

Dominica Maritime Regulations, 2002



**Commonwealth of Dominica
Maritime Administration**

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COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 18 OF 2002

REGULATIONS

MADE by the Minister under section 3 of the International Maritime Act, (Act No. 9 of 2000)

(Gazetted 16th May, 2002)

PRELIMINARY

1. These Regulations may be cited as the –
INTERNATIONAL MARITIME REGULATIONS 2002.
2. In these Regulations –
“**the Act**” means the International Maritime Act, 2000
“**Dominica**” means Commonwealth of Dominica
“**STCW 95**” means the International Convention on Standards, Training, Certification and Watchkeeping for Seafarers

PART I – GENERAL

3. A Central Office in the United States of America, together with other offices located elsewhere, shall be maintained for the purpose of those acts and services required or allowed to be performed by the Maritime Administrator under the provisions of the International Maritime Act, as amended. Only the Maritime Administrator will promulgate Rules and regulations as provided for in Section 103 of the International Maritime Act.
4. (1) Mortgages, assignments, assumptions, mortgage amendments, addenda, supplements, or subordination or coordination agreements must be submitted in the original and five counterparts.
(2) Instruments of satisfaction, release and discharge, etc. relating to recorded mortgages must be submitted in the original and three counterparts.
(3) Subject to regulation (4), Bill of Sale, Master Carpenter's or Builder's Certificates which are to be recorded shall be submitted in four duly executed and acknowledged originals or at least in two executed and acknowledged originals and two facsimile copies.
(4) If the Bill of Sale submitted for recording evidences of a transfer of ownership for a vessel already registered under the Act, a copy of the vessel's current Certificate of Registry of the Commonwealth of Dominica shall be attached to on original Bill of Sale.
(5) Three copies of any instrument transferring title to a vessel are required for the purpose of a vessel's registration.
(6) Powers of Attorney or other evidence of authorization should be submitted in the original, or one certified copy, plus three copies.

5. (1) Where the provisions of these Regulations require an instrument to be filed, that document may be filed –
 - (a) at any office designated by the Maritime Administrator for that purpose; and
 - (b) by facsimile, on condition that the requisite original and counterparts are submitted within ten days of the submission by facsimile.(2) When the original instrument is received, it shall be recorded as of the date of filing if –
 - (a) the original is received within ten days; and
 - (b) the instrument submitted by facsimile and the original instrument received are identical in all respects.(3) Where an original instrument received is not identical to that submitted by facsimile, the filing of that instrument shall be invalid
6. Notwithstanding regulation 8, a person holding a valid license or certificate issued by a State in full compliance with the provisions of STCW 95 currently in force, and who is not otherwise disqualified in the opinion of the Maritime Administrator, shall be eligible for an equivalent license or certificate.
7. With effect from February 1, 2002 every Master, Chief Mate, Chief Engineer and First Assistant Engineer shall comply with the requirements of STCW 95 for familiarization with national maritime legislation.
8. (1) The Maritime Administrator shall not issue any license or certificate under section 11 of the Act unless the applicant for such license or certificate has passed such written, oral and physical examinations as the Maritime Administrator may require from time to time for the purpose of quality standard audits.
 - (2) The examinations referred to in subregulation (1) shall be undertaken at an approved maritime education and training facility.
 - (3) The Maritime Administrator shall, at least once in every year, publish the requirements and syllabus for competency examinations and assessments in at least one newspaper and issue a standard training record book.
9. The Maritime Administrator may suspend or revoke a license or certificate for any of the following reasons:
 - (a) incompetency;
 - (b) physical or mental disability;
 - (c) drunkenness;
 - (d) willful failure to comply with the provisions of the Act or these Regulations;
 - (e) criminal conduct; or
 - (f) other conduct incompatible with proper performance of duties and obligations in service on board a vessel.

10. (1) An officer's license of competence shall be valid for a maximum period of five years and may be renewed subject to the refresher training requirements under STCW 95.
(2) A license shall not be renewed more than one year after the expiration of the previous license unless the applicant satisfies such special requirements as may be imposed by the Maritime Administrator or the official to whom the application for renewal is made.
11. (1) The payment of fees chargeable under these Regulations shall be made –
 - (a) in respect of vessels entered on the Register book at the Headquarters of the Dominica Maritime Registry Inc.
 - (i) in United States dollars;
 - (ii) by check or bank draft of a US banker or of the US branch of an international bank; and
 - (iii) payable to the Dominica Maritime Registry, Inc.;
 - (b) in respect of all other vessels –
 - (i) in Eastern Caribbean dollars or any other currency;
 - (ii) by check or bank draft to a bank in Dominica; and
 - (iii) payable to the Government of Dominica

(2) The fees payable shall be as set out in the First Schedule

(3) The Minister may by Order amend the schedule
12. (1) An appeal pursuant to section 18 of the Act shall be instituted by the filing of an objection to the decision appealed against and supporting documents with the Maritime Administrator within sixty days of the date of the decision.
(2) An appellant may submit documents for filing by registered mail provided that it is postmarked not less than five days prior to the due date.
13. (1) The Maritime Administrator may when necessary, prohibit or place restrictions upon the movement or operation of vessels registered under the Act.
(2) The location of the area and/or nature of such prohibition or restrictions shall be officially notified in writing to all Masters, vessel owners and officers affected thereby , and effective upon the date specified in such notice of prohibition or restriction, it shall be unlawful to navigate or operate a vessel of Dominica otherwise than as required by such notice.
(3) Where appropriate, conditions for compliance with this regulation shall also be specified in the notice.
(4) The Maritime Administrator may revoke any license, certificate or other document issued to a person who contravenes this regulation.
14. (1) An owner of a vessel may, with the written approval of the Maritime Administrator or an official authorized by him, enter into or execute any commitment, Agreement or arrangement whereby a vessel registered under the Act may be made available for use by, to be chartered or sold to or to be requisitioned by, another country.

- (2) Copies of any such proposed commitments, agreements or arrangements must be submitted, electronically or otherwise, together with the application for approval, and, if approved, a true copy must be filed with the Maritime Administrator within thirty days after the formal execution of the commitment, agreement or arrangement.
- (3) This regulation shall not apply to day-to-day current commercial transactions providing for the carriage or cargo under booking contracts, contracts of affreightment, voyage charters and time charters.
- (4) The Maritime Administrator may revoke the Certificate of Registry of a person who contravenes this regulation.
15. (1) A person who fails to pay any fee, penalty or other charge payable by him under the Act or these Regulations when they become due, shall be subject to the payment of a late payment penalty as follows:
- (a) 1 to 90 days – 15%
 - (b) 90 to 120 days – 20%
 - (c) 120 to 180 days – 35%
- (2) The defaulter shall be liable for the payment for the outstanding amount in addition to the late payment penalty fee without regard to other measures taken to ensure payment.
- (3) The Maritime Administrator may revoke the Certificate of Registry of any person who fails to pay any fee, penalty or other charge and late payment penalty fees in accordance with this regulation.
16. (1) A vessel –
- (a) owned by a citizen of Dominica or by a citizen of another CARICOM State; or
 - (b) which is not required to be classified by a recognized classification society under the provisions of these Regulations,
- shall be registered on the Register book at the office of the Maritime Administrator in Dominica.
- (2) All other vessels beside those referred to in subregulation (1) shall be registered with the Dominica Maritime Registry Incorporated or any other office designated by the Minister by Order.
17. (1) Small ships operating in the Caribbean region are subject to –
- (a) the Code of Safety for Caribbean Cargo ships CCSS Code as adopted by Member States of the Caribbean Memorandum of Understanding on the Port State Control or any Code of Safety that replace it; or
 - (b) Regulations that may be made by the Minister from time to time in respect of any type of small ships.
- (2) Where any provisions in the Regulations made by the Minister is inconsistent with the provisions of the CCSS Code the provisions of the CCSS Code shall prevail.

Part II – SAFETY DOCUMENTATION AND IDENTIFICATION OF VESSELS

18. (1) **Responsibility.** It shall be the responsibility of owners, operators and Masters to ensure that their vessels are in compliance with the requirements of all applicable International Conventions, Regulations and Agreements.
- (2) **Penalty.** In the event of failure to comply as above, the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, may suspend or cancel a vessel's Certificate of Registry and/or impose a monetary penalty not to exceed \$150,000, and/or set such other conditions as may be necessary to bring about compliance with maritime or maritime-related Conventions and other International Agreements to which the Commonwealth of Dominica is a Party, and which are in force, or the provisions of which are applied by the Commonwealth of Dominica in advance of the official date they enter into force.
- (3) **List of Conventions.** The Maritime Administrator shall cause a list of such applicable Conventions and other International Agreements to be published periodically in the Gazette.
- (4) **Lien of Penalty.** A fine imposed pursuant to subregulation (2) shall constitute a maritime lien upon the vessel, and, until such lien has been satisfied or executed, the Certificate of Registry of the vessel shall be liable to suspension and port clearance of such vessel liable to revocation.
19. (1) **Classification.** Current classification of a vessel with any of the Classification Societies appointed in Regulation 25 as Agents for the Commonwealth of Dominica in the issuance of documents required by the International convention for eh Safety of Life at Sea 1974 (SOLAS), as amended, the International Convention on Load Lines in 1966 (LL66), and the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73-78) and any other Conventions that may be applicable shall be accepted as evidence that the vessel is in seaworthy condition.
- (2) **Owner's Representative.** The owner of each vessel identified in Maritime Regulation 16 must name in writing a representative or representatives with complete authority to act for and behalf of the owner with respect to the operation of the vessel. The owner of each vessel shall provide the Office of the Maritime Administrator with current information sufficient to enable direct and immediate contact between the Administrator and the owner's representative(s) at any time with regard to matters relating to marine safety and protection of the marine environment.
20. (1) **Discharges.** Except in cases of emergency, and then only under the circumstances and conditions set forth in Regulation 11 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973/78, and any amendments thereto in force, it shall be unlawful at any time for any vessel to discharge into the sea any oil or oily mixture other than as permitted by that Convention.
- (2) **Oil Record Books.** It shall be unlawful for any oil tank vessel of 150 gross tons and upwards, or for any other vessel of 400 gross tons and upwards, to fail to have on board at all times the current oil record book required by Regulation 20 of Annex I of MARPOL 73/78.

21. (1) **Dumping and Incineration.** Dumping and incineration as defined in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (the "London Dumping Convention") shall be carried out by vessels only as permitted in paragraph 3 of this Regulation.
- (2) **Matter Included and Excluded.** Matter defined in and covered by the London Dumping Convention and its Annexes or Addenda thereto shall be covered by the s Regulation, and shall be included in or excluded from the scope of this Regulation in accordance with its status under such Convention.
- (3) **Required Permit.** No matter included within the scope of this Regulation shall be loaded aboard a vessel for dumping or incineration, nor shall any such matter be dumped or incinerated, without a permit for such operation first being issued by the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator. In determining whether such a permit shall be issued and, if so, under what restrictions, the standards of the London Dumping Convention shall be applied as a minimum, and the Office of the Maritime Administrator may impose such additional conditions as it deems necessary.
- (4) **Non-Compliance Penalty.** Any failure to comply with requirements of this Regulation shall constitute a marine offense and shall be treated as a violation under Regulation 18(2).
22. (1) **Required Log Entries.** The Master shall enter into the vessel's deck logbook prior to the vessel's departure from her loading port or place:
- (a) a statement of the load line marks applicable to the voyage;
 - (b) a statement of the position of the load line mark, port and starboard, at the time of departure from such port or place; and
 - (c) the actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from such port or place.
- (2) **Annual Inspection.** Load line inspection of vessels must be conducted on an annual basis. The Maritime Administrator shall be provided with the results or proof of said inspections.
23. (1) **Annual Fees.** The costs of marine investigations, and Dominica Maritime Registry Incorporated participation shall be defrayed by an annual fee in addition to a fee based on the vessel's registered tonnage or two hundred twenty dollars (US\$220) being the minimum additional amount payable for vessels of 4,000 gross tons or less paid by the owner of each vessel registered under the provisions of the International Maritime Act, 2000.
- (2) **How Applied.** The fees collected under this Regulation shall be applied as follows:
- (a) Marine Investigations. The costs covered shall relate to all maritime investigations, or to the imposition of a fine or penalty;
 - (b) International Maritime Participation. The costs covered shall relate to assessments and dues payable under the terms of conventions and maritime agreements to which the Commonwealth of Dominica is a Party, to attendance and support of delegations or

representatives of the Commonwealth of Dominica at meetings and conferences, and to support of representatives of the Commonwealth of Dominica engaged in maritime diplomatic negotiation.

24. (1) **Proof of Consent.** In case of the sale or transfer of a vessel which currently is under another registry and flag, and where the buyer or transferee desires to register the vessel under the International Maritime Act, 2000 and such vessel is immediately entitled to a Permanent Certificate of Registry, the owner, in addition to filing the documents and paper required for registration, shall file an affidavit certifying that no further consent is required from the Government of the current foreign registry, or, if such consent is required, file copies of such official consent.
- (2) **International Certificates.** All vessels registered under the International Maritime Act 2000 shall be issued valid certificates as required by the Safety of Life at Sea Convention, International Load Line Convention, MARPOL Convention, International Tonnage Convention, or any other International Convention which has been ratified or acceded to by the Commonwealth of Dominica. These certificates shall be issued, following the successful completion of the required surveys, by one of the Classification Societies or other recognized organization authorized by the Commonwealth of Dominica.
- (3) **Inspection for Validation of Particulars.** All vessels to be issued a Permanent Certificate of Registry by the Commonwealth of Dominica will, at the discretion of the Maritime Administrator, be subjected to an independent audit by such surveyors as may be designated by the Maritime Administrator to ensure that such vessel is, in fact, in substantial compliance with all applicable conventions and treaties.
- (4) **Filing.** All documents and papers required by the Maritime Administrator are to be forwarded to an appropriate office designated by the Maritime Administrator.
25. Only International Ship Classification Societies found to be in compliance with IMO resolutions A.739 (18) and A.789 (19) may be, at the discretion of the Maritime Administrator, duly appointed and authorized as Special Agents to measure vessels in accordance with the provisions of Regulation 26 and to survey vessels for the issuance of certificates of the Commonwealth of Dominica referred to in Regulation 24(2).
26. (1) **Application of Tonnage Convention.** The International convention of Tonnage Measurement of Ships, 1969 entered into force internationally on 18 July 1982 (the "Tonnage Measurement Convention") shall apply.
- (2) **Definition.** "New Ship" means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the present Convention.
- (3) **Effective dates.** As of 18 July 1982, the Tonnage Measurement Convention, as noted in Article 3 of the Convention shall apply to:
- (a) New ships;

(b) Existing ships that undergo alterations or modifications that result in a substantial variation from the existing tonnage;

(c) Existing ships if the owner so requests; and

(d) All existing ships, as of 18 July 1994 (twelve years after the date on which the Convention came into force); except that such ships, apart from those mentioned in subsection b. and c. of this subregulation, shall retain their then existing tonnages for the purpose of the application of them of relevant requirements under other existing International Conventions.

(4) **Certificate.** All measurements must be verified by a Certificate of Measurement in official form.

(5) **Existing Vessels.** In cases of existing vessels previously documented in a foreign country, or never before documented but which have been measured by a representative of a foreign country, an Admeasurer, without physically measuring the vessel, may accept the figures contained in the latest marine document or Certificate of Measurement (making all such adjustments as may be required to make the same conform to one of the standards of measurement referred to in subregulations (1). Or (2) hereof in determining the principal measurements and gross and net tonnages; provided said Admeasurer is furnished with a sworn statement by the owner or some authorized person on behalf of the owner that no alterations or modifications affecting measurement or tonnage have been made in the vessel since the issuance of said marine document or Certificate of Measurement. In the event such sworn statement shall disclose that changes affecting measurement of tonnage have been made prior to 18 July 1982, the Admeasurer may limit his physical measurement to such spaces as are affected by such changes. But if any such alterations or modifications have been made after 18 July 1982, the vessel shall be fully remeasured in accordance with the Tonnage Measurement Convention currently in force, as amended.

(6) **Alterations.** The owner or Master of a vessel or person authorized to act on the owner's behalf shall advise the Office of the Maritime Administrator of any alteration or modification of the vessel which could affect her classification, measurement, tonnage or load line within 20 days from the completion of such alteration or modification, and shall provide complete details thereof.

27. (1) **Multiple Use Vessel.** In cases where the vessel may be used alternately in one category or another (i.e. ore carrier or tanker), the Certificate of Registry shall describe the vessel in the category which produces the highest gross and net tonnages. The Maritime Administrator may attach to the Certificate of Registry an Appendix stating separately the description of the vessel, including measurements, that would be applicable if the vessel were trading in the other category.

(2) **Dual Tonnage Vessel.** In the case of a vessel fitted with a tonnage mark and assigned dual gross and net tonnages, the length, depth and breadth stated in the Certificate of Registry shall be the dimensions for the condition with the tonnage mark submerged.

28. (1) **Content of Permanent Certificate of Registry.** Each ship's Permanent Certificate of Registry shall state the name of the vessel, the vessel's official number, IMO number, call sign, service, and home port of Portsmouth or Roseau; the name of the person making the required oath; the names, residences, citizenship and proportions of the owners of the vessel; the former name or designation of the vessel; the year and place of the build name or designation of the vessel; the year and place of the build of the vessel; the name of the builder; the number of masts and decks; the material of the hull; the number and type of engines, propelling power; the length, depth, breadth and height of the propelling power; the length, depth, breadth and height of the uppermost deck to the hull above the tonnage deck; the gross and net tonnage or tonnages; and date and place converted.
- (2) **Content of Provisional Certificates of Registry.** Each ship's Provisional Certificate of Registry shall state the name of the vessel, the vessel's official number, IMO number, call sign, service, and home port of Portsmouth or Roseau; the name of the person making the required oath; the names, residences, citizenships and proportions of ownership of the owners of the vessel; the former name or designation of the vessel; the year and place of build of the vessel; the name of the builder; and the best particulars with respect to her tonnage or tonnages, build, description, dimensions and motive power which the issuing officer is able to obtain.
- (3) **Issuance of New Certificate of Registry.** In cases where there has been a change of name or ownership of a vessel, a new Permanent Certificate must be issued and, in no event, shall such change or changes be accomplished by means of endorsement of the ship's existing documents.
29. The Maritime Administrator shall issue Registry certificates and licenses and assign to such documents numbers progressively.
30. (1) **Proof of Consent.** In cases where a vessel is acceptable in the first instance for documentation under the Act, or for re-registration under the Act, and is eligible for a Provisional Certificate of Registry, the owner, in addition to filing the documents for the issuance of a Provisional Certificate of Registry, shall file an affidavit that no further consent is required from the Government of former registry and flag, or, if such consent is required, file copies of such official consent.
- (2) **Proof of Liability Insurance.** In no case, shall a vessel be issued any Certificate of Registry unless there is on file proof of satisfactory liability insurance. Such proof must show either protection and indemnity coverage as approved by the Maritime Administrator. In either case, the proof must show coverage in default of the shipowner's repatriation obligations under Section 192 of the Act.
- (3) **Payment of all Outstandings.** In no case, shall a vessel previously registered under the International Maritime Act, 2000 be issued any new Certificate of Registry before any and all

taxes, fees and charges of whatever nature outstanding to the Maritime Administrator in respect of that vessel, under its previous registration have first been paid or satisfied.

(4) **Filing.** All documents and papers required shall be forwarded to the Office of the Maritime Administrator.

31. (1) **Statement Required.** The owner of a vessel, in order to transfer the vessel to a foreign registry, or to leave the Commonwealth of Dominica Registry for any other reason, shall file a statement setting forth the information specified in Section 44 of the Act, and pay any outstanding annual tonnage taxes or fees due against the vessel.
- (2) **Documents Required.** A certificate of Cancellation from the Commonwealth of Dominica International Ship Registry may be issued upon filing with the Office of the Maritime Administrator, or upon the delivery to a Special Agent or an official acting under specific instructions from the Office of the Maritime Administrator, of:
- (a) the vessel's Certificate of Registry and all other documents issued to the vessel, and as listed in the published requirements;
 - (b) the Bill of Sale in triplicate, in the event title has been transferred
- (3) **Other Requirements.** In no case shall a Certificate of Cancellation be issued before:
- (a) all fees, penalties and charges of whatever nature outstanding against the vessel or its owning corporation to the Commonwealth of Dominica have been fully paid; and
 - (b) any recorded mortgage has been duly satisfied or discharged as required under Section 77 of the Act.
32. The Maritime Administrator shall not approve the application of an owner for the change of name of a vessel if said vessel is subject to a Preferred Ship Mortgage unless the mortgagee has, in writing, consented to, or given approval for, such change of name.
33. The penalty specified under Section 67 of the Act, shall be construed as liquidated damages, and the Maritime Administrator may impose such conditions upon the grant of Provisional Certificate of Registry under, Section 40 or Section 73 of the Act, as the Maritime Administrator deems appropriate to secure payment of such damages if incurred.
34. (1) **Recording.** Notice of a foreign ship mortgage, hypothecation of similar charge or any other instruments related thereto which is entitled to be recorded under Section 68 of the Act, shall be recorded in books to be kept for that purpose and indexed to show:
- (a) the name of the vessel;
 - (b) the names of the parties;
 - (c) the time and date of reception of the instrument;
 - (d) the interest in the vessel transferred or affected;
 - (e) the amount and date of maturity of any mortgage, hypothecation or similar charge;
- and

On this ___ day of ____, 20___, before me personally appeared _____

To me known, who is being by me duly sworn, deposes and says that he resides at _____; that he is

_____ (title) , for

_____ (company name) described in and which

executed the foregoing instrument; that he knows the seal of said corporation; that the seal

affixed to said instrument is such corporate seal; and that it was so affixed by order of the Board

of Directors (or whatever group has corporate authority) of said corporation and that he signed his

name thereto by like order.

(name and title of Officer taking acknowledgment)

(b) If corporate seal is not affixed:

City of _____)

) ss:

Province of _____)

On this ___ day of ____, 20___, before me personally appeared _____

To me known, who is being by me duly sworn, deposes and says that he resides at

_____; that he is

_____ (title) , for

_____ (company name) described in and which

executed the foregoing instrument.

(name and title of Officer taking acknowledgment)

38. Where Proof of Due Execution is specified as an alternative to acknowledgement in these Regulations, such proof must:

(a) be in form and in substance, be a full legal acknowledgement that the document was duly executed in accordance with the laws of the place of execution of the document;

(b) be subscribed by and legibly bear the name and title of a notary public or other officer authorized by the laws of the place of execution of the document to take acknowledgements; and

- (c) be a part of or permanently attached to the executed document.
39. (1) **Existing ships.** Where a vessel of the Commonwealth of Dominica is sold or transferred and re-registered under the Act, a Bill of Sale issued in connection with such sale or transfer shall be recorded in the Office of the Maritime Administrator as soon as practicable thereafter.
- (2) **New buildings.** In cases of new buildings, the Builder's Certificate, or, in cases of transfer from another Flag, the Bill of Sale may be, but is not required to be recorded.
40. No mortgage shall be recorded unless it is submitted in the original and five counterparts, all duly executed, and acknowledged or with proof of due execution as required in Regulation 37. All mortgages shall be in the English language.

Part IV – RADIO

41. (1) **Radio Call and Signal Letters, Frequency.** The Maritime Administrator, or the appropriate official who is authorized to act for and on behalf of the Maritime Administrator is authorized to assign Radio Call and Signal Letters and also Frequencies to a vessel qualified for the issuance of a Certificate of Registry.
- (2) **Ship Radio Licenses**
- (a) **License Required.** Ship mobile radio transmitting stations shall be licensed by the Office of the Maritime Administrator who shall issue a license for each such station which shall be subject to the control of the Maritime Administrator with respect to its use. No license shall be transferred without the approval of the Maritime Administrator.
- (b) **Validity and Renewal.** All Ship Radio Station Licenses shall be valid for a period of four (4) years and shall be subject to renewal. Any such license may be revoked by the Maritime Administrator at any time for cause shown.
- (c) **Filing.** Applications for Ship Radio Station Licenses, or modifications or renewals thereof, shall be submitted to the Office of the Maritime Administrator.