 5) Barges, lighters, dredgers, floating cranes and the like fitted with a complete deck or measured with a gross tonnage of or above 4.

Subsection 2. A ship shall be deleted as a fishing vessel if the ship, according to a notice from the Directorate of Fisheries or from the owner, is not used or can no longer be used for commercial fishing.

Subsection 3. A ship shall be deleted as a boulder fishing vessel upon the request of the owner or the Nature Agency.

Section 42. No ship may be registered with more than one of the types mentioned in section 41(1)(i)-(v). If there is any doubt about a ship's type, the issue shall be decided by the Registrar of Shipping.

Section 43. In order for a ship to be registered in the boat register, it shall be documented that the owner meets the conditions on nationality stipulated in section 1 or section 2 of the act. This shall be done by the owner filling in a special form available from the Danish Maritime Authority.

Subsection 2. If doubt arises whether an owner meet the conditions of nationality, proof that these conditions are met may be required to be presented.

Section 44. Ships admitted to the boat register shall have their port of registry in a port in this country.

Section 45. Any owner of a ship to be registered in the boat register shall be obliged to apply for its registration within 30 days from its purchase. The application shall be made on a special form available from the Danish Maritime Authority.

Subsection 2. If a few of the persons that are to sign the application are temporarily prevented from signing, the other signatories shall declare whether the persons left out meet the relevant conditions.

Section 46. When filing the application for registration, it shall be documented that the applicant is the owner of the ship. Ownership may be documented in the following way:

- 1) New buildings: Normally, a builder's certificate showing that the ship is built for the owner and at his or her expense shall be presented, containing sufficient data for identifying the ship.
- 2) Other ships and vessels: As documentation of the company's ownership, a bill of sale shall be required or a declaration signed by the seller stating that the ownership of the vessel has been transferred to the owner or any other document of title.

Subsection 2. When being registered in the boat register, documentation of the previous owners of the ship shall be presented in addition to the document of title.

Subsection 3. In special cases, the Registrar of Shipping may grant exemptions from the provision of subsection 2.

Section 47. When the ship is registered in the boat register and the necessary information about the ship's tonnage measurements is available, the Registrar of Shipping shall issue a certificate of nationality permitting the ship to fly the Danish flag. The certificate of nationality shall be kept on board at all times and shall be presented upon request.

Subsection 2. The certificate of nationality may not be handed over until the Registrar of Shipping has ensured that the marking of the ship is in accordance with the provisions of regulation 25(2) and section 40(2).

Subsection 3. If the ship shall also be fitted with a port registration number of boulder fishing vessel number, it shall be painted on it before the certificate of nationality is handed over.

Section 48. Passenger ships shall be admitted to the boat register when the Danish Maritime Authority has assigned a control number as a passenger vessel. The control number consists of the letter “P” followed by a figure.

Section 49. A fishing vessel shall be assigned a port registration number consisting of one or two letters followed by a figure.

Subsection 2. As regards the painting of the port registration number, fishing vessels shall be divided into three classes:

1st class: Vessels with a gross tonnage of or above 15.

2nd class: Vessels with a gross tonnage of 5 and until 15.

3rd class: Vessels with a gross tonnage below 5.

Subsection 3. On vessels of 1st class, the height shall be 45 cm and the thickness of the line shall be 6 cm. On vessels of 2nd class, the height shall be 25 cm and the thickness of the line shall be 4 cm. On vessels of 3rd class, the height shall be 10 cm and the thickness of the line shall be 1.2 cm.

Subsection 4. The port registration number shall be painted conspicuously and distinctly on both sides of the bow insofar as place allows, 8 to 10 cm below the gunwale, in a white colour against a black background. On vessels of 2nd class that are clinker-built, sufficient sideboards shall be included for the mark to have the required size; however, a smaller size of no more than 3 cm shall be permitted if it is possible to fit the mark within two boards' breadth. On vessels of 3rd class that are clinker-built, the height of the marks shall be adjusted to the breadth of the sideboard.

Subsection 5. As regards special marking of fishing vessels used for fishing in Flensborg Inderfjord, the provisions stipulated in section 35 shall apply.

Subsection 6. When the port registration number assigned has been painted on the ship, the certificate of nationality shall be provided with the ship's port registration number.

Subsection 7. As regards vessels used for fishing in Flensborg Inderfjord, the designation “F.F.” shall also be given in the certificate of nationality following the port registration number.

Section 50. Boulder fishing vessels shall be assigned a special boulder fishing vessel number, consisting of the letters “St.F.” followed by a figure.

Subsection 2. The boulder fishing vessel number assigned shall be painted on both sides of the bow. Each individual letter and figure shall be at least 25 cm high and painted in a white colour against a black background or the opposite.

Subsection 3. When the boulder fishing vessel number assigned has been painted on the ship, the certificate of nationality shall be provided with the ship's boulder fishing vessel number.

Section 51. The provisions of sections 38 and 39 shall also apply to vessels in the boat register.

Section 52. If changes are made to any of the conditions reported to the boat register, the change shall be reported as soon as possible. Reporting of change of ownership shall take place within 30 days after the change of ownership and the reporting obligation shall rest with both the buyer and the seller.

Subsection 2. Reporting shall otherwise be made considering the regulations of sections 43-46.

Section 53. If a change of the port of registry means that a fishing vessel will belong to another district, the Registrar of Shipping shall assign a new port registration number and shall issue a new certificate of nationality when the marking has been made.

Section 54. A ship shall be deleted from the boat register if the owner loses the right to let the ship fly the Danish flag, cf. section 43, it is scrapped, is lost, is condemned or sold to a foreign buyer or if it is registered in the ship register or no longer meets the conditions for being registered in the boat register.

Subsection 2. If a ship is to be deleted from the boat register for the reasons mentioned in subsection 1, the owner of the ship shall immediately inform the boat register hereof.

Subsection 3. When a vessel is deleted from the boat register, the certificate of nationality issued shall be forwarded to the Registrar of Shipping to be made invalid.

Section 55. When a certificate of nationality has been lost, a new one can be issued. If the certificate of nationality lost is later found, it shall be forwarded to the Registrar of Shipping to be made invalid.

Section 56. Ships that are not issued with a certificate of nationality may not engage in trade without being issued with a valid certificate of nationality issued by the Registrar of Shipping, cf. section 26.

Chapter 7

Application for bareboat registration

To the Danish flag

Section 57. An application for registration of a merchant vessel that is not, under section 1 of the act, considered Danish and that is bareboat chartered by a shipowner meeting the conditions of section 1 or section 2 of the act shall be made on a special form.

Subsection 2. The form shall contain information about the ship, the registered owner, his or her representative, the charterer, the bareboat period as well as information about what foreign register the ship is registered in and the ship's distinctive number or letters.

Subsection 3. The Registrar of Shipping may require the documentation necessary to decide whether the conditions of the act are met.

Section 58. The application shall be accompanied by:

- 1) The bareboat agreement or an extract hereof in original in Danish or English.
- 2) Certificate from the foreign register stating that the ship has the right to fly another flag of nationality during the chartering period.
- 3) Transcript from the register showing who is the registered owner of the ship as well as provisions regulating the registered owner's power to bind the company.

Section 59. If the charterer is not already registered as owner in the ship register, the information mentioned in section 5 shall be forwarded.

Section 60. In the ship register, a separate sheet shall be established for the ship. On this sheet, the ship's distinctive number or letters, name, port of registry, tonnage measurements and type as well as the bareboat agreement and a brief summary of the information on the charterer shall be given.

Section 61. Ships that are bareboat chartered shall fly the Danish flag.

To foreign flag

Section 62. An application for registration of a Danish ship registered in the ship register for bareboat chartering to a shipowner who, pursuant to section 1 or 2 of the act cannot be considered Danish shall be made on a special form.

Subsection 2. The form shall contain information about the charterer, his or hers representative, the bareboat period and information about to what country's register the ship is to be admitted.

Section 63. The application for registration shall be accompanied by:

- 1) The bareboat agreement or an extract hereof in original in Danish or English.
- 2) A certificate from the foreign register stating that the ship can be admitted there though it is still registered in the ship register.
- 3) The written consent of the owners of the rights reported for the ship to change flag.

Section 64. On the ship's sheet in the register, the bareboat agreement shall be registered or an extract hereof.

Section 65. The certificate of nationality of the ship shall be forwarded to the Registrar of Shipping so that it may be made invalid.

Section 66. Danish ships bareboat registered in a foreign register may not fly the Danish flag during the chartering period.

Chapter 8

Penalty, entry into force, etc.

Section 67. Contraventions of section 2(3) and (4), section 4(3), section 5(1) and (4)-(6), section 7, section 8, section 9(1) and (3)-(6), section 10(1)-(5), section 28(1), section 29, section 32, section 34(1), section 37(1) and (3), section 35(1) and (2), section 37(1) and (3), section 38, section 39, section 40(2), section 43, section 45(1), section 47, section 49(4), section 50(2), section 52, section 54(2) and (3), section 56, section 61 and section 66 shall be liable to punishment by fine.

Subsection 2. Companies, etc. (legal personalities) shall be liable to punishment pursuant to the provisions of chapter 5 of the penal code.

Section 68. Ships that, prior to the entry into force of this order, have been assigned with a port registration number or a boulder fishing vessel number pursuant to regulations previously in force may, irrespective of the provisions of sections 34, 37, 49 and 50, keep the number assigned until they change their ownership or port of registry to a port with another port registration number.

Section 69. This order shall enter into force on 1 March 1999.

Subsection 2. Order no. 194 of 26 March 1998 on ship registration shall be repealed.

Subsection 3. This order shall not apply to Greenland.

Danish Maritime Authority, 22 January 1999

Niels J. Bagge / Ole Brocks