

THE REPUBLIC OF LIBERIA

LIBERIA MARITIME AUTHORITY

LIBERIAN MARITIME LAW

TITLE 21 OF THE LIBERIAN CODE OF LAWS OF 1956



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THE LIBERIAN MARITIME LAW

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THE LIBERIA MARITIME LAW

[Being Title 21 of the Liberian Code of Laws of 1956, as Amended]

CHAPTER 1.

GENERAL POLICY

§1. Statement of Policy.

This Title is intended, and shall be construed, to encourage and foster the growth and development of the foreign and domestic commerce and to promote and protect the national defense and security of the Republic of Liberia.

Prior legislation: Lib. Mar. Code, t. I, sec. 2.

§2. Law Governing Matters Affecting Economy of Liberian Flag Ships.

(1) This Title 21 of the Liberian Code of Laws Revised shall be known as and cited as the Maritime Law.

(2) All matters affecting the internal order and economy of Liberian Flag ships, including labor relations, shall be governed by this Title.

(3) Where in any Act, regulation, or any other legislative, administrative or executive act or in any document or instrument made under or for the purposes of any Act, regulation or other legislative, administrative or executive act there is reference to the Maritime Law as Title 22 of the Laws of the Republic of Liberia, there shall be substituted for such reference a reference to Title 21 and such substitution shall be deemed to have had effect from the date on which this Title was enacted as Title 21 or from the date of the Act, regulation or other legislative, administrative or executive act, or document or other instrument, whichever was the later.

Eff. Apr. 11, 1962; amended eff. Aug. 28, 1986, amended eff. June 19, 2002.

ADMINISTRATION

§10. Administration of the Law.

The Commissioner of Liberia Maritime Affairs Authority. - The Commissioner of Liberia Maritime Authority appointed in accordance with Section 11 (hereinafter sometimes referred to as "the Commissioner") shall administer all matters pertaining to domestic and foreign water-borne commerce of this Republic, by and through the Liberia Maritime Authority, designated and established by Government for the effective administration of the provisions of this Title.

Prior legislation: Lib. Mar. Code, t. I, sec. 3, amended eff. June 19, 2002; amended eff. Feb 14, 2013.

§11. Commissioner of Liberia Maritime Authority: Regulations and Rules.

(1) In order to effectuate the policy and findings of facts herein declared, there shall be a Commissioner of Liberia Maritime Authority who shall be appointed by the President and who may make Regulations and Rules for carrying out the provisions of this Title and to ensure the seaworthiness of Liberian ships and proper manning conditions on board. When approved by the President, all such Regulations, Rules, and amendments thereto shall have the force and effect of law:

Provided that in relation to any matter so specified in this Title the Commissioner acting alone and within the terms of the powers conferred upon him may make Regulations which shall have the force and effect of law.

(2) Regulations made under Section 19 for the purposes of determining prescribed fees and prescribed taxes under this Title, including any penalty fee or tax as provided for in Section 83, may introduce, vary, increase, reduce or remove fees and taxes, including any fees or taxes now or previously provided for in this Title, and in relation to any reduction or removal of fees or taxes, whether permanent or temporary, such Regulations may be made by the Commissioner acting alone and may reduce or remove any fee or tax retrospectively, and may make provision to apply fees and taxes to different entities in different ways so long as the effect is not to increase the fee or tax otherwise payable in any matter by a particular entity.

Prior legislation: Lib. Mar. Code, t. I, sec. 4, 1841 Digest pt. I, Act Regulating Commerce and Revenue, sec. 28, 2 Hub. 1480; as amended Apr. 7, 1960, amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§12. Deputy Commissioners of Liberia Maritime Authority.

(1) The administrative duties of the Commissioner may be performed by persons appointed by the President from time to time as Deputy Commissioners of Maritime Affairs (hereinafter sometimes referred to as "Deputy Commissioners").

(2) A Deputy Commissioner shall make Regulations and Rules for carrying out the provisions of this Title and to ensure the seaworthiness of Liberian ships and proper manning conditions on board and when signed by the Commissioner and approved by the President, all such Regulations, Rules, and amendments thereto shall have the force and effect of law.

Prior legislation: Lib. Mar. Code, t. I, sec. 5, added Dec. 22, 1949; and Mar. Reg. 1.2, eff. Feb. 28, 1949, amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§13. Administration of Maritime Program.

(1) The Maritime Program of the Republic of Liberia established by the provisions of this Title and of Regulations and Rules made by the Commissioner pursuant to the provisions of Section 11 of this Chapter shall be administered by an agent of the Liberian Government, to be designated and appointed by the Government of the Republic of Liberia for the purpose of aiding the Commissioner in the effective administration of the provisions of the Maritime Law.

(2) The agent designated and appointed under this section shall promulgate such Notices as may be necessary from time to time to give effect to this Act and any Regulations and Rules made by the Commissioner and, to the extent that such Notices are not inconsistent with this Act

or Regulations and Rules made by the Commissioner or with any international obligation of the Government of the Republic in respect of any relevant convention to which the Government is a party, such Notices and any amendment, or variation of them from time to time, shall have force and effect under this Act.

(3) In the performance of their duties under this Title the agent designated and appointed under this Section and any Deputy Commissioner, or representative of a Deputy Commissioner duly appointed for any purpose under this Title or a special agent appointed under Section 15, and the members, officers and employees of any such person, wherever located, shall have full immunity from liability and from suit with respect to any act or omission or thing done by any of them in good faith in the exercise or performance of any of their duties under this Title:

Provided that such immunity shall apply only to those acts and omissions done by them in good faith in the course of and in connection with the administration of the Maritime Program of the Republic of Liberia.

Prior legislation: Mar. Reg. 1.1, eff. Feb. 28, 1949, amended eff. June 19, 2002.

§14. Records Relating to Vessels.

(1) There shall be recorded in respect of each Liberian vessel in a public register in the form of a separate index in respect of each category of certificates and documents specified in paragraph (2) (hereinafter referred to as the “relevant index” in respect of that category of certificate or document) the information required by this Title and Regulations, Rules and Notices made hereunder to be so recorded in the relevant index and each such index shall be maintained in duplicate at the office of the Commissioner in Monrovia and at the office of a Deputy Commissioner, designated by the agent and approved by the Commissioner as the central office in respect of that relevant index.

(2) The categories referred to in paragraph (1) are:

(a) The category of certificates issued for the purpose of registration:

(i) Certificates of Provisional Registry;

(ii) Certificates of Permanent Registry;

(b) The category of documents relevant in relation to a registered vessel:

(i) Bills of Sale, Builder’s Certificates and other instruments of conveyance of vessels;

(ii) Mortgages or hypothecations of vessels and instruments affecting mortgages, including but not limited to Subordination Agreements, Inter-creditor Agreements, Assignments of Mortgages, which may include assignments by way of security of another debt, Mortgage Amendments and Supplements;

(iii) Instruments of bareboat charter in respect of vessels registered in accordance with Section 85;

(iv) Financing charters;

(c) The category relevant to all other documents relating to a registered vessel and which are entitled to recordation.

(3) A duplicate copy of a certificate of the kind referred to in paragraph (2)(a) shall be retained in the office of the Commissioner and the central office designated in respect of the relevant index and shall form part of the public register in respect of the vessel to which it relates.

(4) Documents of the kind referred to in paragraph (2)(b) filed for the purpose of recordation in the relevant index shall be registered and retained in the office of the Commissioner and the central office designated in respect of the relevant index, and:

(a) In respect of documents falling within paragraph (2)(b)(ii) and 2(b)(iv), Chapter 3 shall apply to the recordation of the documents, and the documents shall form part of the public register in respect of the vessel to which they relate; and

(b) In respect of documents falling within paragraph (2)(b)(iii), Section 85 shall apply to the recordation of the documents.

(5) For the purpose of recordation in the relevant index at the central office in respect of that index, documents of the category specified in paragraphs (2)(b) and (c) may be deposited, registered or recorded from:

(a) An office of a Deputy Commissioner;

(b) Any other location,

appointed for this purpose by the duly authorized agent of the Commissioner and from which electronic access may be made to the relevant index for the purpose of inspection and recordation:

Provided that, any location from which an instrument is electronically transmitted for the purpose of recordation shall always be considered an appointed location, and provided further that where the fact, date and time of recordation is of the essence of the recordation, the fact, date and time, and any matter of priority of recordation shall be determined by the fact, date and time of recordation in the relevant index at the central office in respect of that index.

(6) There shall be recorded in respect of each Liberian vessel in a public register in the form of a separate index at the office of the Commissioner and at the office of a Deputy Commissioner designated by the agent as the central office in respect of the index:

- (i) Licenses and Certificates of Officers of a registered ship's crew;
- (ii) Licenses and Certificates of Members of a registered ship's crew.

(7) The Commissioner, by Regulation acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, by Regulation in accordance with section 12, may add to, but not remove from, the list of categories specified in paragraph (2).

Prior legislation: Mar. Reg. 1.3, eff. Feb. 28, 1949, as amended Mar. 1, 1958, amended eff. June 19, 2002; amended eff. April 23, 2018.

§15. Authority to Administer Oaths and Take Acknowledgments.

The Commissioner and each Deputy Commissioner are authorized to administer all oaths, take all acknowledgments and make all proofs of due execution required by this Title, and the Commissioner may appoint and authorize additional special agents for this purpose. The provisions of Chapter 13 of Title 14 shall apply.

Prior legislation: Mar. Reg. 1.4, eff. Feb. 28, 1949; amended eff. July 8, 1982, amended eff. June 19, 2002.

§16. Authority to Issue Radio Station Licenses.

The Commissioner and the Deputy Commissioner duly appointed and designated for this purpose are authorized to issue ship radio station licenses in respect of radio transmitting apparatus located on board vessels registered under the laws of the Republic of Liberia. The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules as are necessary and appropriate to implement this provision and the agent, acting in accordance with section 13, may promulgate Notices.

Prior legislation: Mar. Reg. 1.5, eff. Mar. 8, 1949; amended eff. July 11, 1969, amended eff. June 19, 2002.

§17. Authority to Issue Licenses, Certificates and Other Documents.

(1) The Commissioner and the Deputy Commissioner duly appointed and designated for this purpose are authorized to issue all such licenses, certificates, or other documents for officers and ship's personnel on Liberian vessels necessary or proper for carrying out the purposes of the Maritime Law or of any International Convention or Agreement to which the Republic of Liberia is or may become a party.

(2) In aid of licensing, certificating and upgrading of ship's officers and personnel, the Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules as are necessary and appropriate to implement this provision and the agent, acting in accordance with section 13, may promulgate Notices necessary and appropriate to carry out such purposes and maintain the high standards of the Liberian Merchant Marine.

(3) Failure of an owner of a Liberian vessel to file any required report relating to officers and other ship's personnel employed-on the vessel shall result in an automatic fine of US\$1,500 for each offense, and until paid each such fine shall constitute a maritime lien on the vessel.

(4) Failure of an owner of a Liberian vessel to ensure that each officer employed on the vessel is the holder of a valid Liberian license of competence to fill the position held by him shall subject the owner to a fine of US\$750 for each officer so employed who is not the holder of such Liberian license. Where such failure is admitted or is established by any required report, the fine shall be automatic. If, however, a proper Liberian license for each such officer is obtained within 30 days of notice from the Commissioner or Deputy Commissioner, the fine with respect thereto shall be remitted. Until paid or remitted, each fine shall constitute a maritime lien on the vessel.

Prior legislation: Mar. Reg. 1.6; eff. Mar. 8, 1949; amended June 29, 1949; amended eff. Mar. 1, 1958; amended Apr. 7, 1960; amended eff. July 8, 1982, amended eff. June 19, 2002.

§18. Suspension and Revocation Proceedings.

The Commissioner or the Deputy Commissioner duly appointed and designated for this purpose shall have power to suspend or to revoke any licenses, certificates, permits or documents issued under the provisions of this Title, and Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules as are necessary and appropriate to implement this provision and the agent, acting in accordance with section 13, may promulgate Notices necessary and appropriate to the conduct of suspension and revocation proceedings.”.

Eff. July 11, 1969, amended eff. June 19, 2002.

§19. Fees and Taxes.

The Commissioner of Liberia Maritime Authority shall establish by Regulation all necessary and proper prescribed fees and prescribed taxes for the purposes of this Title and the provisions of Section 11(1) and (2) shall apply.

Prior legislation: Mar. Reg. 1.7, eff. June 29, 1949; amended eff. Mar. 1, 1958; renumbered July 11, 1969, amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§20. Documents and Certificates created, transmitted, signed or stored electronically.

(1) The requirements of this Act in respect of filing and of the form of documents and duplicates and of the transmission, signature and acknowledgement of such documents may be satisfied by instruments electronically created and existing, transmitted, signed and acknowledged and duplicates thereof, created, held, transmitted, signed or acknowledged, where so required by law, as the case may be, in accordance with Chapter 13 of Title 14 and, where any document is sealed, the provisions of that Chapter shall also apply.

(2) Any certificate to be issued by the Commissioner or a Deputy Commissioner may be created, exist, transmitted, signed, acknowledged or sealed, as the case may be, electronically in accordance with Chapter 13 of Title 14 and all copies of documents filed in the office of the Commissioner or a Deputy Commissioner in accordance with the provisions of this Act and, where appropriate, of Chapter 13 of Title 14 with respect to the status etc. of documents

electronically generated, held, signed or acknowledged, or where, a seal is affixed to a document, sealed, may be reproduced by him on paper or electronically for the purposes of certification by him in accordance with that Chapter:

Provided that the signature of the Commissioner and every Deputy Commissioner shall be affixed to any document generated for the purpose of this Title and howsoever transmitted or recorded only in accordance with this Act and with the authority and direction of the Commissioner or Deputy Commissioner, as the case may be.

Eff. June 19, 2002.

§29. Definitions.

- (1) The words "to document" and "enroll" or any of their derivatives, as used throughout this Title, shall have the same meaning as the word "to register" or its derivatives.
- (2) The term "citizen" or "national", as used throughout this Title, shall, unless the context shall otherwise require, include corporations, trusts, foundations, partnerships, limited partnerships, limited liability companies and other entities of Liberia having legal personality and the capacity to own a ship.
- (3) The term "documented owner", as used throughout this Title, shall mean the person identified as the owner of a documented vessel in the application for documentation of the vessel filed with the Commissioner or Deputy Commissioner. A person who retains only legal title to a vessel may be a documented owner, notwithstanding any transfer by such person of all or any part of his equitable or beneficial ownership interest in such vessel.
- (4) The term "financing charter", as used throughout this Title, shall mean a contract in the form of a demise or bareboat charter between the documented owner and the finance charterer of an entire vessel, which contract is agreed by the parties, or determined in judicial or arbitral proceedings, to create a security interest in such vessel granted by the finance charterer in favor of the documented owner.
- (5) The term "finance charterer", as used throughout this Title, shall mean a person identified in a financing charter as the charterer of a vessel.
- (6) The term "vessel", as used throughout this Title, shall mean any watercraft registered under this Title, including any manned ocean-going watercraft that is or is intended to be permanently moored.
- (7) The term "judicial sale", as used throughout this Title, shall mean any sale of a vessel of a competent authority by way of public auction or private treaty or by any other appropriate ways provided for by the law of the State of judicial sale by which title to the vessel free of mortgages and any other encumbrances is issued to the purchaser and the proceeds of sale are made available to the creditors.

Eff. July 11, 1969, amended eff. June 19, 2002; amended eff. April 23, 2018.

CONSTRUCTION

§30. Adoption of American General Maritime Law.

Insofar as it does not conflict with any other provisions of this Title, the non-statutory General Maritime Law of the United States of America is hereby declared to be and is hereby adopted as the General Maritime Law of the Republic of Liberia.

Prior legislation: Lib. Mar. Code, t. X.

§31. Separability.

If any provision of this Title, or the application of any such provision to any circumstances or persons, natural or corporate, shall be held invalid, the validity of the remainder of this Title and the applicability of such provisions to other circumstances, or to persons, individual or corporate, shall not be affected thereby.

Prior legislation: Lib. Mar. Code, t. X.

CRIMINAL PENALTY

§32. General Penalty for Violation.

Any person who is convicted by a court of competent jurisdiction of a violation of any of the provisions of Sections 68, 69A, 70, 71, 75, 77, 204, 252, 292, 326, 336A, 342, 345, 352, 353, or 356 of this Title or of any Regulations and Rules made by the Commissioner, in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, or of any Notices promulgated by the agent, acting in accordance with section 13, shall, upon conviction, be subject to a fine not exceeding US\$50,000 or imprisonment for a term not exceeding ten years, or both.

Prior legislation: Lib. Mar. Code, t. XI, amended eff. Aug. 18, 1964; amended eff. July 8, 1982, amended eff. June 19, 2002.

JURISDICTION

§33. Jurisdiction.

All causes of action arising out of, or under, this Title are hereby declared to and shall be cognizable before the Circuit Courts of the Republic, sitting in Admiralty; but, except as otherwise specifically provided in this Title, the provisions of this Section shall not be deemed to deprive other Courts, of Liberia or elsewhere, of jurisdiction to enforce such causes of action.

Prior legislation: Lib. Mar. Code, t. XII.

§34. Appeal from Decision of Commissioner or Deputy Commissioner.

Appeal from any decision of the Commissioner may be taken to the Circuit Courts of the Republic, sitting in Admiralty. Appeal from any decision of a Deputy Commissioner pursuant to any Section of this Title or any Regulations and Rules thereunder, may be taken to the Commissioner. Upon exhaustion of administrative remedies, appeal may be taken to the Circuit

Courts of the Republic, sitting in Admiralty.

Eff. July 11, 1969, amended eff. June 19, 2002.

CHAPTER 2.

DOCUMENTATION AND IDENTIFICATION OF VESSEL

SUB-CHAPTER I. VESSEL REGISTRATION

§50. General Provisions.

No self-propelled or sailing vessel of twenty net tons or over engaged in trade exclusively between ports of the Republic of Liberia, and no vessel engaged in foreign trade, shall fly the Flag of the Republic of Liberia or be accorded the rights and privileges of a Liberian vessel unless such vessel shall be registered in accordance with the provisions of Chapter 2 of this Title. The home port of every vessel so registered shall be registered in accordance with the provisions of Chapter 2 of this Title. The home port of every vessel so registered shall be Monrovia, and the name of the home port shall be shown on the Certificate of Registry.

Prior legislation: Lib. Mar. Code, t.II, sec. 1, as amended Dec. 22, 1949; 1841 Digest, pt. I, Act regulating commerce and revenue, sec. 10, 2 Hub. 1840; and 1828 Code, Digest, Art XXXV, 2 Hub. 1272, 1294.

§51. Vessels Eligible to be Documented and Re-documented.

Vessels of the following classes are eligible to be documented or re-documented under the laws of the Republic of Liberia:

- (1) Any vessel of 20 net tons and over, owned by a citizen or national of Liberia, and engaged solely in coastwise trade between ports of Liberia or between those of Liberia and other West African nations.
- (2) Any sea-going vessel of more than 500 net tons engaged in the foreign trade, wherever built, owned by a citizen or national of Liberia. An application for waiver of tonnage is required for consideration by the Commissioner or Deputy Commissioner to register a vessel of less than 500 net tons:
 - (a) Anything in this Section to the contrary notwithstanding, if applicable conditions and all other requirements for registration in accordance with, Section 51(6), Section 51(7), Regulations and Rules are met to the satisfaction of the Deputy Commissioner, a waiver may be granted by the Commissioner or Deputy Commissioner.
- (3) Any yacht or other vessel used exclusively for pleasure, of 24 meters or over, owned by a citizen or national of Liberia.
- (4) Vessels referred to in paragraphs (2) and (3) above will not be eligible for initial documentation or re-documentation if, on January 1 of the year in which initial documentation or re-documentation is sought, such vessels are over 20 years of age, computed from completion of first construction.

- (5) Anything in this Section to the contrary notwithstanding, the ownership requirement referred to in paragraph (2) above may be waived by the Commissioner or Deputy Commissioner where:
- (a) The vessel meets, or there is waived in accordance with Section 51(6) or (7), all other requirements for registration;
 - (b) It has been satisfactorily demonstrated that there is an absolute and genuine need for such waiver; and
 - (c) The owner, or the bareboat charterer in the case of registration under Subchapter II of this Chapter, of the vessel qualifies for, secures and maintains registration in the Republic of Liberia as a foreign maritime entity and appoints a qualified registered agent in the manner prescribed by law.
- (6) Anything in this Section to the contrary notwithstanding, the 20-year maximum age limitation in paragraph (4) above may be waived by the Commissioner or Deputy Commissioner, and a vessel over 20 years of age may be documented or re-documented when:
- (a) The vessel meets, or there is waived in accordance with Section 51(5) or (7), all other applicable requirements; and
 - (b) It has been satisfactorily demonstrated that there is a genuine need for such waiver.
- (7) For a vessel registering under this Title the Commissioner or Deputy Commissioner may, for good cause shown, including but not limited to:
- (a) Cases of international, civil, political or military crisis;
 - (b) A case in which a vessel that has been the subject of a judicial sale in Liberia or in any other jurisdiction, without registration in another jurisdiction intervening between the judicial sale and the application for registration,

temporarily suspend or modify the requirements of this Chapter with respect to de-registration documentation of a foreign jurisdiction as well as related requirements for recordation of documents under Chapter 3 in respect of that vessel, and permit such a vessel to be documented under this Chapter, or such instruments to be recorded.

- (8) For a vessel registering under this Title while under construction the Commissioner or Deputy Commissioner may temporarily for the period of construction vary those requirements of this Title with which the ship, by virtue of being under construction, cannot during that period comply.

Prior legislation: Lib. Mar. Code, t. II, sec. 2; Mar. Reg. 2.1 eff. Feb. 28, 1949, as amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. Nov. 24, 1970; amended eff. Sep. 17, 1973; amended eff. Aug. 28, 1986; amended eff. Aug. 22, 1989; amended eff. June 19, 2002; amended eff. Feb. 14, 2013; amended eff. April 23, 2018.

§52. Vessels Not Required to be Documented.

Any vessel of less than twenty net tons engaged solely in domestic commerce shall not be required to be documented.

Prior legislation: Lib. Mar. Code, t. II, sec. 4.

§53. Registration Fees.

With respect to registration of vessels under the provisions of this Chapter, there shall be paid prior to the initial registration, or prior to the re-registration of a vessel transferred from foreign registry or re-registered on change of owner without change of flag, the prescribed fees.

Prior legislation: Lib. Mar. Code, t. II, sec. 3; Mar. Reg. 2.3 (a)(4), eff. Feb 28, 1949, as amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. Aug. 18, 1964; amended eff. July 11, 1969; amended eff. Jan. 1, 1981, amended eff. June 19, 2002.

§53A. Temporary Reduction in Registration Fee.

(1) Sections 53(1), 56(4) and 66(1) of this Chapter to the contrary notwithstanding, until July 1, 1988 the initial registration fee for a vessel may be temporarily reduced, but not increased, by Regulation made and promulgated in accordance with Section 11 of Chapter 1.

(2) Any temporary reduction made as in paragraph (1) above shall be effective for not more than one year, whereupon such Regulation shall expire and shall stand repealed.

Eff. July 1, 1986.

§54. Annual Tax.

(1) Amount of Tax. Each vessel registered under the provision of this Chapter shall pay an annual tax of the prescribed amount computed in the prescribed manner.

(2) Domestic Vessels. Vessels of less than 500 net tons and engaged exclusively in fishing from ports of Liberia, or solely in coastwise trade between ports of Liberia or those of Liberia and other West African nations, shall pay an annual tonnage tax computed in accordance with the Domestic Watercraft Law.

(3) Tax Proration and Exemption. Notwithstanding paragraphs (1) and (2) of this Section:

- (a) The annual tax for the first calendar year following the year in which a vessel is registered shall be computed prorata for the period from the first anniversary date of registration until the close of the calendar year; and

- (b) Subject to conditions specified by Regulation, a vessel which is withdrawn from service and laid up from January 1 through December 31 of any calendar year shall be granted an exemption from the annual tax otherwise due for each succeeding year thereafter until the vessel re-enters service, upon which date the annual tax then due and payable shall be computed prorata for the remainder of that calendar year.

(4) **Tax During Transfer.** Anything in Section 53 to the contrary notwithstanding, a vessel transferring to a foreign registry from Liberian registry but which continues in the same ownership and continues to pay the annual tax required by paragraphs (1) and (2) of this Section, may be readmitted to Liberian registry without payment of a registration fee, provided she is in all other respects eligible for re-registration, or such requirements have been waived in accordance with this Title.

Prior legislation: Mar. Reg. 2.5, eff. Mar. 8, 1949; amended April 7, 1960; repealed and substituted eff. Jan. 1, 1981; amended eff. July 8, 1982; amended eff. Aug. 28, 1986, amended eff. June 19, 2002.

§55. Title of Ship's Document.

The ship's document shall be called the "Certificate of Registry."

Prior legislation: Lib. Mar. Code, t. II, sec. 5.

§56. Conditions Precedent to Issuance of Permanent Certificate of Registry.

Upon receipt of the written application of an owner of a vessel eligible for documentation under the laws of the Republic of Liberia and requesting the issuance of a Certificate of Registry for the vessel, accompanied by the oath or oaths required by Section 57 below, the Commissioner or any Deputy Commissioner, upon payment of the prescribed fees, may issue a permanent Certificate of Registry for the vessel provided that the owner furnish proof satisfactory to the issuing officer:

- (1) As to his ownership of the vessel;
- (2) That any foreign marine document for the vessel has been surrendered with the consent of the government that had issued it, or has been legally canceled or otherwise terminated;
- (3) That the vessel is in a seaworthy condition;
- (4) That the owner has paid to the agent of the Government appointed and designated in section 13 a sum equal to the prescribed initial registration fee and the authorized agent's fee;
- (5) That the markings of name, official number, home port and draft required by Section 75 below have actually been made;

- (6) That a Certificate of Tonnage Measurement as required by Section 59 has been issued.

Prior legislation: Mar. Regs. 2.2(a) and 2.3(a), eff. Feb. 28, 1949, as amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. June 19, 2002.

§57. Oaths.

- (1) In order to document a vessel:
- (a) The owner, managing owner, part owner, or his agent, authorized by power of attorney where such vessel is owned by individuals; or
 - (b) In the case of a corporate-owned vessel, by the president, vice president, secretary or assistant secretary of the corporation or other officer or agent as authorized in writing; or
 - (c) In the case of a vessel owned by any other legal entity entitled to own a Liberian ship, the officer or duly authorized representative of that legal entity, shall take an oath declaring the name of the vessel, its net tonnage or tonnages, the place where built, the date when built, the name and residence of any other owner and his citizenship, each owner's proportion, and the name of the affiant and his citizenship.

The oath may be taken before the Commissioner or a Deputy Commissioner, Special Agent or a Liberian Consul or consular agent or before a notary public or other officer authorized to administer oaths by the laws of the place where the oath is administered or before any other person designated by the Commissioner or a Deputy Commissioner for the administration of such oaths. Except as provided herein, nothing contained in this Title shall be construed to require the administration of an oath by a Liberian or foreign consul.

The names of the persons owning shares in an incorporated company or having interests in any other legal entity owning such vessel need not be stated. The oath of any other person interested and concerned in the vessel shall not be required. An agent or attorney who purchases any vessel shall take oath to the ownership of the vessel and that he is the agent or attorney for the owner.

- (2) Whenever the document of any vessel is lost or destroyed, the Master, or other person in command, may take the following oath before any consular or diplomatic officer or other person appointed by the Commissioner at or nearest to the port where the vessel is first located after such loss or destruction:

“I, (insert the name of the person swearing) being Master or in command of the (insert type of vessel) or vessel called the (insert the name of the vessel), Official No. (insert No.) owned by (insert the name of the owner) of (insert domicile of the owner) do swear (or affirm) that the said vessel has been, as I verily believe, registered according to the law of Liberia by the name of (insert again name of vessel), and that a Permanent (or Provisional) Certificate of Registry bearing No. (insert No. of lost Certificate) was issued for such vessel pursuant to the laws of Liberia at (insert place of issuance of lost Certificate) on (insert date of issuance of

lost Certificate), which Certificate has been lost (or destroyed); and that the same, if found, and within my power, will be delivered up to the Commissioner or a Deputy Commissioner.”

When an oath is taken in the foregoing form, the officer or person administering such oath shall grant to the vessel a temporary Provisional Certificate of Registry and insert therein that it is issued in lieu of the one lost or destroyed. Said officer or person shall forthwith send to the Commissioner or to any Deputy Commissioner a written notice, accompanied by a copy of the oath, advising that such oath has been taken and such temporary Provisional Certificate issued. Upon receipt of such notice the Commissioner or such Deputy Commissioner, upon being satisfied that the vessel is entitled to a Certificate of Registry, may grant a new Certificate of Registry, identical with that which was lost or destroyed. As soon as practicable after the issuance of such a Certificate of Registry, the temporary Provisional Certificate hereinbefore referred to shall be surrendered to the Commissioner or to a Deputy Commissioner for cancellation.

(3) The provisions of Chapter 13 of Title 14 shall apply to matters provided for in this Section.

Prior legislation: Lib. Mar. Code, t. II, sec. 6, as amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. June 19, 2002.

§58. Measurement.

A vessel shall not be permanently registered until measured by a person appointed by the Commissioner or by a bureau or agency provided for in Section 13.

Prior legislation: Lib. Mar. Code, t. II, sec. 7, as amended Dec. 11, 1949 and Mar. Reg. 2.4, 1st par., eff. Feb. 28, 1949; amended eff. Mar. 13, 1953; amended eff. Mar. 1, 1958; amended eff. Aug. 28, 1986.

§59. Certificate of Tonnage Measurement

The person or agent appointed under Section 58 to measure a vessel shall certify, specifying the building of the vessel, number of decks and masts, length, breadth, depth, tonnage or tonnages, and such other particulars usually descriptive of the identity of a vessel, and that the markings required by Section 75 below have actually been made.

Prior legislation: Lib. Mar. Code, t. II, sec. 8 and Mar. Reg. 2.4, pars. 2-5, eff. Feb. 28, 1949; amended eff. Mar. 13, 1953; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. June 19, 2002.

§60. Measurement of Vessels.

The Commissioner shall by Regulation prescribe the method of measurement for all vessels registered under this Title.

Prior legislation: Lib. Mar. Code, t. II, sec. 9, as amended Dec. 22, 1949; amended eff. July 11, 1969.

§61. [Repealed]

Prior legislation: Lib. Mar. Code, t. II, sec. 10; amended eff. July 11, 1969; amended eff. June 19, 2002.

§62. Tonnage Statements in Registry Certificate.

Each ship's permanent document shall state the gross and net tonnage or tonnages determined in accordance with such Rules and Regulations as the Commissioner may prescribe.

Prior legislation: Lib. Mar. Code, t. II, sec. 11; amended eff. July 11, 1969; amended eff. June 19, 2002.

§63. Forms of Documents.

(1) There shall be prescribed and furnished forms Provisional and Permanent Certificates of Registry and the Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules as are necessary and appropriate to implement this provision and the agent, acting in accordance with section 13, may promulgate Notices for this purpose. A vessel's documents shall be in the form prescribed.

(2) The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices for the purpose of prescribing endorsements that may be made on vessel documents from time to time, with or without issuance of a new document or surrender of the old document.

(3) Section 20 applies to forms and documents provided for in this Section.

Prior legislation: Lib. Mar. Code, t.II, sec. 12; amended eff. July 11, 1969; amended eff. Aug. 28, 1986; amended eff. June 19, 2002.

§64. Numbering of Registry Certificates.

(1) The Commissioner, or a Deputy Commissioner appointed and designated for this purpose, and the agent shall progressively number the Registry Certificates granted by him, beginning anew at the commencement of each year, and shall keep an index for that purpose and shall also retain permanently copies of all such documents issued by or surrendered to him.

(2) The provisions of Sections 14 and 20 shall apply in respect of the Registry Certificates and the index referred to in paragraph (1).

Prior legislation: Lib. Mar. Code, t. II, sec. 13; amended eff. July 8, 1982; amended eff. June 19, 2002.

§65. Provisional Registry Certificates to Vessels Abroad.

(1) Upon compliance with the requirements of Sections 66, 87 or 94, a Provisional Certificate of Registry may be issued by the Commissioner or any Deputy Commissioner, or by a representative of either duly appointed for this purpose or by a Liberian consular or diplomatic officer or consular agent upon direction by the Commissioner or any Deputy Commissioner, or by any other person designated by the Commissioner, to vessels abroad which are to be documented under the Flag of Liberia.

(2) Copies of Provisional Certificates issued by persons other than the Commissioner or Deputy Commissioner shall be furnished as soon as practicable by the issuing officer to the Commissioner and Deputy Commissioner.

(3) Unless sooner revoked or suspended, a Provisional Certificate shall entitle the vessel to the privileges of a vessel of Liberia in the foreign trade, as endorsed thereon.

(4) The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices which shall prescribe the conditions in accordance with which Provisional Certificates shall be issued and renewed and the manner in which they shall be surrendered in exchange for permanent Certificates of Registry.

Prior legislation: Lib. Mar. Code, t. II, sec. 14, and Mar. 2.2 (b) eff. Feb. 28, 1949; amended eff. June 29, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

§66. Conditions Precedent to Issuance of Provisional Certificate.

(1) Upon receipt by the Commissioner or any Deputy Commissioner of the written application of an owner of a vessel eligible for documentation under the laws of the Republic of Liberia and requesting the issuance of a Certificate of Registry for the vessel, accompanied by the oath or oaths required by Section 57, and upon payment of the prescribed fees to the officer receiving said application, the Commissioner or any Deputy Commissioner or any issuing official listed in Section 65 may issue a Provisional Certificate of Registry for the vessel, provided the owner shall furnish proof satisfactory to the officer receiving said application:

- (a) As to his ownership of the vessel;
- (b) That if there is an outstanding foreign marine document for the vessel, the government that had issued it has consented to its surrender and that either said marine document has been surrendered for cancellation or that the owner has issued orders to the Master of the vessel to surrender said foreign marine document for cancellation immediately upon receipt of the Liberian Provisional Certificate of Registry on board the vessel; or that the outstanding document has been legally canceled;
- (c) That the vessel is in a seaworthy condition;
- (d) That the owner has paid to the duly authorized agent designated in Section 13 a sum equal to the prescribed initial registration fee and the fee of the duly authorized agent;
- (e) That either the markings of name, official number, home port, and draft required by Section 75 have either actually been made or that the owner has issued orders to the Master of the vessel to have said markings made immediately upon receipt of the Liberian Provisional Certificate of Registry on board the vessel.

(2) Unless the owner within thirty days after issuance of the Provisional Certificate of Registry shall furnish satisfactory proof to the officer to whom the application for documentation has been presented, showing that the vessel's outstanding foreign marine document has actually been surrendered for cancellation and that the markings required by Section 75 have actually been made and otherwise provide to said officer all documents and proof required under Section 56 for a Permanent Certificate of Registry for the vessel to be issued, or if before such thirty day period it is established that, in the opinion of the officer to whom the application was made, any of the obligations hereunder will not or cannot be complied with, said officer may declare said Provisional Certificate of Registry to be null and void. If a Provisional Certificate of Registry is declared null and void, said officer shall notify the owner in writing that the Provisional Certificate of Registry has been annulled and that the vessel is considered having never been documented under the laws of the Republic of Liberia.

(3) As soon as reasonably practicable after admeasurement of the vessel and the surrender for cancellation of any outstanding foreign marine document of the vessel and the making of the markings required by Section 75, a Permanent Certificate of Registry shall be issued in place of any Provisional Certificate theretofore issued, and such Provisional Certificate shall be surrendered as promptly as circumstances permit to the Commissioner or a Deputy Commissioner. When the Permanent Certificate is issued after the issuance of a Provisional Certificate, the charges originally paid shall be adjusted in accordance with the prescribed fee provisions and the Certificate of Measurement.

(4) For good cause shown the Commissioner or any Deputy Commissioner may, from time to time, renew a Provisional Certificate of Registry for a period not exceeding two years.

Prior legislation: Mar. Reg. 2.3 (b), (c), eff. Feb. 28, 1949, as amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

§67. Denial of Document.

No documents shall be granted or papers issued to any vessel until all applicable provisions of this Chapter have been complied with.

Prior legislation: Lib. Mar. Code, t. II, sec. 15; amended eff. June 19, 2002.

§68. Sale of Document Forbidden.

A document shall be used solely on the vessel to which it is granted, and it shall not be sold, lent, or otherwise disposed of to any person.

Prior legislation: Lib. Mar. Code, T. II, sec. 17; renumbered Dec. 21, 1949.

§69. Sale or Transfer within the Register.

A vessel sold or transferred while registered in Liberia without change of Flag shall comply with the provisions of this Chapter relating to the documentation of vessels and shall pay the fees prescribed for this purpose and a new document shall be obtained.

Prior legislation: Lib. Mar. Code, t. II, sec. 18; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. June 19, 2002.

§69A. Sale or Transfer out of the Register.

The owner of a Liberian registered vessel who desires to transfer the vessel to foreign registry may do so provided that there are no unfulfilled obligations to the Republic of Liberia in respect of the vessel. Before such transfer is accomplished the registered owner shall surrender the ship's documents to the Commissioner or his duly authorized agent or to a consular or diplomatic officer of the Republic of Liberia.

Prior legislation: Lib. Mar. Code, t. II, sec. 18; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. Apr. 7, 1960; amended eff. June 19, 2002.

§70. Application to transfer within or out of the Register.

Before a Certificate of Registry shall be accepted for surrender, the registered owner shall submit to the Commissioner or a Deputy Commissioner a written application specifying the name of the vessel, the reasons for the proposed surrender, the name and nationality of the proposed new owner, if any, and, if a transfer to foreign registry is contemplated, the name of the country to whose registry transfer is desired.

Prior legislation: Lib. Mar. Code, t. II, sec. 19; renumbered Dec..21, 1949; amended eff. Mar.1, 1958; amended eff. Apr. 7, 1960; amended eff. June 19, 2002.

§71. Surrender and Cancellation of Registry Certificates.

(1) If a registered vessel is lost, taken by an enemy, burned, broken up, or otherwise prevented from returning to the port to which she may belong, the Registry Certificate, if preserved, shall be delivered up within eight days after the arrival of the Master or person in command, to the Commissioner or his duly authorized agent.

(2) When the application is made for new registry of a vessel, its former Registry Certificate shall be delivered up to the Commissioner or his duly authorized agent to whom such application is made.

(3) Where a Registry Certificate is granted in lieu of one lost, the lost Certificate, if found, shall be delivered up to the Commissioner or his duly authorized agent, who shall thereupon cancel it.

Prior legislation: Lib. Mar. Code, t. II, sec. 19; renumbered Dec. 21, 1949; amended eff. March 1, 1958.

§72. Surrender of Document of Vessel Subject to Preferred Mortgage.

The Certificate of Registry of a vessel subject to a Preferred Mortgage shall not be accepted for surrender without the consent of the mortgagee, except in the case of a Provisional Certificate surrendered for the purpose of issuance of a Permanent Certificate.

Prior legislation: Mar. Reg. 2.9, eff. Mar. 13, 1949; amended eff. Aug. 28, 1986.

§73. New Document.

(1) Whenever a documented vessel is sold or transferred, wholly or partly, without change of flag, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, she shall be documented anew, by her former name. Every such sale or transfer shall be evidenced by a written instrument in the nature

of a bill of sale reciting the entire Certificate. Otherwise the vessel shall not be documented anew.

(2) When the Commissioner or his duly authorized agent determines that any vessel has been sold or transferred by process of law, and that her document is retained by the former owner, he may grant a new document under such sale upon the owner complying with the requirements of this Chapter, excepting only the delivering up of the former document. This paragraph shall not remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel on a transfer or sale of the same.

(3) Any vessel required by this Chapter to be documented anew, which is not so documented, shall not be deemed a vessel of Liberia. If a former document has not been delivered up, except where it has been lost or destroyed and the oath thereto has been taken, the owner of such vessel shall be liable to a penalty of not more than US\$500.

Prior legislation: Lib. Mar. Code, t. II, sec. 20; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. Apr. 7, 1960; amended eff. June 19, 2002.

§74. Builder's Certificate.

In order for the first time to register a vessel newly built and previously undocumented under any flag, the builder, by whom or under whose direction the vessel has been built, shall certify as follows: (1) that it was built by him or under his direction; (2) the place where built; (3) the time when built; (4) the person for whom built; (5) build; (6) number of decks and masts; (7) length; (8) breadth; (9) depth; (10) tonnage or tonnages; and (11) such other circumstances as are usually descriptive of the identity of a vessel.

Prior legislation: Lib. Mar. Code, t. II, sec. 21; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969.

§75. Names, Numbers and Marks on Vessels.

(1) Every registered vessel, except a vessel registered under construction, shall have her name marked upon the bow port and starboard and upon the stern. The name of a vessel shall be set out only in upper-case classical Roman letters, either alone or together with a number in Arabic numerals or Roman numerals. The home port of the vessel shall also be marked upon the stern. These names shall be painted or gilded or cast letters in light color on a dark background, or in a dark color on a light background, permanently affixed and distinctly visible. The smallest letters used shall not be less than four inches in size.

(2) The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices prescribing a system of numbering documented vessels. The designated number of each vessel shall be marked permanently on her main beam.

(3) The draft of every registered vessel except a vessel registered under construction shall be marked upon the stem and stern post, in English feet or in decimeters, in Arabic numerals. The bottom of each numeral shall indicate the draft to that line.

Prior legislation: Lib. Mar. Code, t. II, sec. 22; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. July 8, 1982; amended eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. Feb. 14, 2013; amended eff. April 23, 2018.

§76. Numbering of Vessels.

Upon the initial registration of a vessel, the Commissioner or Deputy Commissioner shall assign to the vessel an official number. The International Maritime Organization (IMO) vessel number may be accepted and assigned in lieu of the markings of the Liberian Official number on the main beam.

Prior legislation: Lib. Mar. 2.6, eff. Mar. 8, 1949; amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§77. Change in Name of Vessel.

(1) The Commissioner or his duly authorized agent may change the name of a vessel of Liberia on application of the owner.

(2) The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices and procure necessary evidence as to age, condition, where built and pecuniary liability so as to prevent injury to public and private interests. Upon granting permission the Commissioner or his authorized agent shall cause the order for changing of name to be published in at least four issues of a newspaper at the place of documentation. The person desiring the change of name shall pay the cost of advertising.

(3) The prescribed fee shall be paid by the owners of vessels for securing such changes of name.

(4) Whenever the name of a vessel of Liberia is changed, or any device, advertisement, or contrivance is used with intent to deceive as to its true name or character, such vessel shall be forfeited.

Prior legislation: Lib. Mar. Code, t. II, sec. 23; renumbered Dec. 21, 1949; amended eff. July 8, 1982; amended eff. June 19, 2002.

§78. Inspection of Document.

Any officer designated by the Commissioner or a Deputy Commissioner, or who within Liberia is concerned in the collection of government revenue, may at all times inspect the certificate of registry and tonnage tax receipt of a Liberian Flag vessel. A Master who fails to exhibit the same, when required by such officer, shall be liable to a penalty of US\$250, and if his failure is willful shall be liable to a penalty of not more than US\$10,000 or imprisonment for not more than one year, or both.

Prior legislation: Lib. Mar. Code, t. II, sec. 24; renumbered Dec. 21, 1949; amended eff. Aug. 28, 1986; amended

eff. June 19, 2002.

§79. Display of Ship's Papers to Consul.

(1) Upon arrival during customary business hours of a documented vessel at any foreign port where there is located the principal Consular office of a Liberian Consul or Vice Consul, the Master, ship's agent or other authorized person shall, upon request of such Consul or Vice Consul, display to him on board during customary business hours and without payment of any fee, the vessel's Certificate of Registry and Annual Tax Receipt.

(2) Only the Certificate of Registry and Annual Tax Receipt shall be required to be so displayed, and this requirement shall be waived when the vessel's papers have been so displayed in the same port within 90 days previously.

(3) Where a request has been made and the ship's papers have not been properly displayed, the vessel shall not be detained therefor by the Liberian Consul or Vice Consul making the request, but he shall immediately notify the Commissioner or Deputy Commissioner of such non-compliance.

(4) Whether local port regulations do or do not require clearance of a vessel from a Liberian Consul or Vice Consul, it shall not be required in relation to such clearance that the signing on or off of crew or the execution of any ship's papers or documents be done before a Liberian Consul or Vice Consul, or that any ship's papers or documents be witnessed, visaed, stamped or otherwise legalized by a Liberian Consul or Vice Consul.

Prior legislation: Lib. Mar. Code, t. II, sec. 25; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. June 19, 2002.

§80. Perjury.

(1) If any owner, agent, or attorney in fact or other party (other than the Master) commits perjury in the oath taken to obtain documentation of a vessel, such vessel, her tackle, apparel and furniture shall be forfeited, or the value thereof recovered from such person.

(2) A Master who commits perjury in taking such oath shall be liable to penalty of US\$10,000, but the vessel shall not thereby be forfeited.

Prior legislation: Lib. Mar. Code, t. II, sec. 26; renumbered Dec. 21, 1949; amended eff. June 19, 2002.

§81. Regulations, Rules and Notices.

The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices as may be necessary and appropriate for the registration, identification and regulation of transfers of vessels.

Prior legislation: Lib. Mar. Code, t. II, sec. 27; renumbered Dec. 21, 1949; amended Dec. 22, 1949; amended eff. June 19, 2002.

§82. Standards of Seaworthiness.

The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices to establish standards of seaworthiness required for the registration of vessels and to appoint Classification Societies or others to determine any questions involved.

Prior legislation: Lib. Mar. Code, t. II, sec. 27; renumbered Dec. 21, 1949; amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. June 19, 2002.

§83. Collection of Fees and Taxes; Penalties and Liens.

(1) Except as otherwise provided therein, the annual tax imposed by Section 54 of this Chapter, while payable in advance and due on the first day of January in each year, may be paid without penalty in installments as follows:

- (a) Fifty per cent on or before January 1; and
- (b) The second fifty per cent on or before July 1, of the year in respect of which such taxes are due.

Subject to Section 54(3), there shall be no proration of annual tax and the entire annual tax shall be due in respect of a vessel which remains on the Liberian Register for any portion of any calendar year. Any and all annual fees payable under the Maritime Regulations shall be paid in advance by January 1 of the year in respect of which such fees are due. A penalty at a rate established by the Commissioner by Regulation shall be imposed for late payment of such fees and tax; such Regulation shall be promulgated before November 1 to take effect as of January 1 of the succeeding year, and the penalty rate thereby established shall be effective until altered by subsequent Regulation. If payment is delayed beyond July 1 of the year in respect of which such fees and tax are due, the Certificate of Registry of the vessel in question may be suspended until all outstanding fees, taxes and penalties are paid.

(2) The Commissioner and each Deputy Commissioner are authorized to issue official receipts for annual taxes, annual fees, and any penalties relating thereto.

(3) All unpaid annual taxes, fees, penalties and other charges arising under this Title or Regulations made thereunder shall constitute a maritime lien on the vessel in respect of which such amounts are due, and anything in Section 113 of this Title to the contrary notwithstanding, such lien shall have priority over all others save those for wages and salvage.

(4) No Certificate of Registry shall be returned to the Master of a vessel by an officer of Liberia with whom it may have been deposited until proof is furnished that the annual tax and annual fees for the then current year have been paid.

Prior legislation: Mar. Reg. 2.5, eff. Mar. 8, 1949; renumbered and amended eff. Jan. 1, 1981; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. June 19, 2002.

§84. Jurisdiction and Control of Liberia Exclusive.

From the time of issuance of a Certificate of Registry under this Title and until its expiration, termination, revocation or cancellation, whichever first occurs, the vessel shall be granted and shall enjoy the right to fly the Flag of Liberia exclusively, unless its Certificate of Registry is specifically endorsed so as to withdraw that right. At all times during the period that a vessel has the right to fly the Flag of Liberia, the vessel shall be subject to the exclusive jurisdiction and control of Liberia as the Flag State, in accordance with the applicable international conventions and agreements and with the provisions of this Title and any Regulations or Rules made thereunder.

Eff. Aug. 28, 1986.

SUB-CHAPTER II. BAREBOAT CHARTER REGISTRATION

A. LIBERIAN REGISTRATION

§85. Recording of Bareboat Charter-Party.

(1) A citizen or national of the Republic of Liberia, or a foreign entity that qualifies for, secures and maintains registration in Liberia as a foreign maritime entity and obtains a waiver pursuant to Section 51(5), desiring to obtain provisional Liberian registration under this Title of a vessel which such citizen, national or foreign maritime entity possesses by bareboat charter, and which in all respects, taking into account the waiver under Section 51(5), complies with the requirements of Sub-Chapter I of this Chapter, shall file in accordance with Section 14 the following documents:

- (a) A true copy of the bareboat charter party, acknowledged as may be required by Regulation, Rule or Notice;
- (b) An official certificate from the foreign State of registration setting forth the ownership of the vessel and any recorded encumbrances;
- (c) The written consents of the ship owner, of the mortgagee(s) and of the holder of a recorded encumbrances, if any, to the provisional Liberian registration of the vessel under this Sub-Chapter; and
- (d) Satisfactory evidence that the foreign State of registration will withdraw from the vessel the right to fly the flag of that State while the vessel is subject to the bareboat charter recorded under paragraph (2) of this Section.

(2) The Commissioner or Deputy Commissioner duly appointed and designated for this purpose shall cause the terms of the bareboat charter party specified in paragraph (3) to be duly recorded in the relevant index kept in accordance with Section 14 for this purpose.

(3) The terms of the bareboat charter party to be recorded in the index in accordance with paragraph (2) are:

- (a) The name of the vessel;
- (b) The names of the bareboat charterer, the ship owner and the holders of any registered mortgages, hypothecations or similar charges;
- (c) The date of recording of the bareboat charter party;
- (d) The period of duration of the bareboat charter party; and
- (e) The foreign State of registration of the vessel.

(4) Any subsequent amendments or addenda to the bareboat charter party recorded under paragraph (2) and any and all present or subsequent bareboat sub-charter parties shall be submitted in accordance with this Section for recording within 30 days of execution.

Eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

§86. Undertaking of Bareboat Charterer.

The bareboat charterer shall execute under oath an undertaking that while the vessel is granted the right to fly the Liberian Flag she will not fly any other flag nor show any home port other than Monrovia, and that the bareboat charterer will without delay notify the office of Deputy Commissioner if any foreign State shall accord the vessel the right to fly its flag.

Eff. Aug. 28, 1986; amended eff. June 19, 2002.

§87. Bareboat Charter: Certificate of Registry.

(1) When an application for registration of the vessel has been executed and filed by the bareboat charterer together with all necessary documents and payment of all taxes and fees, and the charterparty has been recorded, the Commissioner or Deputy Commissioner duly appointed and designated for this purpose shall issue to the vessel a Provisional Certificate of Registry, valid for a period not exceeding two years or until the date of termination of the bareboat charter, whichever first occurs.

(2) Prior to the expiration of the current Provisional Certificate of Registry issued under paragraph (1), the bareboat charterer may obtain a new Provisional Certificate of Registry, valid for a period not exceeding two years or until the date of termination of the bareboat charter, whichever first occurs.

(3) In no case may a Provisional Certificate of Registry issued under this Section bear an expiration date later than or remain valid beyond the date of termination of the bareboat charter.

Eff. Aug. 28, 1986; amended eff. June 19, 2002.

§88. Penalty for Flying Foreign Flag; Termination of Liberian Registration.

(1) If the bareboat charterer breaches the undertaking given under Section 86 of this Chapter, or if a vessel while registered under any provisions of this Title shall be found flying or portending entitlement to fly the flag of a foreign State without first complying with Sections 90 and 91, the owner and/or bareboat charterer shall be liable to pay an administrative penalty not to exceed US\$50,000, which shall, until paid, constitute a maritime lien upon the vessel. Such penalty may be imposed without regard to any other penalties for perjury or fraud.

(2) The bona-fide grant by a foreign State of the right to fly the flag of that State shall, from the time of such grant, terminate Liberian provisional registration of a vessel under Section 87 of this Sub-Chapter, but shall not terminate the registration under any other Section of this Chapter of a vessel as a Liberian vessel.

Eff. Aug. 28, 1986; amended eff. June 19, 2002.

§89. Notice of Foreign Preferred Ship Mortgages.

(1) Evidence of encumbrances and mortgages, hypothecations and similar charges of record in respect of a vessel registered under Section 85, which if that vessel was registered under Subchapter I of Chapter 2 would be eligible for recordation under Section 14(2)(b)(ii), if any, existing on a vessel at the time of registration under Section 85 may be filed in accordance with this Section in respect of that vessel at the time of registration and such evidence shall be in the form and executed and acknowledged as may be required from time to time by Regulation, Rule or Notice made under this Title.

(2) Without prejudice to the continuing foreign legal status of a ship mortgage, hypothecation or similar charge made and registered in accordance with the laws of a foreign State, the existence of that mortgage may be noted in respect of that ship in the relevant index, that is to say the index provided for in Section 14(2)(b)(iii) and such notice shall terminate without more at the date that the registration of the vessel under Section 85 terminates.

(3) Existence of a ship mortgage, hypothecation or similar charge, or any other instrument related thereto shall not be noted under this Section unless that mortgage, similar charge or other instrument has first been duly and validly executed and registered in the foreign State of registration of the vessel (“the underlying registration”). If there is more than one such mortgage, hypothecation or similar charge so executed and registered, then evidence of all such instruments shall be filed and noted under the provisions of this Section in the same order as they are registered in the State of underlying registration.

(4) If the existence of a foreign mortgage, hypothecation or similar charge has been noted pursuant to paragraph (2) of this Section, then evidence of any subsequent mortgage, hypothecation or similar charge and any other instrument related thereto which is subsequently registered in accordance with the laws of the State of underlying registration of the vessel shall also be filed and noted in the same order as they are registered in the State of underlying registration.

(5) Notwithstanding that in respect of any mortgage, hypothecation or other instrument of which evidence is filed and noted under this Section the law of the State of underlying registration shall have effect, any such mortgage, hypothecation or other instrument which has been duly and validly executed and registered under the law of that State shall be fully enforceable within the meaning of Sections 107 and 112A.

Eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

B. FOREIGN REGISTRATION

§90. Bareboat Charter Registration in Foreign State.

No vessel registered under the provisions of this Title may obtain valid bareboat charter registration in a foreign State unless the owner first applies for and receives the permission of the Commissioner or a Deputy Commissioner of Liberia Maritime Authority.

Eff. Aug. 28, 1986; amended eff. Feb. 14, 2013.

§91. Consent of Mortgagee.

In the event that the vessel is subject to one or more Liberian Preferred Ship Mortgages, the written consent of each mortgagee to the foreign bareboat charter registration shall be duly filed prior to issuance of a Certificate of Permission under Section 92.

Eff. Aug. 28, 1986.

§92. Certificate of Permission.

Upon granting permission under Section 90 for a Liberian vessel to obtain bareboat charter registration in a foreign State, the Commissioner or Deputy Commissioner shall issue a Certificate of Permission to obtain such registration.

Eff. Aug. 28, 1986.

§93. Right to Fly Liberian Flag Withdrawn.

(1) The Certificate of Permission for bareboat charter registration in a foreign State shall declare that the right to fly the Flag of Liberia and to show the home port of Monrovia is withdrawn while the vessel is subject to the bareboat charter identified in the Certificate. The Certificate shall also state that Liberia recognizes the named foreign State as the competent authority to exercise exclusive jurisdiction and control over the vessel in accordance with the applicable international conventions and agreements.

(2) Notwithstanding that the right to fly the flag of Liberia shall have been withdrawn during the period of the bareboat charter registration in the foreign State, in the event that the vessel was at the time of the issuance of the Provisional Certificate of Registry under Section 94 or subsequently during the period of the bareboat registration becomes, subject to one or more preferred ship mortgages recorded under this Title such mortgage or mortgages, until satisfied, released or discharged of record, shall remain in full force and effect and governed solely by the laws of the Republic of Liberia.

Eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

§94. Restricted Certificate of Registry.

(1) Once a Certificate of Permission has been issued under Section 92, the owner of the vessel shall surrender her current Certificate of Registry, and a new Provisional Certificate of Registry shall be issued to the vessel, boldly endorsed to show that the right to fly the Liberian Flag has been withdrawn. The endorsed Provisional Certificate of Registry, together with all other Liberian documents and certificates issued to the vessel, shall be surrendered to and retained by the Commissioner or a Deputy Commissioner.

(2) Prior to the expiration of the current Provisional Certificate of Registry, the owner may obtain a new Provisional Certificate of Registry valid for a further period not exceeding two years.

(3) In no case may a Provisional Certificate of Registry issued under this Section bear an expiration date later than or remain valid beyond the date of termination of the bareboat charter.

Eff. Aug. 28, 1986; amended eff. June 19, 2002.

CHAPTER 3.

PREFERRED SHIP MORTGAGES AND MARITIME LIENS ON LIBERIAN VESSELS

§100. Registration and Recordation in the Relevant Index.

(1) A sale, conveyance, hypothecation, mortgage or assignment of mortgage of a Liberian vessel shall not be valid in respect of such vessel, against any person other than the grantor or mortgagor, his heirs or devisees and persons having actual notice thereof until the instrument evidencing such transaction is registered in accordance with Section 14 and recordation is made in the index provided for in Section 14(2)(b)(ii) and in accordance with the provisions of this Chapter.

(2) The Commissioner or the Deputy Commissioner, whose office is designated as the central office in respect of the relevant index, shall make, or cause to be made, a recordation of such instruments in the order of their reception by him, or in the order in which they are received in another location appointed for this purpose in accordance with Section 14(5), in the relevant index in the central office and in respect of each such entry shall record:

- (a) The name of the vessel;
- (b) The names of the parties;
- (c) The time and date of reception of the instrument or, where the instrument was recorded from another location, the place, date and time in that location and the time and date of recording by him of the instrument in the relevant index in the central office in respect of that index;
- (d) The interest in the vessel transferred or affected;
- (e) The amount or amounts of the direct and contingent obligations, including, but not limited to, those provided for in Section 106A, that are or may become secured by any mortgage:

Provided that if a mortgage or other instrument is recorded from a location other than the office of the Deputy Commissioner which is the central office at which the relevant index is maintained, that mortgage or other instrument shall not be deemed to be recorded until the date and time that recordation has been made in the relevant index.

(3) The Deputy Commissioner whose office is the central office of the relevant index, or a person duly appointed by him, at any office appointed for this purpose in accordance with Section 14(5), may record a mortgage or related instrument in the order of time in which the mortgage or other instrument is produced to him for that purpose, and shall inscribe on each such mortgage or other instrument:

- (a) That it has been so recorded by him;
 - (b) The local date and time and the date and time, in the location of the office of the Deputy Commissioner which is the central office of the relevant index, at which the mortgage or other instrument was recorded in the relevant index;
 - (c) The index number of the recordation.
- (4) Where a mortgage or other instrument is recorded under the provisions of paragraph (3), the person effecting the recordation shall:
- (a) Provide to the mortgagee a certificate of ownership and encumbrance;
 - (b) Transmit the original mortgage or other instrument to the office of the Deputy Commissioner, which is the central office of the relevant index;
 - (c) At the time and place that the mortgage or other instrument is recorded under this Section, provide to the mortgagee a certified extract of the relevant index relating to that mortgage or other instrument.
- (5) In this Section:
- “Local date and time” means the official date and time in the location in which is the appointed office from which the mortgage or other instrument is recorded under paragraph (3);
- “Other instruments” shall include but are not limited to the instruments referred to in Section 14(2)(b)(ii).
- (6) A party to a mortgage or similar instrument recorded under this Chapter, with the consent of the other party or parties, may:
- (a) Within 60 days of the recordation; and
 - (b) On submission of all certified copies of the mortgage to the Commissioner or office of Deputy Commissioner which is the central office of the relevant index, or to the office at which the registration and recordation took place, for correction,
- correct any error on the face of the document.
- (7) No correction may be made under paragraph (6) which would have the effect of requiring an amendment to be made to any matter contained in a certificate of ownership and encumbrance, or in a certified extract of the relevant index previously issued.

(8) A correction made under paragraph (6) takes effect from the day of recordation of the original instrument.

(9) The provisions of this Section in respect of registration and recordation shall apply *mutatis mutandis* to the registration and recordation of a corrected document in place of the original document.

(10) Documents submitted for registration and recordation shall comply with the relevant requirements of Regulations, Rules and Notices made for this purpose in respect of form, acknowledgement and proof of execution and Section 20 shall apply.

Prior legislation: Lib. Mar. Code, t. III, sec. 1; amended Dec. 22, 1949; amended eff. June 19, 2002.

§100A. Registration, Recordation, and Discharge of Financing Charters.

(1) Without adversely affecting the documentation, eligibility for documentation or renewal of documentation of a vessel, a documented owner and a finance charterer may enter into a financing charter and either party may file with the Commissioner or Deputy Commissioner a true copy thereof for the purpose of recordation in the relevant index in respect of such vessel. A financing charter shall be signed by the documented owner and the finance charterer, and shall be acknowledged as may be required by Regulation, Rule or Notice, and shall include the name and official number of the vessel, the date of the financing charter, the names and addresses of the documented owner and the finance charterer and the maximum aggregate of the nominal amount of all charter hire payments termination payments, purchase or put option amounts payable, or which may become payable, thereunder, exclusive of any interest, indemnities, expenses or fees. A security interest in a vessel in favor of a documented owner evidenced by a financing charter recorded in compliance with this Section 100A shall for all purposes be deemed a preferred mortgage on the vessel in favor of the documented owner, effective as of the date and time of filing. All provisions of this Chapter 3 shall apply to any financing charter filed in accordance with this Section 100A.

(2) A documented owner may also file for the purpose of recordation any renewals, amendments, supplements, assignments or other instruments related to any financing charter filed pursuant to paragraph (1) of this Section 100A.

(3) A documented owner shall have the power to grant one or more preferred mortgages encumbering the whole of a vessel, and any supplements, amendments, assignments or other instruments related thereto notwithstanding that such documented owner or predecessor in interest shall have entered into a financing charter deemed to be a preferred mortgage on the vessel pursuant to paragraph (1) of this Section 100A.

(4) The mere filing or recording of a contract as a financing charter hereunder shall not constitute evidence that such contract in fact is a financing charter or that it creates a security interest

(5) With respect to any financing charter, the documented owner party thereto shall be deemed a mortgagee under a preferred mortgage and the finance charterer shall be deemed the

mortgagor for all purposes under the Laws of the Republic of Liberia, including this Title and any Regulations, Rules and Notices thereunder.

Eff. April 23, 2018.

§101. Mortgages: preferred status.

(1) A valid mortgage, whenever made, which at the time it is made includes the whole of any vessel, shall have a preferred status in respect of such vessel as of the date of its recordation if the mortgage is recorded as provided herein and the mortgage does not stipulate that the mortgagee waives the preferred status thereof.

(2) The preferred status of a mortgage under this Chapter shall not be prejudiced or impaired by reason of the fact that such instrument secures the payment, pledge or assignment of monies or rights due or to become due to the vessel owner or other party, such as, but not limited to, guarantee fees, insurance options, charter hire, freight revenues or any other fees, costs or charges, direct or contingent, incidental to the sale, purchase or operation of a registered vessel or the applicability of or compliance with any provision of Section 106A, or by reason of the fact that no advance of monies is or has been made at the time of its recordation.

(3) A valid mortgage, whenever made, which:

(a) Includes the whole of any vessel;

(b) Is recorded as provided herein;

(c) Is granted in continuation of a prior recorded mortgage, hypothecation or similar charge on such vessel, whether granted under the laws of Liberia or the laws of another jurisdiction in which the vessel was documented at the time such prior mortgage was recorded, shall have preferred status in respect of such vessel as of the date of recordation of such prior mortgage.

(4) For the purposes of paragraph (3) a mortgage “granted in continuation of a prior recorded mortgage, hypothecation or similar charge” shall mean a mortgage on a Liberian vessel where:

(a) The vessel covered by such mortgage is a vessel covered by the prior mortgage, hypothecation or similar charge;

(b) The obligations secured by such mortgage are obligations secured by the prior mortgage, hypothecation or similar charge;

(c) Such mortgage is granted by the current vessel owner, whether or not the owner is the vessel owner which granted the prior mortgage, hypothecation or similar charge, to secure obligations secured by the prior mortgage, hypothecation or similar charge; and

(d) For a vessel entering the register, such mortgage is recorded during the period defined in paragraph (6).

(5) Nothing in paragraphs (3) and (4) shall be construed to pre-empt any non-statutory law which, taking into account the foregoing and/or other circumstances, would recognize the preferred status of a mortgage of a Liberian vessel prior to the date of recording thereof.

(6) For a vessel entering the register, the preferred status of a mortgage, hypothecation or similar charge on such vessel recognized under Section 112A shall continue for a period of 30 days following registration of the vessel if the information with respect to such mortgage is furnished as required in compliance with Section 100 or Section 100A at the time of registration as a Liberian vessel.

(7) The preference status provided for in paragraph (6) shall not be adversely affected by the deletion or release of the mortgage as a matter of record from the prior registration of the vessel in connection with or as a condition or a consequence of the deletion of the vessel from the register under which it was formerly registered and the mortgage recorded.

(8) In the interpretation and application of this Section a certified extract from the index maintained by the office of the Deputy Commissioner under Section 14(2)(b)(ii), a certificate of ownership and encumbrance issued by that Deputy Commissioner or, in the case of a mortgage, hypothecation or similar charge recorded in another jurisdiction, similar documentation, including a transcript of registry, certified or issued by the appropriate governmental agency of that jurisdiction, shall be accepted as evidence of the granting and recordation of a mortgage, hypothecation or similar charge, including the date of recordation thereof.

Prior legislation: Lib. Mar. Code, t. III, sec. 2; amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

§102. Termination of Mortgagee's Interest.

(1) The interest of a mortgagee in a vessel registered under this Title shall not be terminated by a forfeiture of the vessel for a violation of any law of the Republic of Liberia, unless the mortgagee authorized, consented, or conspired to effect the illegal act, failure, or omission which constituted such violation.

(2) A vessel which is the subject of a Preferred Mortgage may not be canceled from the Register for so long as the indebtedness secured by the Preferred Mortgage remains unsatisfied or the Mortgage is not otherwise discharged:

Provided that:

(a) The registration may be cancelled if the consent thereto by each mortgagee of record, evidenced as the Deputy Commissioner, in the office of whom is the central office of the relevant index, may require, shall have been filed with that office of Deputy Commissioner;

- (b) The Commissioner or Deputy Commissioner referred to in (a) above may strike the vessel from the register where he is satisfied that the vessel is lost, destroyed or transferred to another register following a sale by order of an Admiralty court in a civil action *in rem* and he has notified in writing at his last known address for service each mortgagee of record of his intention to do so no later than 90 days before he intends to strike off.

(3) The cancellation of a registration of a vessel shall not be taken to affect the lien or status of a mortgage recorded under this Chapter nor shall it be taken to terminate the interest of the mortgagee in such vessel.

Prior legislation: Lib. Mar. Code, t. III, sec. 3; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984; amended eff. June 19, 2002.

§103. Ship Mortgage: Conditions Precedent.

A mortgage shall not be recordable unless it states the interest of the mortgagor in the vessel, and the interest so mortgaged. A mortgage or instrument of release, satisfaction or discharge thereof shall not be recorded unless it bears an apostille issued by a competent authority of a State Party to the Hague Convention of 5 October 1961, as amended, or has been acknowledged or is submitted with such other proof of due execution as may be required by Regulation, Rule or Notice.

Prior legislation: Lib. Mar. Code, t. III, sec. 4; amended Dec. 22, 1949; amended eff. Aug. 28, 1986; amended eff. June 19, 2002

§104. Bills of Sale: Recording.

(1) In accordance with Section 14:

- (a) The Commissioner; or
- (b) The Deputy Commissioner whose office is the central office of the relevant index; or
- (c) A person duly appointed for this purpose at a location so appointed, may accept for recording in the relevant index any bill of sale or other instrument of conveyance of a vessel which recites the interest of the seller in the vessel and the interests sold or conveyed, provided it has previously been acknowledged or is submitted with such other proof of due execution as may be required by Regulation, Rule or Notice, and provided further that any bill of sale of a vessel already documented under the laws of Liberia must duly identify the vessel.

(2) The provisions of Sections 14(5) and 100(3) shall apply *mutatis mutandis* to permit that any document which may be recorded in accordance with paragraph (1) may be recorded at another location appointed for the purpose elsewhere than at the office of the Deputy Commissioner which is the central office in respect of the relevant index.

Prior legislation: Mar. Reg. 3.2, eff. Feb. 28, 1949; amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§105. Mortgages: Recording.

(1) In accordance with Sections 14, 100 and 100A:

- (a) The Commissioner; or
- (b) The Deputy Commissioner whose office is the central office of the relevant index; or
- (c) A person duly appointed for this purpose at a location so appointed,

may accept for recording in the relevant index any mortgage on a Liberian vessel whenever made which recites the interest of the mortgagor in the vessel and the interest so mortgaged, provided it bears the Hague Convention apostille or has been acknowledged or is submitted with such other proof of due execution as may be required by Regulation, Rule or Notice.

(2) A mortgage or other similar document shall be recorded in its proper form and, on request and payment of the prescribed fee, there shall be issued a certified extract of the relevant index, as evidence of the recordation of the mortgage as a Preferred Mortgage.

(3) On request, there may be issued a certificate of ownership and encumbrance setting forth all recorded mortgages, encumbrances and similar instruments with respect to a vessel registered under this Title as at the time and date of issue of the certificate.

(4) A mortgage which complies with the conditions enumerated in this Chapter is designated as a Preferred Mortgage and the relevant index may be known as the Preferred Mortgage Index.

(5) Every builder's mortgage recorded in accordance with this Chapter and Regulations made hereunder:

- (a) Binds the ship under construction to which it relates during the period from the commencement of the building thereof until launching;
- (b) Binds the ship under construction to which it relates at and from the time of the launching of that ship unless released, satisfied or discharged; and
- (c) Operates in all respects as if it were a Preferred Mortgage under this Chapter,

and the provisions of this Chapter shall apply to such a mortgage, with such modifications as the circumstances require.

(6) Without prejudice to his other lawful rights and remedies, a mortgagee of a ship under construction shall have the right to:

- (a) Take possession of such ship at any time before its completion, and sell the ship in accordance with the terms and conditions of the mortgage or other recorded instrument;

- (b) Obtain an order of an appropriate court or other duly constituted authority to take possession and sell the ship; or
- (c) Apply to the appropriate court for an official or judicial sale of the ship under construction.

(7) The provisions of Sections 14 and 100 shall apply in respect of the registration and recording of mortgages and related instruments in respect of a ship under construction.

Prior legislation: Mar. Reg. 3.2, eff. Feb. 28, 1949; amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. June 19, 2002; amended eff. April 23, 2018.

§106. Allocation of Mortgage indebtedness.

(1) If a Preferred Mortgage includes more than one vessel or property that is not a vessel, the mortgage may provide for the separate discharge of each vessel and all property not a vessel by payment of part of the mortgage indebtedness.

(2) If a vessel covered by a Preferred Mortgage under this Chapter that includes more than one vessel or property that is not a vessel is sold under the order of an Admiralty court in a civil action *in rem* and the mortgage does not provide for separate discharge, the Preferred Mortgage shall constitute a lien on that vessel in the full amount of the outstanding mortgage indebtedness and an allocation of mortgage indebtedness between the vessel and other property covered by the mortgage for the purpose of separate discharge may not be made by such court.

Prior legislation: Lib. Mar. Code, t. III, sec. 5(c); amended Dec. 22, 1949 and Mar. Reg. 3.3, eff. Feb. 28, 1949; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. June 19, 2002.

§106A. Advances and Repayments.

(1) A Preferred Mortgage may secure future advances including contingent obligations to be given or created at a later time, pursuant to commitment and shall not be extinguished or lose its priority because all previously outstanding obligations secured thereby have been fully repaid or otherwise performed, provided that an advance or other value is to be given at a later time pursuant to commitment existing at the time the Mortgage is recorded. For the purpose of this paragraph an advance or other value is given "pursuant to commitment" if the mortgagee or other person entitled to the benefit of the security of the mortgage has bound himself to give it, whether or not a subsequent event of default or other event not within his control has relieved or may relieve him from his obligation.

(2) When a Preferred Mortgage secures an obligation in respect of which one or more advances or repayments may be made from time to time in the future and the maximum amount outstanding under the obligation at any one time is limited to a certain amount, the amount to be recorded with respect to such obligation may be either:

- (a) Such maximum amount that may be outstanding at any one time, or
- (b) The aggregate of all possible advances that may be made.

A Preferred Mortgage made pursuant to commitment and the recordation thereof shall clearly indicate whether the amount is the maximum amount that may be outstanding at any one time or is the aggregate of all possible advances.

(3) Notwithstanding any other provisions of this Chapter, a Preferred Mortgage “given pursuant to agreement” may secure an agreed-upon maximum amount representing all the debts and obligations arising or that may arise between the debtor and the creditor within a specified period. Such maximum amount may exceed the value of the vessel or vessels, which may themselves represent only a part of all of the assets which are subject to the Preferred Mortgage. Only the indebtedness incurred on or prior to the maturity date or date of termination of a Preferred Mortgage made “pursuant to agreement” shall retain its status and ranking as a preferred lien under this Chapter. The indebtedness secured thereby shall include all expenses and interest associated with such indebtedness prior to maturity. A Preferred Mortgage made “pursuant to agreement” under this paragraph shall not be required to represent a commitment to lend on the part of the mortgagee, but shall secure all debts and obligations arising or that may arise between the parties as a result of transactions the nature of which are subject to the provisions of the mortgage deed, whether present or future, actual or contingent, and shall set forth in addition to other terms and conditions the maximum amount and the maturity date, or a statement of the date of termination if it is other than the maturity date.

(4) Nothing in paragraph (3) shall be construed to impair the lien status, recordability, validity or enforceability with respect to a vessel registered under this Title of a Preferred Mortgage granted by its owner that:

- (a) Secures obligations, in whole or in part, arising out of specific successive business contracts or other transactions, whether or not such contracts or transactions are related to or arise from the construction, purchase, sale or chartering of a vessel registered under this Title; or
- (b) Secures all debts or obligations owed or to be owed thereunder, so long as the aggregate amount of such debts or obligations does not exceed at any one time the stated maximum amount of the mortgage.

(5) The preferred status of a mortgage made “pursuant to agreement” in accordance with paragraph (3) and which may be secured by more than one vessel or by property that is not a vessel shall not be impaired by reason of the fact that the mortgage does not provide for separate discharge thereof.

Eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. June 19, 2002.

§106B. Units of Account.

(1) The obligations secured by a Preferred Mortgage may be expressed in any unit or units of account to which the parties may agree, including but not limited to currency of the Republic of Liberia, currency or currencies of any foreign state or states, or in equivalents of any other unit or units of account established by intergovernmental organizations.

(2) If a Preferred Mortgage secures an obligation in one or more specified units of account and there is an option to have a unit of account altered from time to time, the principal amount of the mortgage to be recorded shall be denominated in one or more of the said specified units of account. The recordation may include as additional words "or an equivalent amount in any alternate unit of account," or similar language, and if such additional words are recorded, no change in the recorded amount shall be required to reflect the fact that the obligation or any portion thereof is subsequently denominated in a different unit or units of account, unless the parties otherwise agree.

(3) When a Preferred Mortgage secures an obligation in respect of which there is an option to have the obligation amount denominated from time to time in alternate units of account but which continues to be payable in, or by reference to, a specified unit of account:

- (a) the amount of the obligation to be recorded shall be expressed in the specified unit of account; and
- (b) notwithstanding any exercise of the option, no change in the recorded amount shall be required.

(4) A Preferred Mortgage as described in paragraphs (2) or (3) of this Section 106B may additionally secure any loss up to a specified amount arising out of fluctuations between a specified unit of account and any alternate unit of account in which the obligation amount may be denominated from time to time, and such specified amount shall also be recorded.

Eff. Dec. 24, 1984; amended eff. Aug. 28, 1986.

§107. Lien of Preferred Mortgage.

A Preferred Mortgage shall constitute a lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel. The lien of a Preferred Mortgage shall not be in any way impaired or affected as a result of: (i) the vessel's ceasing to be a vessel, until the craft's document is surrendered in accordance with Section 72; or (ii) the expiration, restrictive endorsement, suspension, revocation or cancellation of the vessel's document.

Prior legislation: Lib. Mar. Code, t. III, sec. 6; amended Dec. 22, 1949; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986; amended eff. April 23, 2018.

§108. Interest on Preferred Mortgage.

Any other provision of law or regulation to the contrary notwithstanding, a Preferred Mortgage may secure such interest, including interest on interest, on an obligation secured by the mortgage as the parties may agree, which interest may be at fixed rates, variable rates, rates based upon formulas, or by adding margins to the mortgagee's cost from time to time of funding an obligation secured by the mortgage, or by any other method to which the parties may agree.

Prior legislation: Lib. Mar. Code, t. III, sec. 7; repealed and substituted eff. Dec. 24, 1984; amended eff. June 19, 2002.

§109. Priority; Disclosure of Liens; Penalty.

The mortgagor, before executing a Preferred Mortgage, shall disclose to the mortgagee in writing the existence of any maritime lien, prior mortgage, or other obligation or liability upon the vessel to be mortgaged which is known to the mortgagor.

After the execution of such Mortgage and before the mortgagee has had a reasonable time in which to record it, the mortgagor, without the consent of the mortgagee, shall not incur any contractual obligation creating a lien upon the vessel, other than liens for wages of stevedores when employed directly by the owner, operator, Master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average or for salvage, including contract salvage, tonnage taxes and other charges of the Commissioner and Deputy Commissioner in respect of the vessel.

Whoever, being a mortgagor or the president or principal officer of a corporate mortgagor or the officer, howsoever called of any other legal entity being the mortgagor, violates this Section with intent to hinder, delay or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel, shall be fined not more than US\$200,000 or imprisoned for a period of not more than two years or both. The mortgage indebtedness shall thereupon become immediately due and payable at the election of the mortgagee.

Prior legislation: Lib. Mar. Code, t. III, sec. 8; amended eff. Aug. 18, 1964; amended eff. Aug. 28, 1986; amended eff. June 19, 2002.

§110. Notice of Mortgage: Exhibition.

Upon recording a Preferred Mortgage, the mortgagor shall place and use due diligence to retain a Notice of Mortgage on board the mortgaged vessel, and cause such Notice of Mortgage to be exhibited by the Master to any person having business which may give rise to a maritime lien or to the sale, conveyance, or mortgage of the vessel.

The license of a Master who willfully fails to exhibit such Notice of Mortgage may be suspended or revoked.

Prior legislation: Lib. Mar. Code, t. III, sec. 9; amended Dec. 22, 1949; amended eff. April 23, 2018.

§111. Discharge of Mortgage.

The mortgagor upon a complete discharge of the mortgage indebtedness shall forthwith file a certificate of such discharge duly executed by the mortgagee, his successors or assigns, with:

- (a) The Commissioner; or
- (b) The Deputy Commissioner whose office is the central office of the relevant index; or
- (c) A person duly appointed for this purpose, at a location appointed for this purpose,

who shall thereupon record the certificate in the relevant index; and the mortgagor may similarly file a certificate of partial discharge, which shall be similarly recorded.

Prior legislation: Lib. Mar. Code, t. III, sec. 10; amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. Aug. 28, 1986; amended eff. June 19, 2002.

§112. Foreclosure and Default: Jurisdiction and Procedure.

(1) The lien of a Preferred Mortgage may be enforced in Liberia by a suit *in rem* in Admiralty upon default of any term or condition. In addition to any notice by publication, actual notice of the commencement of suit shall be given by the libellant, in such manner as the Court directs, to the Master, other ranking officer, or caretaker of the vessel, and to any person who has recorded a notice of claim of an undischarged lien upon the vessel, unless after search by the libellant satisfactory to the Court such person is not found within Liberia. Failure to give such notice shall not constitute a jurisdictional defect, but the libellant shall be liable to such person for damages in the amount of his interest in the vessel terminated by the suit.

(2) The lien of a Preferred Mortgage may also be enforced by a suit *in rem* in Admiralty or otherwise in any foreign country in which the vessel shall be found, pursuant to the procedure of said country for the enforcement of ship mortgages constituting liens on vessels documented under the laws of said country.

(3) Notwithstanding anything in this Title, the mortgagee may, in addition to all other remedies granted by this Chapter, bring suit *in personam* against the mortgagor in any court of competent jurisdiction for the amount of the outstanding mortgage indebtedness or for any deficiency in the full payment thereof.

(4) The enforcement by suit *in rem* in admiralty of the rights of the mortgagee with respect to a vessel or vessels covered by a Preferred Mortgage shall not be precluded or impaired, notwithstanding the enforcement of any rights that the mortgagee may have under the said mortgage to property which is not a vessel.

Prior legislation: Lib. Mar. Code, t. III, sec. 11; amended Dec. 22, 1949; amended eff. June 19, 2002.

§112A. Preferred Status.

(1) As used in Sections 107, 112, 113 and 115 of this Title, the term "Preferred Mortgage" shall include, in addition to a Preferred Mortgage made pursuant to the provisions of this Chapter, any mortgage, hypothecation or similar charge created as security upon any documented foreign vessel if such mortgage, hypothecation or similar charge has been duly and validly executed and registered in accordance with the laws of the nation where the vessel's ownership is documented; and the term "Preferred Mortgage lien" shall also include the lien of such mortgage, hypothecation or similar charge.

(2) As used in Section 113 of this Title, Preferred Mortgage also means a financing charter of a foreign vessel that has been registered in a public registry at the port of registry of the vessel or at a central office (i) in the foreign country under whose laws the ownership of the vessel is registered in the name of the person stated to be the owner in the financing charter, and (ii) if applicable, in the foreign country under whose bareboat charter registry laws the financing

charter of the vessel is registered in order to permit the vessel to sail under the flag of such foreign country.

Eff. July 11, 1969; amended eff. June 19, 2002; amended eff. April 23, 2018.

§113. Foreclosure; Priority of Preferred Mortgage Lien; Exception.

Upon the sale of any vessel in a suit *in rem* in Admiralty for the enforcement of a Preferred Mortgage lien, all preexisting claims in the vessel, including any possessory common law lien, shall terminate and shall thereafter attach in like amount and in accordance with their respective priorities to the proceeds of sale; except that the Preferred Mortgage lien shall have priority over all claims against the vessel, except liens arising prior in time to the recording of the Preferred Mortgage as provided in this Chapter, liens for damages arising out of tort, liens arising under Section 83 of Chapter 2, liens for crew's wages, for general average, and for salvage (including contract salvage) and expenses and fees allowed and costs taxed by the Court.

Prior legislation: Lib. Mar. Code, t. III, sec. 12; amended Dec. 22, 1949; amended eff. Aug. 28, 1986.

§114. Necessaries: Lien; Enforcement

(1) Whoever furnishes repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any foreign or domestic vessel upon the order of the owner or person authorized by the owner, shall have a maritime lien on the vessel.

(2) The managing owner, ship's husband, Master, or any person to whom the management of the vessel at the port of supply is entrusted, including any such appointed by a charterer, owner *pro hac vice* or agreed purchaser in possession, shall be presumed to have authority from the owner to procure such necessaries; but a person tortuously or unlawfully in possession or charge of the vessel shall not have authority to bind it.

Prior legislation: Lib. Mar. Code, t. III, sec. 13; amended eff. April 23, 2018.

§115. Necessaries: Waiver of Lien.

This Chapter shall not prevent the furnisher of repairs, supplies, towage, use of dry dock or marine railway or other necessaries, or the mortgagee, from waiving his right to a lien or in the case of a Preferred Mortgage lien to the preferred status of such lien, at any time by agreement or otherwise.

Prior legislation: Lib. Mar. Code, t. III, sec. 14.

§116. Abolition of Mortgage Endorsement.

(1) Except as provided in paragraph (2) of this Section, nothing previously contained in Sections 63 or 72 of Chapter 2 or Sections 101, 106, 106A, 106B, 107, 109, 110, 111 and 113 of Chapter 3 of this Title, or in any other provision of law, shall require, permit or be construed as requiring or permitting, endorsements upon any vessel's document in connection with the validity, recording, designation as a Preferred Mortgage, or preferred status of any mortgage in respect of any such vessel, or the clearance to be given to such vessel following the recording of any such mortgage.

(2) Notwithstanding the provisions of paragraph (1) of this Section any vessel's document issued or reissued prior to January 1, 1985 and any instrument made, recorded and endorsed prior to January 1, 1985 shall remain subject to the endorsement requirements previously contained in Sections 63 and 72 of Chapter 2 and Sections 101, 106, 106A, 106B, 109, 111 and 113 of Chapter 3 of this Title until such time as the vessel's document is surrendered or reissued or a new document is issued, as the case may be.

Eff. Dec. 24, 1984; amended eff. Aug. 28, 1986.

§116A. Insolvency of Foreign Mortgagee.

(1) This section shall apply when a foreign Mortgagee under this Chapter is the subject of a collective judicial or administrative proceeding, including an interim proceeding, in the Country where the Mortgagee has its home jurisdiction, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the Mortgagee are subject to control or supervision by foreign court for the purpose of reorganization or liquidation.

(2) In an proceeding arising under Liberian Law against a foreign Mortgagee or its assets, full recognition shall be given to a foreign insolvency proceeding described in (1), any interim or final decisions reached therein, and the procedural rules and the substantive provisions of laws applicable in the home jurisdiction of the Mortgagee in such a foreign insolvency proceeding.

(3) Upon a showing of the commencement of foreign insolvency proceedings as described in (1), the following shall be stayed in any proceedings arising under Liberian Law:

- (a) Commencement or continuation of individual actions or individual proceedings concerning the Mortgagee's assets, right, obligations or liabilities;
- (b) Execution against or other actions concerning the Mortgagee's assets;
- (c) The right to transfer, encumber or otherwise dispose of any assets of the Mortgagee; and
- (d) The examination of witnesses, the taking of evidence or the delivery of information concerning the Mortgagee's assets, affairs, rights, obligations or liabilities.

(4)(a) Upon a showing of the commencement of foreign insolvency proceedings as described in (1), the distribution, administration or realization of all or part of the Mortgagee's assets shall be entrusted to the person or body authorized in the foreign proceedings to administer the reorganization or the liquidation of the Mortgagee's assets or affairs.

- (b) Notwithstanding the provisions for stay in subsection (3), the authorized person or body identified in (4a) shall be entitled to (i) act in accordance with the procedural rules and the substantive provisions of the laws applicable in the home jurisdiction of the Mortgagee, and (ii) initiate or continue proceedings with regard to the matters identified in subsection (3) (a-d).

Eff. April 23, 2018.

§117. Effect of Amendment of Chapter.

No amendment of this Chapter shall be so construed as to impair or in any respect invalidate any instrument or other document recorded or any act performed pursuant to this Chapter by the Commissioner or a Deputy Commissioner or his authorized agent prior to the effective date of such amendment.

Eff. Dec. 24, 1984.

CHAPTER 4.

CARRIAGE BY SEA

SUB-CHAPTER I. CARRIAGE OF GOODS

§120. Definitions.

When used in this Sub-Chapter:

- (a) The term "carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper.
- (b) The term "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter Party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same.
- (c) The term "goods" includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals, and cargo which by the contract of carriage is stated as being carried on deck and is so carried.
- (d) The term "ship" means any vessel used for the carriage of goods by sea.
- (e) The term "carriage of goods" covers the period from the time when the goods are loaded on, to the time when they are discharged from the ship.
- (f) The term "foreign trade" means the transportation of goods between the ports of Liberia and, or between, ports of foreign countries.

Prior legislation: Lib. Mar. Code, t. VI, sec. 1 (b) as amended Dec. 22, 1949, and sec. 12; renumbered Dec. 1, 1986.

§121. Risks.

Subject to the provisions of Section 126, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, care and discharge of such goods shall be subject to the responsibilities and liabilities and entitled to the rights and immunities hereinafter set forth.

Prior legislation: Lib. Mar. Code, t. VI, sec. 2; renumbered Dec. 1, 1986.

§122. Responsibilities and Liabilities.

(1) The carrier shall be bound, before and at the beginning of the voyage to exercise due diligence to:

- (a) Make the ship seaworthy;
 - (b) Properly man, equip, and supply the ship;
 - (c) Make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation.
- (2) The carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.
- (3) After receiving the goods into his charge the carrier, or the Master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things;
- (a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage.
 - (b) Either the number of packages or pieces, or the quantity or weight as the case may be, as furnished in writing by the shipper.
 - (c) The apparent order and condition of the goods; provided that no carrier, Master, or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight, which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.
- (4) Such a bill of lading shall be *prima facie* evidence of the receipt by the carrier of the goods as therein described in accordance with sub-paragraphs (3) (a),(b), and (c) of this Section. However, proof to the contrary shall not be admissible when the bill of lading has been transferred to a third party acting in good faith. Nothing in this Sub-Chapter shall be construed as limiting the application of any part of the law governing bills of lading.
- (5) The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him; and the shipper shall indemnify the carrier against all loss, damages and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.
- (6)
- (a) Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be *prima facie* evidence of the delivery by the carrier of the goods as described in the bill of lading.

If the loss or damage is not apparent, the notice must be given within three days of the delivery.

Said notice of loss or damage may be endorsed upon the receipt for the goods given by the person taking delivery thereof.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

Subject to paragraph (6)(b) the carrier and the ship shall in any event be discharged from all liability whatsoever in respect of the goods, unless suit is brought within one year of their delivery or of the date when they should have been delivered. This period may, however, be extended if the parties so agree after the cause of action has arisen.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

- (b) An action for indemnity against a third person may be brought even after the expiration of the year provided for in the preceding paragraph if brought within the time allowed for suit on causes of action sounding in contract. However, the time allowed shall be not less than three months, commencing from the day when the person bringing such action of indemnity has settled the claim or has been served with process in the action against himself.

(7) After the goods are loaded the bill of lading to be issued by the carrier, Master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading; providing that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issued of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, Master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.

(8) Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and obligations provided in this section, or lessening such liability otherwise than as provided in this Title, shall be null and void and of no effect.

A benefit of insurance in favor of the carrier, or similar clause, shall be deemed to be a clause relieving the carrier from liability.

Prior legislation: Lib. Mar. Code, t. VI, sec. 3; amended eff. July 8, 1982; renumbered Dec. 1, 1986.

§123. Rights and Immunities.

(1) Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped, and supplied, and to make holds, refrigerating and cooling chambers, and all other parts of the ship in which the goods are carried fit and safe for their reception, carriage, and preservation in accordance with the provisions of Section 122 (1). Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other persons claiming exemption under this section.

(2) Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from:

- (a) Act, neglect, or default of the Master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;
- (b) Fire, unless caused by the actual fault or privity of the carrier;
- (c) Perils, dangers, and accidents of the sea or other navigable waters;
- (d) Act of God;
- (e) Act of war;
- (f) Act of public enemies;
- (g) Arrest or restraint of princes, rulers, or people, or seizure under legal process;
- (h) Quarantine restrictions;
- (i) Act or omission of the shipper or owner of the goods, his agent or representative;
- (j) Strikes or lockouts or stoppage or restraint of labor from whatever cause, whether partial or general; provided that nothing herein contained shall be construed to relieve a carrier from responsibility for the carrier's own acts;
- (k) Riots and civil commotions;
- (l) Saving or attempting to save life or property at sea;
- (m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;
- (n) Insufficiency of packing;
- (o) Insufficiency or inadequacy of marks;

- (p) Latent defects not discoverable by due diligence; and
 - (q) Any other cause arising without the actual fault and privity of the carrier and without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.
- (3) The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his servants.
- (4) Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of this Title or the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom; provided, however, that if the deviation is for the purpose of loading or unloading cargo or passengers it shall, *prima facie*, be regarded as unreasonable.
- (5)
- (a) Unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading, neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding 666.67 units of account per package or unit or 2 units of account per kilogram of gross weight of the goods lost or damaged, whichever is the higher.
 - (b) The total amount recoverable shall be calculated by reference to the value of such goods at the place and time at which the goods are discharged from the ship in accordance with the contract, or should have been so discharged.

The value of the goods shall be fixed according to the commodity exchange price, or, if there be no such price, according to the current market price, or if there be no commodity exchange price or current market price, by reference to the normal value of goods of the same kind and quality.
 - (c) Where a container, pallet or similar article of transport is used to consolidate goods, the number of packages or units enumerated in the bill of lading as packed in such article of transport shall be deemed the number of packages or units for the purpose of this paragraph (5) as far as these packages or units are concerned. Except as aforesaid such article of transport shall be considered the package or unit.
 - (d) The unit of account mentioned in this Section is the Special Drawing Right as defined by the International Monetary Fund. The dollar value in terms of the Special Drawing Right shall be calculated in accordance with the method of valuation

applied by the International Monetary Fund in effect at the date in question for its operations.

- (e) Neither the carrier nor the ship shall be entitled to the benefit of the limitation of liability provided for in this paragraph (5) if it is proved that the damage resulted from an act or omission of the carrier done with intent to cause damage, or recklessly and with knowledge that damage would probably result.
- (f) The declaration mentioned in sub-paragraph (a) of this paragraph (5), if embodied in the bill of lading, shall be prima facie evidence, but shall not be binding or conclusive on the carrier.
- (g) By agreement between the carrier, Master or agent of the carrier, and the shipper, other maximum amounts than those mentioned in sub-paragraph (a) of this paragraph (5) may be fixed, provided that no maximum amount so fixed shall be less than the appropriate maximum mentioned in that sub-paragraph (a).
- (h) Neither the carrier nor the ship shall be responsible in any event for loss or damage to, or in connection with, goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

(6) Goods of an inflammable, explosive, or dangerous nature, to the shipment whereof the carrier, Master or agent of the carrier has not consented with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place, or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

Prior legislation: Lib. Mar. Code, t. VI, sec. 4; amended eff. July 8, 1982; renumbered Dec. 1, 1986.

§124. Defenses.

(1) The defenses and limits of liability provided for in this Sub-Chapter shall apply in any action against the carrier in respect of loss or damage to goods covered by a contract of carriage whether the action be founded in contract or in tort.

(2) If such an action is brought against a servant or agent of the carrier (such servant or agent not being an independent contractor), such servant or agent shall be entitled to avail himself of the defenses and limits of liability which the carrier is entitled to invoke under this Sub-Chapter.

(3) The aggregate of the amounts recoverable from the carrier, and such servants and agents, shall in no case exceed the limit provided for in this Sub-Chapter.

(4) Nevertheless, a servant or agent of the carrier shall not be entitled to avail himself of the provisions of this Section, if it is proved that the damage resulted from an act or omission of the

servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result.

Eff. July 8, 1982; renumbered Dec. 1, 1986.

§125. Surrender of Rights and Immunities, and Increase of Responsibilities and Liabilities.

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under this Sub-Chapter, provided that such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of this Sub-Chapter shall not be applicable to charter parties, but if bills of lading are issued in the case of a ship under a charter Party they shall comply with the terms of this Sub-Chapter. Nothing in this Sub-Chapter shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

Prior legislation: Lib. Mar. Code, t. VI, Sec. 5; renumbered July 8, 1982; renumbered Dec. 1, 1986.

§126. Special Conditions.

Notwithstanding the provisions of the preceding Sections, a carrier, Master or agent of the carrier, and a shipper shall, in regard to any particular goods, be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care and discharge of the goods carried by sea; provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect; provided that this Section shall not apply to ordinary commercial shipments made in the ordinary course of trade but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed are such as reasonably justify a special agreement.

Prior legislation: Lib. Mar. Code, t. VI, sec. 6; renumbered July 8, 1982; renumbered Dec. 1, 1986.

§127. Contract Permitted as to Damage to Goods while not on Ship.

Nothing contained in this Sub-Chapter shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the responsibility and liability of the carrier or the carrier or the ship for loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

Prior legislation: Lib. Mar. Code, t. VI, sec. 7; renumbered July 8, 1982; renumbered Dec. 1, 1986.

§128. Effect of Sub-Chapter.

The provisions of this Sub-Chapter shall not affect the rights and obligations of the carrier under the provisions of Chapter 5 of this Title, or under the provisions of any statute for the time being in force, relating to the limitation of the liability of the owners of sea-going vessels.

This Sub-Chapter shall not affect the provisions of any international convention or national law governing liability for nuclear damage.

Prior legislation: Lib. Mar. Code, t. VI, sec. 8; renumbered and amended eff. July 8, 1982; renumbered Dec. 1, 1986.

§129. Discrimination Forbidden as to Competing Shippers.

Nothing contained in this Sub-Chapter shall be construed as permitting a common carrier by water to discriminate between competing shippers similarly placed in time and circumstances, either (1) With respect to their right to demand and receive bills of lading subject to the provisions of this Sub-Chapter; or (2) When issuing bills of lading, either in the surrender of any of the carrier's rights and immunities or in the increase of any of the carrier's responsibilities.

Prior legislation: Lib. Mar. Code, t. VI, sec. 9; renumbered July 8, 1982; renumbered Dec. 1, 1986.

§130. Bulk Cargo-Weights Ascertained by Third Parties.

Where under the customs of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in this Title, the bill of lading shall not be deemed to be prima facie evidence against the carrier on the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

Prior legislation: Lib. Mar. Code, t. VI, sec. 10; renumbered July 8' 1982; renumbered Dec. 1, 1986.

§131. Scope of Sub-Chapter.

This Sub-Chapter shall apply to all contracts for carriage of goods by sea (1) on board Liberian vessels in foreign trade, or (2) to or from ports of Liberia in foreign trade whatever may be the nationality of the ship, the carrier, the shipper, the consignee, or any other interested person.

Prior legislation: Lib. Mar. Code, T. VI, sec. 11; renumbered sec. 141 and amended eff. July 8, 1982; renumbered Dec. 1, 1986.

§132. Fire Damage.

Any other provision of this Sub-Chapter to the contrary notwithstanding, no owner of any vessel shall be liable to answer for, or make good to any person, any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the actual fault or privity of such owner.

Prior legislation: Lib. Mar. Code, t. VIII, sec. 1; renumbered sec. 160 eff. Mar.1, 1958; amended and renumbered sec. 165 eff. Nov. 24, 1970; amended and renumbered Dec. 1, 1986.

SUB-CHAPTER II. CARRIAGE OF PASSENGERS AND LUGGAGE

§140. Definitions.

In this Sub-Chapter the following expressions have the meanings hereby assigned to them:

- (1)
 - (a) "carrier" means a person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by him or by a performing carrier;
 - (b) "performing carrier" means a person other than the carrier, being the owner, charterer or operator of a ship, who actually performs the whole or a part of the carriage;
- (2) "contract of carriage" means a contract made by or on behalf of a carrier for the carriage by sea of a passenger or of a passenger and his luggage, as the case may be;
- (3) "ship" means only a seagoing vessel, excluding an air-cushion vehicle;
- (4) "passenger" means any person carried in a ship:
 - (a) under a contract of 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 not governed by this Sub-Chapter;
- (5) "luggage" means any article or vehicle carried by the carrier under a contract of carriage, excluding:
 - (a) articles and vehicles carried under a charter party, bill of lading or other contract primarily concerned with the carriage of goods, and
 - (b) live animals;
- (6) "cabin luggage" means luggage which the passenger has in his cabin or is otherwise in his possession, custody or control. Except for the application of paragraph 8 of this Section and Section 147, cabin luggage includes luggage which the passenger has in or on his vehicle;
- (7) "loss of or damage to luggage" includes pecuniary loss resulting from the luggage not having been re-delivered to the passenger within a reasonable time after the arrival of

the ship on which the luggage has been or should have been carried, but does not include delays resulting from labor disputes;

- (8) "carriage" covers the following periods:
- (a) with regard to the passenger and his cabin luggage, the period during which the passenger and/or his cabin luggage are on board the ship or in the course of embarkation or disembarkation, and the period during which the passenger and his cabin luggage are transported by water from land to the ship or vice-versa, if the cost of such transport is included in the fare or if the vessel used for this purpose of auxiliary transport has been put at the disposal of the passenger by the carrier. However, with regard to the passenger, carriage does not include the period during which he is in a marine terminal or station or on a quay or in or on any other port installation;
 - (b) with regard to cabin luggage, also the period during which the passenger is in a marine terminal or station or on a quay or in or on any other port installation if that luggage has been taken over by the carrier or his servant or agent and has not been redelivered to the passenger;
 - (c) with regard to other luggage which is not cabin luggage, the period from the time of its taking over by the carrier or his servant or agent on shore or on board until the time of its redelivery by the carrier or his servant or agent;
- (9) "international carriage" means any carriage in which, according to the contract of carriage, the place of departure and the place of destination are situated in two different States, or in a single State if, according to the contract of carriage or the scheduled itinerary, there is an intermediate port of call in another State.

Eff. Dec. 1, 1986.

§141. Application.

- (1) This Sub-Chapter shall apply to any international carriage if:
- (a) the ship is flying the flag of or is registered in Liberia; or
 - (b) the contract of carriage has been made in a State Party to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, as amended; or
 - (c) the place of departure or destination, according to the contract of carriage, is in a State Party to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, as amended.
- (2) Notwithstanding paragraph 1 of this Section, this Sub-Chapter shall not apply when the carriage is subject, under any international convention concerning the carriage of passengers or

luggage by another mode of transport, to a civil liability regime under the provisions of such convention, in so far as those provisions have mandatory application to carriage by sea.

(3) This Sub-Chapter shall apply to commercial carriage undertaken by States or Public Authorities under contracts of carriage within the meaning of Section 140.

Eff. Dec. 1, 1986.

§142. Liability of the Carrier.

(1) The carrier shall be liable for the damage suffered as a result of the death of or personal injury to a passenger and the loss of or damage to luggage if the incident which caused the damage so suffered occurred in the course of the carriage and was due to the fault or neglect of the carrier or of his servants or agents acting within the scope of their employment.

(2) The burden of proving that the incident which caused the loss or damage occurred in the course of the carriage, and the extent of the loss or damage, shall lie with the claimant.

(3) Fault or neglect of the carrier or of his servants or agents acting within the scope of their employment shall be presumed, unless the contrary is proved, if the death of or personal injury to the passenger or the loss of or damage to cabin luggage arose from or in connection with the shipwreck, collision, stranding, explosion or fire, or defect in the ship. In respect of loss of or damage to other luggage, such fault or neglect shall be presumed, unless the contrary is proved, irrespective of the nature of the incident which caused the loss or damage. In all other cases the burden of proving fault or neglect shall lie with the claimant.

Eff. Dec. 1, 1986.

§143. Performing Carrier.

(1) If the performance of the carriage or part thereof has been entrusted to a performing carrier, the carrier shall nevertheless remain liable for the entire carriage according to the provisions of this Sub-Chapter. In addition, the performing carrier shall be subject and entitled to the provisions of this Sub-Chapter for the part of the carriage performed by him.

(2) The carrier shall, in relation to the carriage performed by the performing carrier, be liable for the acts and omissions of the performing carrier and of his servants and agents acting within the scope of their employment.

(3) Any special agreement under which the carrier assumes obligations not imposed by this Sub-Chapter or any waiver of rights conferred by this Sub-Chapter shall affect the performing carrier only if agreed by him expressly and in writing.

(4) Where and to the extent that both the carrier and the performing carrier are liable, their liability shall be joint and several.

(5) Nothing in this Section shall prejudice any right of recourse as between the carrier and the performing carrier.

Eff. Dec. 1, 1986.

§144. Valuables.

The carrier shall not be liable for the loss of or damage to monies, negotiable securities, gold, silverware, jewelry, ornaments, works of art, or other valuables, except where such valuables have been deposited with the carrier for the agreed purpose of safe-keeping in which case the carrier shall be liable up to the limit provided for in paragraph 3 of Section 147 unless a higher limit is agreed upon in accordance with paragraph 1 of Section 149.

Eff. Dec. 1, 1986.

§145. Contributory Fault.

If the carrier proves that the death of or personal injury to a passenger or the loss of or damage to his luggage was caused or contributed to by the fault or neglect of the passenger, the court seized of the case may exonerate the carrier wholly or partly from his liability in accordance with the provisions of the law of that court.

Eff. Dec. 1, 1986.

§146. Limit of Liability for Personal Injury.

The liability of the carrier for the death of or personal injury to a passenger shall in no case exceed 46,666 units of account per carriage. Where in accordance with the law of the court seized of the case damages are awarded in the form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.

Eff. Dec. 1, 1986.

§147. Limit of Liability for Loss of or Damage to Luggage.

(1) The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 833 units of account per passenger, per carriage.

(2) The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 3,333 units of account per vehicle, per carriage.

(3) The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs (1) and (2) of this Article shall in no case exceed 1,200 units of account per passenger, per carriage.

(4) The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 117 units of account in the case of damage to a vehicle and not exceeding 13 units of account per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

Eff. Dec. 1, 1986.

§148. Unit of Account.

The unit of account mentioned in this Sub-Chapter is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Sections 146 and 147 shall be converted into the Dollar on the basis of the value of the Dollar on the date of the judgment or the date agreed by the Parties. The value of the Dollar, in terms of the Special Drawing Right, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operation and transactions.

Eff. Dec. 1, 1986.

§149. Supplementary Provisions on Limits of Liability.

(1) The carrier and the passenger may agree, expressly and in writing, to higher limits of liability than those prescribed in Sections 146 and 147.

(2) Interest on damages and legal costs shall be included in the limits of liability prescribed in Sections 147 and 147.

Eff. Dec. 1, 1986.

§150. Defenses and Limits for Carriers' Servants.

If an action is brought against a servant or agent of the carrier or of the performing carrier arising out of damage covered by the Sub-Chapter, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the defenses and limits of liability which the carrier or the performing carrier is entitled to invoke under this Sub-Chapter.

Eff. Dec. 1, 1986.

§151. Aggregation of Claims.

(1) Where the limits of liability prescribed in Sections 146 and 147 take effect, they shall apply to the aggregate of the amounts recoverable in all claims arising out of the death of or personal injury to any one passenger or the loss of or damage to his luggage.

(2) In relation to the carriage performed by a performing carrier, the aggregate of the amounts recoverable from the carrier and the performing carrier and from their servants and agents acting within the scope of their employment shall not exceed the highest amount which could be awarded against either the carrier or the performing carrier under this Sub-Chapter, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

(3) In any case where a servant or agent of the carrier or of the performing carrier is entitled under Section 150 of this Sub-Chapter to avail himself of the limits of liability prescribed in Sections 146 and 147, the aggregate of the amounts recoverable from the carrier, or the performing carrier as the case may be, and from that servant or agent, shall not exceed those limits.

Eff. Dec. 1, 1986.

§152. Loss of Right to Limit Liability.

(1) The carrier shall not be entitled to the benefit of the limits of liability prescribed in Sections 146 and 147 and paragraph (1) of Section 149, if it is proved that the damage resulted from an act or omission of the carrier done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

(2) The servant or agent of the carrier or of the performing carrier shall not be entitled to the benefit of those limits if it is proved that the damage resulted from an act or omission of that servant or agent done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Eff. Dec. 1, 1986.

§153. Basis for Claims.

No action for damages for the death of or personal injury to a passenger, or for the loss of or damage to luggage, shall be brought against a carrier or performing carrier otherwise than in accordance with this Sub-chapter.

Eff. Dec. 1, 1986.

§154. Notice of Loss or Damage to Luggage.

(1) The passenger shall give written notice to the carrier or his agent:

(a) in the case of apparent damage to luggage:

- (i) for cabin luggage, before or at the time of disembarkation of the passenger;
- (ii) for all other luggage, before or at the time of its re-delivery;

(b) in the case of damage to luggage which is not apparent, or loss of luggage, within fifteen days from the date of disembarkation or re-delivery or from the time when such re-delivery should have taken place.

(2) If the passenger fails to comply with this Section, he shall be presumed, unless the contrary is proved, to have received the luggage undamaged.

(3) The notice in writing need not be given if the condition of the luggage has at the time of its receipt been the subject of joint survey or inspection.

Eff. Dec. 1, 1986.

§155. Time-bar For Action.

(1) Any action for damages arising out of the death of or personal injury to a passenger or for the loss of or damage to luggage shall be time-barred after a period of two years.

(2) The limitation period shall be calculated as follows:

- (a) in the case of personal injury, from the date of disembarkation of the passenger;
- (b) in the case of death occurring during carriage, from the date when the passenger should have disembarked, and in the case of personal injury occurring during carriage and resulting in the death of the passenger after disembarkation, from the date of death, provided that this period shall not exceed three years from the date of disembarkation;
- (c) in the case of loss of or damage to luggage, from the date of disembarkation or from the date when disembarkation should have taken place, whichever is later.

(3) The law of the court seized of the case shall govern the grounds of suspension and interruption of limitation periods, but in no case shall an action under this Sub-Chapter be brought after the expiration of a period of three years from the date of disembarkation of the passenger or from the date when disembarkation should have taken place, whichever is later.

(4) Notwithstanding paragraphs (1), (2) and (3) of this Section, the period of limitation may be extended by a declaration of the carrier or by agreement of the parties after the cause of action has arisen. The declaration or agreement shall be in writing.

Eff. Dec. 1, 1986.

§156. Competent Jurisdiction.

(1) An action arising under this Sub-Chapter shall, at the option of the claimant, be brought before one of the courts listed below, provided that the court is located in a State Party to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, as amended:

- (a) the court of the place of permanent residence or principal place of business of the defendant; or
- (b) the court of the place of departure or that of the destination according to the contract of carriage; or
- (c) a court of the State of the domicile or permanent residence of the claimant, if the defendant has a place of business and is subject to jurisdiction in that State; or
- (d) a court of the State where the contract of carriage was made, if the defendant has a place of business and is subject to jurisdiction in that State.

(2) After the occurrence of the incident which has caused the damage, the parties may agree that the claim for damages shall be submitted to any jurisdiction or to arbitration.

Eff. Dec. 1, 1986.

§157. Invalidity of Contractual Provisions.

Any contractual provision concluded before the occurrence of the incident which has caused the death of or personal injury to a passenger or the loss of or damage to his luggage, purporting to relieve the carrier of his liability towards the passenger or to prescribe a lower limit of liability than that fixed in this Sub-Chapter except as provided in paragraph 4 of Section 147, and any such provision purporting to shift the burden of proof which rests on the carrier, or having the effect of restricting the option specified in paragraph (1) of Section 156, shall be null and void, but the nullity of that provision shall not render void the contract of carriage which shall remain subject to the provisions of this Sub-Chapter.

Eff. Dec. 1, 1986.

§158. Other Provisions on Limitation of Liability.

This Sub-Chapter shall not modify the rights or duties of the carrier, the performing carrier, and their servants or agents provided for in Chapter 5 of this Title, or in international conventions relating to the limitation of liability of owners of seagoing ships.

Eff. Dec. 1, 1986.

§159. Nuclear Damage.

No liability shall arise under this Sub-Chapter for damage caused by a nuclear incident:

- (1) if the operator of a nuclear installation is liable for such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy as amended by its Additional Protocol of 28 January 1964, or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage; or
- (2) if the operator of a nuclear installation is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favorable to persons who may suffer damage as either the Paris or Vienna Conventions.

CHAPTER 5.

LIMITATION OF LIABILITY FOR MARITIME CLAIMS

THE RIGHT OF LIMITATION

§160. Persons Entitled to Limit Liability.

- (1) Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Chapter for claims set out in Section 161.
- (2) The term "shipowner" shall mean the owner, charterer, manager and operator of a seagoing ship.
- (3) Salvor shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in Section 161, paragraph 1(d), (e) and (f).
- (4) If any claims set out in Section 161 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Chapter.
- (5) In this Chapter the liability of a shipowner shall include liability in an action brought against the vessel herself.
- (6) An insurer of liability for claims subject to limitation in accordance with the rules of this Chapter shall be entitled to the benefits of this Chapter to the same extent as the assured himself.
- (7) The act of invoking limitation of liability shall not constitute an admission of liability.
- (8) Court shall mean within Liberia the Circuit Court, sitting in Admiralty; and without Liberia shall mean a court of competent maritime jurisdiction.

Eff. Dec. 1, 1986.

§161. Claims Subject to Limitation.

- (1) Subject to Section 162 and 163, the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:
 - (a) claims in respect of loss of life or personal injury or loss or damage to property (including damage to harbor 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;
 - (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;

- (c) 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 operation;
- (d) 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;
- (e) claims in respect of the removal, destruction or the rendering harmless the cargo of the ship;
- (f) claims or a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Chapter, and further loss caused by such measures.

(2) Claims set out in paragraph (1) shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

Eff. Dec. 1, 1986.

§162. Claims Excepted from Limitation.

The rules of this Chapter shall not apply to:

- (a) claims for salvage or contribution in general average;
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage, dated 29 November 1969 or of any amendment or protocol thereto which is in force;
- (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (d) claims against the shipowner of a nuclear ship for nuclear damage;
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operation, including claims of their heirs, dependents or other persons entitled to make such claims, if under the law governing 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 by such law only permitted to limit his liability to an amount greater than that provided for in Section 165.

Eff. Dec. 1, 1986.

§163. Conduct Barring Limitation.

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 recklessly and with knowledge that such loss would probably result.

Eff. Dec. 1, 1986.

§164. Counterclaims.

Where a person entitled to limitation of liability under the rules of this Chapter has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Chapter shall only apply to the balance, if any.

Eff. Dec. 1, 1986.

LIMITATION OF LIABILITY

§165. The General Limits.

(1) The limits of liability for claims other than those mentioned in Section 106, arising on any distinct occasion, shall be calculated as follows:

(a) in respect of claims for loss of life or personal injury:

- (i) 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons;
- (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 501 to 3,000 tons, 500 Units of Account;

for each ton from 3,001 to 30,000 tons, 333 Units of Account;

for each ton from 30,001 to 70,000 tons, 250 Units of Account; and

for each ton in excess of 70,000 tons, 167 Units of Account;

(b) in respect of any other claims:

- (i) 167,000 Units of account for a ship with a tonnage not exceeding 500 tons;
- (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):

for each ton from 501 to 30,000 tons, 167 Units of Account;

for each ton from 30,001 to 70,000 tons, 125 Units of Account; and

for each ton in excess of 70,000 tons, 83 Units of Account.

(2) Where the amount calculated in accordance with paragraph (1)(a) is insufficient to pay the claims mentioned therein in fully the amount calculated in accordance with paragraph (1)(b) shall be available for payment of the unpaid balance of claims under paragraph (1)(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph (1)(b).

(3) 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.

(4) For the purpose of this Chapter the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969, as amended.

Eff. Dec. 1, 1986.

§166. The Limit for Passenger Claims.

(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 46,666 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate, but not exceeding 25 million Units of Account.

(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.

Eff. Dec. 1, 1986.

§167. Unit of Account.

The Unit of Account referred to in Sections 165 and 166 is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Sections 165 and 166 shall be converted into the Dollar according to the value of the Dollar at the date the limitation fund shall have been constituted, payment is made, or security is given which the Court deems equivalent to such payment. The value of the Dollar in terms of the Special Drawing Right shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

Eff. Dec. 1, 1986.

§168. Aggregation of Claims.

(1) The limits of liability determined in accordance with Section 165 shall apply to the aggregate of all claims which arise on any distinct occasion:

- (a) against the person or persons mentioned in paragraph 2 of Section 160 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 166 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Section 160 in respect of the ship referred to in Section 166 and any person for whose act, neglect or default he or they are responsible.

Eff. Dec. 1, 1986.

§169. Limitation of Liability Without Constitution of a Limitation Fund.

- (1) Limitation of liability may be invoked in the defense of an action notwithstanding that a limitation fund as mentioned in Section 170 has not been constituted.
- (2) if limitation of liability is invoked without the constitution of a Limitation fund, the provisions of Section 171 shall apply correspondingly.
- (3) Questions of procedure shall be resolved in accordance with the lex fori.

Eff. Dec. 1, 1986.

THE LIMITATION FUND

§170. Constitution of the Fund.

- (1) Any person alleged to be liable may constitute a fund with the Court in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Sections 165 and 166 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.
- (2) A fund may be constituted, either by depositing the sum, or by producing a guarantee considered to be adequate by the Court.
- (3) A fund constituted by one of the persons mentioned in paragraph (1) (a), (b) or (c) or paragraph (2) of Section 168 or his insurer shall be deemed constituted by all persons mentioned in paragraph (1) (a), (b) or (c) or paragraph (2), respectively.

Eff. Dec. 1, 1986.

§171. Distribution of the Fund.

(1) Subject to the provisions of paragraphs (1), (2) and (3) of Sections 165 and 166, the fund shall be distributed among the claimants in proportion to their established claims against the fund.

(2) If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund 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 Chapter.

(3) The right of subrogation provided for in paragraph (2) may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid.

(4) Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs (2) and (3) had the compensation been paid before the fund was distributed, the Court may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Eff. Dec. 1, 1986.

§172. Bar to Other Actions.

(1) Where a limitation fund has been constituted in accordance with Section 170, 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.

(2) After a limitation fund has been constituted in accordance with Section 170, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within Liberia for a claim which may be raised against the fund, or any security given, may be released by order of the Court. However, such release shall always be ordered if the limitation fund has been constituted:

- (a) at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter; or
- (b) at the port of disembarkation in respect of claims for loss of Life or personal injury; or
- (c) at the port of discharge in respect of damage to cargo; or
- (d) in the state where the arrest is made.

(3) The rules of paragraphs (1) and (2) shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Eff. Dec. 1, 1986.

§173. Governing Law.

Subject to the provisions of Section 33 of Chapter 1 and of this Chapter 5, the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the Civil Procedure Law of Liberia.

Eff. Dec. 1, 1986.

§174. Scope or Application.

(1) This Chapter shall apply whenever any person referred to in Section 160 seeks to limit his liability before a Court of Liberia or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of Liberia.

(2) This Chapter shall not apply to:

(a) air-cushion vehicles;

(b) floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the subsoil thereof.

Eff. Dec. 1, 1986.

CHAPTER 6.

RADIO

§180. Regulations, Rules and Notices.

The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices necessary and appropriate to the efficient administration of maritime mobile radio stations.

Eff. Apr. 7, 1960; amended eff. June 19, 2002.

CHAPTER 7.

VESSEL INSPECTION

§190. Marine Safety Inspection.

In order to promote the safety of life and property at sea, vessels registered under this Title shall be required to undergo inspection and shall at all times carry on board such proof of inspection as may be required by Law or Regulation.

Eff. Dec. 24, 1984.

§191. Regulations, Rules and Notices.

The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate Notices necessary and appropriate to the efficient administration of vessel inspections.

Eff. Dec. 24, 1984; amended eff. June 19, 2002.

CHAPTER 8.

RULES OF NAVIGATION

§200. Regulations for Preventing Collisions.

The International Regulations for Preventing Collisions at Sea, 1972, as amended, and such changes therein as in the future shall be made by any International Convention to which the Republic of Liberia becomes a State Party, shall be followed by all vessels and seaplanes navigating all harbors, rivers, and inland waters of the Republic of Liberia; and shall be followed by all Liberian vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels except as provided in Rule 1 of the foregoing Regulations; and the foregoing Regulations shall have effect as if specifically enacted by statute and fully set forth herein.

Prior legislation: L. 1923-24, ch. XII, secs. 1-15; amended eff. Mar. 1, 1958; amended eff. Aug. 28, 1986.

§201. Vessel Under Oars.

The term "vessel under oars" as set forth in Rule 25 of the foregoing Regulations shall be interpreted to include canoes and various nondescript local craft.

Eff. Mar. 1, 1958; amended eff. July 8, 1982.

§202. Penalty for Violation of Rules by Pilot, Engineer, Mate or Master.

Every pilot, engineer, mate, Master or other person in charge of any vessel, boat, canoe, or nondescript local craft who neglects or refuses to observe the provisions of this Chapter shall be liable to a penalty of US\$500; and for all damages sustained by any passenger in his person or baggage resulting from such neglect or refusal:

Provided that nothing herein shall relieve any vessel, owner, corporation, or other person from any liability incurred by reason of such neglect or refusal.

Prior legislation: L. 1923-24, ch. XII, sea. 16; amended eff. Mar. 1, 1958; amended eff. June 19, 2002.

§203. Penalty for Violation by Vessel.

Every vessel that shall be navigated without complying with the provisions of this Chapter shall be liable to a penalty of not to exceed US\$20,000, for which sum the vessel so navigated shall be liable and may be seized and proceeded against before any Court of competent jurisdiction in this Republic.

Prior legislation: L. 1923-24, ch. XII, sec. 17; amended eff. Mar. 1, 1958; amended eff. June 19, 2002.

§204. Assistance in Case of Collision.

In every case of collision between two vessels it shall be the duty of the Master or person in charge of each vessel, if and insofar as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stand by the other vessel until he has ascertained that it needs no further assistance; to render to the other vessel, and to its Master, crew, or passengers (if any),

such assistance as may be practicable and necessary to save them from any danger caused by the collision; and to report to the Master or person in charge of the other vessel the name of his own vessel, its port of registry or the port to which it belongs, and the names of the ports from which and to which it is bound. If he fails to do so without reasonable cause for such failure, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Prior legislation: L. 1923-24, ch. XII, sec. 18

CHAPTER 9.

WRECKS AND SALVAGE: INVESTIGATION

§250. International Agreements as to Derelicts.

The President is hereby authorized to make international agreements with governments interested for the reporting, marking and removing of dangerous wrecks, derelicts and other menaces to navigation in the Atlantic Ocean outside the coastal waters bordering the Republic of Liberia.

Prior legislation: Lib. Mar. Code, t. IV, sea. 1,

§251. International Agreements; Derelicts; Expenses.

The President may conclude agreements with interested maritime nations for the maintenance of:

- (1) A service of assistance to vessels and crews requiring aid within the limits of a patrol to be defined in the agreement concluded;
- (2) A service for the destruction or removal of derelicts in the Atlantic Ocean, the area in which said service is to be maintained to be determined in such agreements by appropriate latitudinal and longitudinal boundaries;
- (3) The President may include in such agreements a provision for payment to the Government of Liberia by the countries concerned of a proportionate share of the expense for the maintenance of the services named. All such agreements shall be subject to ratification by the Liberian Senate.

Prior legislation: Lib. Mar. Code, t. IV, sec. 2.

§252. Vessels Stranded on Foreign Coasts.

Consuls and Vice Consuls in countries on whose shores vessels of the Republic of Liberia are stranded shall take proper measures for saving the vessels, their cargoes and appurtenances, storing and securing the effects and merchandise saved, and taking inventories thereof; and such merchandise and effects with inventories thereof shall, after payment of the expenses, be delivered to the owners. A Consul or Vice Consul shall not take possession of any such merchandise, or other property, when the Master, owner or consignee thereof is present or capable of taking possession of the same. The President, subject to ratification by the Senate, is hereby authorized to conclude agreements with countries in which the Republic of Liberia is neither represented by a Consul, Vice Consul or other accredited government agent, for the purpose of securing the service herein imposed upon the Consuls and Vice Consuls of the Republic of Liberia in countries to which they are assigned.

Prior legislation: Lib. Mar. Code, t. IV, sec. 3.

§253. Right to Salvage Not Affected by Ownership of Vessel.

The right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

Prior legislation: Lib. Mar. Code, t. IV, sec. 4.

§254. Salvage Remuneration.

Salvors of human life or cargo who have taken part in the services rendered in connection with the incident giving rise to salvage are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo and accessories.

Prior legislation: Lib. Mar. Code, t. IV, sec. 5.

§255. Time Limit for Salvage Suits.

A suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person or corporation to be charged, in which case the right of action shall not lapse until ninety days after there has been a reasonable opportunity to secure jurisdiction.

Prior legislation: Lib. Mar. Code, t. IV, sec. 6.

§256. Recovery for Salvage Services Rendered by Government Vessels.

The Commissioner or his agent and the crew of any vessels owned or operated by the Republic of Liberia or its representatives, may collect and sue for salvage services rendered by such vessel and crew. Any salvage monies recovered by the Commissioner, or his agent, and not for the benefit of the crew, shall be held for the credit of the government agency having possession or control of the vessel rendering such service.

Prior legislation: Lib. Mar. Code, t. IV, sec. 7, amended Dec. 22, 1949.

§257. Marine Casualties.

In the event of any casualty involving a Liberian vessel where there is loss of life or loss or damage of property estimated to be in excess of US\$100,000, the Master shall immediately notify the Commissioner or office of Deputy Commissioner, and shall submit a report of Casualty within 30 days in accordance with such Regulations as the Commissioner may make from time to time. Where there is a failure to execute and file a report as required hereunder, the Master and vessel shall each be liable to a fine of US\$1,000 upon notice from the Commissioner.

Eff. Apr. 7, 1960; amended eff. July 11, 1969; amended eff. June 19, 2002.

§258. Marine Casualty Investigations.

The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules as are necessary and appropriate to implement this provision and the agent, acting in accordance with section 13, may promulgate Notices necessary and appropriate to the investigation of marine casualties involving vessels registered under the laws of Liberia or otherwise occurring within the jurisdiction of the Republic of Liberia.

Eff. July 11, 1969; amended eff. June 19, 2002.

CHAPTER 10.

MERCHANT SEAMEN

GENERAL

§290. Application.

- (1) The rights and obligations of every person employed on any ocean-going merchant vessel registered under Title 21 of The Liberian Code of Laws, and any person employing such person shall, with respect to terms and conditions of employment and other matters relating to employment and the internal order of such vessel, be governed by this Chapter.
- (2) The provisions of this Chapter shall not apply to:
 - (a) Persons employed on vessels of less than 75 net tons;
 - (b) Persons employed solely in ports in repairing, cleaning, stevedoring and loading or unloading the vessels; and
 - (c) Pilots.

Eff. Aug. 18, 1964; amended eff. June 19, 2002.

§291. Definitions.

For the purpose of this Chapter, the following expressions have the meaning hereby assigned to them:

- (1) "Master" means any person having command of a vessel;
- (2) "Seamen" or "Seafarer" means any or all members of the crew and officers including the Master, employed or engaged in any capacity on board any vessel;
- (3) "Crew" means collectively the persons, other than officers and the Master, serving in any capacity on board a vessel;
- (4) "Shipowner" includes the charterer of any vessel where he mans, victuals and navigates such vessel at his own expense or by his own procurement;
- (5) "Vessel" means any vessel registered under Title 21 of the Liberian Code of Laws;
- (6) "Fishing Vessel" means a vessel used for catching fish, whales, seals, walrus and other living creatures at sea;
- (7) "Foreign Trade" means trade between foreign countries or between Liberia and foreign countries.

Eff. Aug. 18, 1964; amended eff. June 19, 2002; amended eff. July 19, 2010; amended eff. Feb. 14, 2013.

§292. Full Complement Required.

A Liberian vessel shall not be navigated unless it has in its service and on board such complement of officers and crew as is necessary for safe navigation. The Commissioner, acting alone in accordance with section 11, or the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules as are necessary and appropriate to implement this provision and the agent, acting in accordance with section 13, may promulgate Notices necessary and appropriate to ensure compliance with this requirement.

Prior legislation: Lib. Mar. Code, t. V; 7 prev. sec. 290, renumbered Aug. 18, 1964; amended eff. July 11, 1969; amended eff. June 19, 2002.

§293. Officers' Licenses.

Except when prevented by *force majeure*, all officers of Liberian vessels shall obtain licenses to fill their relative Positions from the Commissioner of Liberia Maritime Authority or any Deputy Commissioner authorized to issue licenses.

Prior legislation: L. 1868-69, 27, sec. 1, 2, 5; amended eff. March 1. 1958; prev. sec. 291, renumbered Aug. 18, 1964; amended eff. Feb. 14, 2013.

§294. Penalty for Misuse of Licenses or Certificates.

Any person who shall receive or shall have in his possession any Liberian licenses certificate or document issued to officers or crew by the Commissioner or Deputy Commissioner to which he is not lawfully entitled, or any false licenses certificate or document, with intent to use the same unlawfully; or who without lawful authority shall alter or change any genuine license, certificate or document; or who shall in any manner transfer or arrange for the transfer of any such licenses, certificate or document; or who shall aid or abet the perpetration of any of the foregoing acts shall, for each such offenses be liable to a fine of not more than US\$20,000 or imprisonment for not more than one year, or both.

Eff. Aug. 18, 1964; amended eff, July 8. 1982; amended eff. June 19, 2002.

RIGHTS AND DUTIES OF THE MASTER

§295. Termination of Employment.

Any contractual provision to the contrary notwithstanding, the shipowner, with or without good cause, may at any time terminate the employment of and dismiss the Master. Notwithstanding, the Master may have the right of action if it can be established that his dismissal was wrongful in that he took action or did not take action due to his overall concern for the safe navigation of the vessel and safety of the crew.

Eff. Aug. 18, 1964; amended eff. Feb. 14, 2013.

§296. Duties of the Master.

The Master shall, among others, have the following duties:

- (1) To enter into Shipping Articles with seamen as hereinafter provided;
- (2) To maintain discipline on board the vessel and to take all such steps as are necessary and appropriate in connection therewith;
- (3) To assume responsibility for the receipt of cargo by the vessel, stowage of cargo on board the vessel insofar as such stowage affects the safety or navigability of the vessel, and for the discharge of cargo from the vessel;
- (4) To assume full responsibility for the safety of the members of the crew and passengers, if any, and to take all necessary and appropriate steps in connection therewith;
- (5) To assume full responsibility for the navigation of the vessel at all times;
- (6) To assume full responsibility for the vessel's funds and the disbursement thereof;
- (7) To see that the vessel's log books are properly and accurately kept;
- (8) To keep in his custody all of the vessel's documents;
- (9) To make all reports required by Liberian laws, Regulations or Rules or by the regulations of any ports at which the vessel may call;
- (10) To render assistance in the saving of life and property at sea.

Eff. Aug. 189 1964; amended eff. June 19, 2002.

§297. Special Powers of Masters.

When a vessel is at sea, the Master is authorized to:

- (1) Marry Passengers or other persons aboard;
- (2) Issue birth certificates for children born at sea;
- (3) Bury persons who have died on board the vessel while at sea.

Eff. Aug. 18, 1964.

§298. Certain Seamen's Rights Provided for Master.

Except as otherwise provided, the Master of a Liberian vessel shall enjoy the same rights and shall have the same liens upon the vessel in respect of wages, maintenance and cure and repatriation as are provided for seamen.

Eff. Aug. 18, 1964; amended eff. Aug. 28, 1986.

§299. Master's Wrongful Death.

The personal representative of the Master of a Liberian vessel shall enjoy the same rights and shall have the same liens upon the vessel in case of the Master's wrongful death as are provided in respect of seamen.

Eff. Aug. 18, 1964; amended eff. Aug. 28, 1986.

RIGHTS AND DUTIES OF SEAMEN

§320. Shipping Articles Required.

Before the Master of any Liberian vessel of 75 net tons or more shall sail from any port, there shall be in force Shipping Articles (sometimes referred to as Articles) with every seaman on board his vessel, except with persons who are apprenticed to, or servants of, himself or the vessel's owner, who are not deemed to be seafarers. The Shipping Articles shall be written or printed and shall be subscribed by every seaman shipping on the vessel and shall state the period of engagement or voyage or voyages and the term or terms for which each seaman shall be shipped, and the rate of pay for each, and such other items as may be required by Regulation.

Prior legislation: L. 1868-69, 27 secs. 1, 2, 5; amended eff. March 1, 1958; prev. sec. 310, renumbered Aug. 18, 1964; amended eff. Feb. 14, 2013.

§321. Penalty for Alteration of Shipping Articles.

If any person fraudulently alters or makes false entry in any Shipping Articles, and if any person aids in committing or procures to be committed any such offense, he shall, in respect of each offense, be liable for a fine not exceeding US\$2,000.

Eff. Aug. 18, 1964; amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§322. Penalty for Shipment without Shipping Articles.

If any person shall be carried to sea as an officer or one of the crew on board any vessel making a voyage as hereinbefore specified, without entering into Shipping Articles with the Master of such vessel in the form and manner and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than US\$1,500. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed himself away without the knowledge of the Master, mate or of any of the officers of the vessel, or who shall have falsely personated himself to the Master or officers of the vessel, for the purpose of being carried to sea.

Prior legislation: L. 1868-69, 27, sec. 1; amended eff. March 1, 1958; prev. sec. 311, renumbered Aug. 18, 1964; amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§323. Duration and Extension of Shipping Articles.

(1) Shipping Articles for the duration of a single voyage terminate as soon as unloading of the cargo is completed at the last port of destination, or, if the vessel carries ballast only, upon the arrival at the last port of destination.

(2) Shipping Articles for the duration of a round voyage terminate as soon as unloading of any cargo is completed at the port where the seamen were engaged.

(3) If the voyage is extended to a port other than that port designated in the Shipping Articles as the end of the voyage, the Articles shall be extended and the wages shall be continued accordingly. If the voyage be shortened, the wages shall be paid to the date of termination of the voyage.

(4) Where Shipping Articles are not for a stated period they shall be deemed to be for a period of not less than one year and shall terminate at the expiration of the one year period, provided that at least five days prior notice has been given. In the absence of such notice the agreement shall continue but shall be terminable thereafter upon at least five days notice by either party. Nothing in this paragraph (4) shall apply to or preclude Shipping Articles for a stated period of time.

(5) When Shipping Articles expire while the voyage is still incomplete, they shall be extended until the vessel arrives at the port of her destination, and the wages shall be continued accordingly.

Eff. Aug. 18, 1964.

§324. Termination of Shipping Articles.

Where the Shipping Articles have terminated because of:

- (1) Transfer of registry; or
- (2) Transfer of ownership; or
- (3) Abandonment of vessel; or
- (4) Loss of vessel,

the seaman shall be entitled to compensation equal to fifteen (15) days base wages, or the base wages until the expiration of the period for which he was engaged, whichever shall be least; provided however that the seaman is not employed as a seaman during such period and provided further that during such period the seaman has not refused substantially equivalent seagoing employment.

Eff. Aug. 18, 1964.

§325. Required Documents for Seafarers.

(1) The Commissioner acting alone in accordance with section 11 may by Regulation require identification books, sea service records, medical fitness certificates, certificates of proficiency or competence, or other official certification and documentation to be obtained and carried on board Liberian vessels and the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting

in accordance with section 13, may promulgate Notices necessary and appropriate to ensure compliance with the requirements of such Regulations.

(2) If any seafarer forges or fraudulently alters or procures the forgery or fraudulent alteration of any such official document he shall forfeit to his employer all wages above the amount payable to an ordinary seaman for the period during which he was employed in reliance upon such forged or altered document.

Eff. Aug. 18, 1964; amended eff. 1 July 8, 1982; amended eff. 19 June 2002.

§326. Minimum Age at Sea.

(1) Except for a ship's cook who shall be at least 18 years old, no person below the minimum age of 16 shall be employed or engaged or work on Liberian vessels registered under this Title.

(2) Notwithstanding any other provision of this Title, persons under the age of sixteen shall not be employed or work on Liberian vessels registered under this Title, except on vessels upon which only members of the same family are employed, school-ships or training ships.

(3) The Master shall keep a register of all persons under the age of sixteen years employed on board his vessel, as required by Regulation.

(4) Provided, that such persons of not less than fourteen year (14) years of age may occasionally take part in the activities on board such vessels during school holidays, subject to the conditions that the activities in which they are engaged:

- (a) Are not harmful to their health or normal development;
- (b) Are not such as to prejudice their attendance at school; and
- (c) Are not intended for commercial profit.

(5) Persons under the age of eighteen years shall not be employed or work on coal-burning vessels as trimmers or stokers.

Prior legislation: Title 22 of Lib. Code of Laws of 1956, eff. Mar. 1, 1958; amended Apr. 7, 1960; prev. sec. 315, renumbered Aug. 18, 1964; amended eff. July 8, 1982; amended eff. Feb. 14, 2013; renumbered eff. Feb. 14, 2013.

§327. Payment of Wages.

(1) Commencement and Termination. - Wages shall commence on the day specified and agreed to in the Shipping Articles or at the time of presence on board the vessel for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge or termination of the Articles.

(2) Time of Payment. - In the absence of any agreement to the contrary the shipowner or the Master of the vessel shall pay to every seaman his wages in full at no greater than monthly intervals.

(3) Entitlement. - A seaman is entitled to receive in local currency, on demand, from the Master his wages actually earned and payable at every intermediate port where the vessel shall load or deliver cargo before the voyage is ended, but not more than once in any fifteen-day period or the payments due at no greater than monthly intervals and in accordance with any applicable collective agreement. In case of wrongful failure to pay a seaman's election of one-half wages actually earned on demand, the seaman becomes entitled to a payment of full wage earned.

(4) Account. - Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or a rate different from the one agreed to. Every Master shall deliver to the seaman, before paying off, a full and true account of his wages and all deductions to be made therefrom on any account whatsoever, and in default shall, for each offense, be liable to a penalty of not more than US\$500.

Eff. Aug. 18, 1964; amended eff. June 19, 2002; amended eff. Feb. 14, 2013.

§327A. Seafarers Recruitment and Placement.

In accordance with provisions under Section 12, there shall be Regulations to ensure that seafarers shall have access to an efficient and appropriately regulated seafarer recruitment and placement system.

Eff. Feb. 14, 2013.

§328. Wages for Unjustifiable Discharge.

Any seaman who has signed Shipping Articles and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge and without consent, shall be entitled to receive in addition to his earned wages a sum equal in amount to one month's wages as compensation.

Eff. Aug. 18, 1964.

§329. Stowaway Entitled to Wages, if there is an Agreement.

A stowaway signing the vessel's Articles is entitled to wages, but not to maintenance and cure as herein provided. The Master shall discharge him at the first convenient port of call. Nothing in this Section shall require a stowaway be signed on Shipping Articles.

Eff. Aug. 18, 1964.

§330. Grounds for Discharge.

The Master may discharge a seaman for justifiable cause, including any of the following grounds, and the seaman may be subject to charge by the Deputy Commissioner:

- (1) Unjustified failure to report on board at such times and dates as may be specified by the Master;
- (2) Incompetence to perform duties for which the seaman has represented himself as qualified;

- (3) Theft, embezzlement or willful destruction of any part of the vessel, its cargo or stores;
- (4) Serious insubordination or willful disobedience or willful refusal to perform assigned duties;
- (5) Mutiny or desertion;
- (6) Habitual intoxication, quarreling or fighting;
- (7) Possession of dangerous weapons, narcotics or contraband articles;
- (8) Intentional concealment from the shipowner or Master at or prior to engagement under the Shipping Articles of a condition which resulted in sickness or injury;
- (9) Assistance to stowaways; and
- (10) Willful violation of the laws of the Republic of Liberia or applicable local criminal laws.

Eff. Aug. 18, 1964; amended eff. Feb. 14, 2013.

§331. Advances and Allotment of Wages.

- (1) It shall be unlawful to pay any seaman wages in advance of the time when they are actually earned, or to pay such advance wages or make any order or note or other evidence of the indebtedness therefor to any other person, or to pay to any person for the shipment of any seaman when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the provisions of this Section shall be punished with a fine of not more than US\$500.
- (2) It shall be lawful for the Master and any seaman to agree that an allotment of all or portion of the seaman's earnings, at regular intervals, may be payable to a spouse, children, grandchildren, parents, grandparents, brothers or sisters or person(s) nominated by the seafarer, or to a bank account in the name of the seaman.
- (3) The provisions of this Section shall not apply to, or render unlawful:
 - (a) Deductions from the wages of a seaman pursuant to the laws of the country at whose port the seaman signed on or of which he is a national;
 - (b) Requirements of a labor organization of which the seaman is a member if such deductions represent dues or other obligations to a labor organization of which the seaman is a member and are remitted to such organization; or
 - (c) The written consent of the seaman, if such deduction are paid into a fund established for the exclusive benefit to seamen and their families and dependents or for the purpose of providing medical or hospital care, pensions on retirement or death of the seaman, life insurance, employment benefits or compensation for illness or injuries.

Eff. Aug. 18, 1964; amended eff. July 11, 1969; amended eff. 19 June 2002; amended eff. Feb. 14, 2013.

§332. Wages and Clothing Exempt from Attachment.

The wages and clothing of a seaman shall not be subject to attachment or arrestment from any Court; and any assignment or sale of wages or of salvage made prior to the accruing thereof shall not bind the seaman, except for allotments.

Eff. Aug. 18, 1964.

§333. Vacation Allowance and Holidays.

(1) Every Master and seaman shall be entitled, after 12 months of continuous service on a vessel or for the same employer, to receive an annual leave/vacation allowance equivalent to:

- (a) In the case of Master and officers, not less than 12 days base wages;
- (b) In the case of other members of the crew, not less than 8 days base wages.

(2) Every seaman shall be entitled to a minimum of five paid holiday per year.

(3) Annual leave with pay entitlement shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment.

Eff. Aug. 18, 1964; amended eff.; amended eff. Feb. 14, 2013.

§334. Agreements as to Loss of Lien or Right of Wages.

No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for recovery of his wages to which he would otherwise have been entitled and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship or to abandon any right which he may have obtained in the nature of salvage shall be wholly void and inoperative.

Eff. Aug. 18, 1964.

§335. Wages Not Dependent on Freight Earned.

No right to wages on the part of any seaman shall be dependent on the earning of freight by the vessel.

Eff. Aug. 18, 1964.

§336. Wages, Maintenance and Cure for Sick and Injured Seaman.

(1) In the event of disabling sickness or injury, occurring between the date the seaman sign the Shipping Articles reporting for duty and the termination of the engagement, or while the seaman is off the vessel pursuant to an actual mission assigned to him by, or by the authority of the Master under signed Shipping Articles, the seaman shall be entitled to:

- (a) Full wages excluding bonus, as long as he is sick or injured and remains on board the vessel;

- (b) Medical and surgical treatment and supply of proper and sufficient medicines and therapeutical appliances, until medically declared to have reached a maximum cure or to be incurable, but in any event, it shall not be less than 16 weeks from the day of the injury or commencement of the sickness;
- (c) An amount equal to board and lodging up to a maximum period of 30 weeks, and one-third of his base wages during any portion of such period subsequent to his landing from the vessel and no longer on board but not to exceed a maximum period of 16 weeks commencing from the day of injury or commencement of the sickness; and
- (d) Compensation for long-term disability due to an occupational injury, illness or hazard in accordance with Liberian Regulations and Rules or pursuant to the provisions of a Collective Bargaining Agreement applicable to the seaman.
- (e) Repatriation as provided in Section 342 including, in addition, all charges for his transportation, accommodation and food during the journey and his maintenance up to the time fixed for his departure.

(2) The shipowner or his representative shall provide evidence of financial security to assure compensation in the event of long-term disability of seafarers due to an occupational injury, illness or hazard.

(3) The shipowner or his representative shall take adequate measures for safeguarding property left on board by sick, injured or deceased seaman.

(4) The seaman shall not be entitled to any of the foregoing benefits:

- (a) If such sickness or injury resulted from his willful act, default or misconduct;
- (b) If such sickness or injury developed from a condition which was intentionally concealed from the employer at or prior to his engagement under the Articles;
- (c) If he refuses medical treatment for such sickness or injury or is denied such treatment because of misconduct or default; or
- (d) If at the time of his engagement he refused to be medically examined.

(5) The seaman shall have a maritime lien against the vessel for any wages due him under this Section.

Prev. sec. 312, eff. Apr. 7, 1960; renumbered Aug. 18, 1964; amended eff. Feb. 14, 2013; renumbered eff. Feb. 14, 2013.

§336A. Benefit of Compensation for Loss of Life.

In addition to wages, maintenance and cure under Section 336, and in addition to any liability for wrongful death under Section 337, a seaman on board a vessel under signed Shipping Articles or

off the vessel pursuant to an actual mission assigned to him by, or by the authority of the Master, shall be entitled as provided by Regulation to the benefit of a direct compensation for loss of life, payable to his designated beneficiary or beneficiaries. It shall be the shipowner's obligation to provide such benefit free of any charge to the seaman.

Eff. July 8, 1982.

§337. Wrongful Death.

Notwithstanding any provision of law to the contrary, whenever the death of a seaman, resulting from an injury, shall be caused by wrongful act, omission, neglect or default occurring on board a vessel, the personal representative of the deceased seaman may maintain a suit for damages, for the exclusive benefit of the deceased's wife, husband, parent, child or dependent relative, against the vessel, person or corporation which would have been liable if death had not ensued.

Eff. Aug. 18, 1964.

§338. Death on Board.

In the event of a death on board a vessel, an entry shall be made into the vessel's logbook by the Master and one of his officers. He shall also report the death to the authorities at the first port of arrival and shall submit a statement signed by him to the Commissioner of Maritime Affairs or to the Deputy Commissioner of Maritime Affairs. The logbook entry and statement shall contain the first and last name, sex, nationality, year and place of birth of the deceased person, the cause of death, place of death (latitude, longitude), date and time of death and the names of next-of-kin, if known, and name of the vessel. If the deceased person is a seaman, the entry and statement shall contain, in addition, his rank or rating, place and address of his residence or domicile and the number of his license with date of issuance. The statement submitted by the Master shall be countersigned by any attending physician aboard, otherwise by one of the ship's officers. A list of personal effects and amounts of money left on board the vessel shall be attached.

Prior legislation: Mar. Reg. 10.319; eff. Aug. 18, 1964.

§339. Issuance of Death Certificate.

Upon the request of anyone having a legal interest, and where a death has been reported in accordance with the requirements of the preceding Section, the Office of the Commissioner of Liberia Maritime Authority or of the Deputy Commissioner of Maritime Affairs shall issue a death certificate containing the particulars set forth in the preceding Section. Where the deceased was a citizen or a resident of Liberia, said certificate shall be recorded in a Monthly and Probate Court of the Republic of Liberia.

Eff. Aug. 18, 1964; amended eff. Feb. 14, 2013.

§340. Burial Expenses.

In the case of death of a seaman occurring on board the vessel or in case of his death occurring on shore, if at the time he was entitled to medical care and maintenance at the shipowner's expense in accordance with Section 336 or pursuant to the provisions of a Collective Bargaining Agreement applicable to the seaman, the shipowner shall be liable to defray reasonable local funeral expenses and make payment of the base wages of the deceased seaman up to the end of the month in which the death occurs.

Prev. sec. 313, eff. Apr. 7, 1960; renumbered and amended eff. Aug. 18, 1964, amended eff. Feb. 14, 2013.

§341. Working Hours, Overtime.

In relation to members of the crew on a vessel engaged in foreign trade:

- (1) The normal hours of work in port and at sea shall be eight per day;
- (2) Work performed over and above the eight-hour period shall be considered as overtime and shall be compensated for at overtime rates;
- (3) A sufficient number of men shall be employed to promote safety of life at sea and to avoid excessive overtime;
- (4) Whenever the Master of any vessel shall fail to comply with this Section, he shall be liable to a penalty not exceeding US\$500.

Prev. sec. 316, eff. Apr. 7, 1960; renumbered Aug. 18, 1964; amended eff. 19 June 2002.

§342. Repatriation.

(1) Any seaman who is put ashore at a port other than the one where he signed the Shipping Articles and who is put ashore for reasons for which he is not responsible, shall be returned as a crew member or otherwise, but without expense to him:

- (a) At the shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port of the seaman's own country; or
- (b) To another port, agreed upon between the seaman and the shipowner or the Master, and which shall be notified to the Deputy Commissioner for approval.

However, in the event that the seaman's contract period of service has not expired, the shipowner shall have the right to transfer him to another of the shipowner's vessels to serve thereon for the balance of the contract period of service.

(2) Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or by expiration of his contract period of employment shall be entitled to repatriation, at no expense to him, to the port at which he was engaged or to such other port as may be agreed upon.

(3) The right to repatriation shall be lost by failure of the seaman to request repatriation within one week from the time that he is in condition to be repatriated.

Prev. sec. 314, eff. Apr. 7, 1960; renumbered Aug. 18, 1964; amended eff. Feb. 14, 2013.

§342B. Repatriation in case of Zone of Hostility.

Any seaman whose period of employment is terminated due to entry of the vessel in a known zone of international hostility for the purpose of trade, to which the seaman does not consent to go, shall be entitled to repatriation, at no expense to him, to the port at which he was engaged or to such other port as may be agreed upon.

Eff. Feb. 14, 2013.

§343. Loss of Right of Repatriation.

A seaman shall forfeit his right of repatriation in case of:

- (1) Desertion;
- (2) Entering into a new agreement with the same owner after his discharge;
- (3) Entering into a new agreement with another owner within one week after his discharge;
- (4) Criminal offenses under Sections 346, 348, and 349; or
- (5) Unjustifiable repudiation of the Shipping Articles.

Eff. Aug. 18, 1964.

§344. Offenses Against the Internal Order of the Vessel.

(1) Any seaman on a Liberian vessel who commits any of the following offenses may, in addition to any criminal penalties provided herein, be punished by the Master as follows, and subject to charge by the Deputy Commissioner:

- (a) For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time, without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than 2 days wages or the amount sufficient to defray any expenses which shall have been properly incurred in hiring a substitute;
- (b) For quitting the vessel without leave before she is placed in security, by forfeiture from his wages of not more than one month's wages;
- (c) For intoxication or willful disobedience to any lawful command by being placed in restraint until such intoxication or disobedience shall cease, and by forfeiture from his wages of not more than four days' wages;

- (d) For continued intoxication or willful disobedience to any lawful command or continued willful neglect of duty being placed in restraint until such intoxication, disobedience or neglect shall cease, and by forfeiture, for every 24 hours continuance of such intoxication, disobedience or neglect, of a sum of not more than 12 days' wages;
- (e) For willfully damaging the vessel or embezzling or willfully damaging any part of the stores or cargo, whether on board the vessel, in boats or ashore, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained;
- (f) For any act of smuggling, whereby loss or damage is occasioned to the Master or shipowner, by payment to such Master or shipowner of such a sum as is sufficient to reimburse the Master or shipowner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability;
- (g) For assaulting any Master, pilot or officer, by forfeiture from his wages of not more than three months pay; or
- (h) For mutiny or desertion, by forfeiture of all accrued wages.

(2) All earnings forfeited as a result of penalties imposed by the Master pursuant to this Section shall be applied to reimburse the Master or shipowner for any loss or damage resulting from the act for which the forfeiture was imposed; and any balance, with an accounting thereof, shall thereupon be forwarded to the Commissioner of Liberia Maritime Authority or a Deputy Commissioner.

Eff. Aug. 18, 1964; amended eff. Feb. 14, 2013.

§345. Prohibition of Corporal Punishment.

Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel.

Eff. Aug. 18, 1964; amended eff. July 8, 1982.

§346. Barretry; Drunkenness; Neglect of Duty.

Whoever, being a Master, seaman, or other person on any vessel, by willful breach of duty or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel or her cargo, or tending immediately to endanger the life or limb of any person belonging to or on board such vessel, or by willful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel and her cargo from immediate loss, destruction or serious damage or for preserving any person on such vessel from immediate danger to life or limb, shall be subject to imprisonment and a fine of not more than US\$5,000.

Eff. Aug. 18, 1964; amended eff. 19 June 2002.

§347. Desertion.

(1) Any seaman who deserts from his vessel with the intention of not returning to duty and who remains unlawfully in a foreign country shall be guilty of desertion and shall be liable to answer for any damages or losses suffered by the shipowner as a consequence of such desertion.

(2) The Master shall make an entry of all desertions in the logbook and file a report with the Liberian Consul, or, if there be no Liberian Consul at the port, with the Office of Deputy Commissioner. The local authorities of the port shall be notified and requested to apprehend and deliver the deserter.

Eff. Aug. 18, 1964.

§348. Incitement of Seaman to Revolt or Mutiny.

Whoever, being of the crew of a Liberian vessel, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires or confederates with any other person on board to make such revolt or mutiny, or solicits, incites or stirs up any other of the crew to disobey or resist the lawful orders of the Master or other officer of such vessel, or to refuse or neglect his proper duty on board thereof, or the betray his proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the Master or other commanding officer thereof, shall be fined not more than US\$10,000 or imprisoned for not more than five years of both.

Eff. Aug. 18, 1964; amended eff. 19 June 2002.

§349. Revolt or Mutiny of Seaman.

Whoever, being of the crew of a Liberian vessel, unlawfully and with force, or by fraud or intimidation, usurps the command of such vessel from the Master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny and shall be fined not more than US\$20,000 or imprisoned for not more than 10 years, or both.

Eff. Aug. 18, 1964; amended eff. 19 June 2002.

§350. Entry of Offenses in Log Book.

Upon the commission of any offense, an entry thereof shall be made in the official Log Book of the vessel of the day on which the offense was committed, and any penalty or fine imposed, and shall be signed by the Master and by the mate or one of the crew; and the offender, if still on the vessel, shall, before her next arrival at any port or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner.

Eff. Aug. 18, 1964.

§351. Abandonment of Seamen.

(1) Whoever, being Master or in charge of a Liberian vessel, maliciously and without justifiable cause forces any member of the crew of such vessel on shore in order to leave him behind in any foreign port or place, or refuses to bring to such place as is required under the Articles any member of the crew of such vessel, in condition and willing to proceed when the Master is ready to proceed, shall be fined not more than US\$2,500.

(2) The abandoned seaman shall retain his right to repatriation.

Eff. Aug. 18, 1964; amended eff. 19 June 2002; amended eff. Feb. 14, 2013.

§351A. Contracts for Seafaring Labor.

(1) The following clause shall appear, or be by force of law included, in all contracts for seafaring labor on board Liberian vessels:

“The parties to this contract hereby stipulate that the terms and conditions laid down herein shall be subject to the applicable provisions of the Liberian Maritime Law, Regulations, Rules and Notices. Any dispute as to the terms and conditions of this contract shall be resolved in accordance with the Liberian Maritime Law Regulations, Rules and Notices.”

(2) All contracts relating to service aboard a vessel registered under this Title shall be governed in interpretation and application by the Laws of the Republic of Liberia, including this Title and any Regulations, Rules and Notices thereunder.

Eff. July 8, 1982; amended eff. 19 June 2002.

§352. Freedom of Association.

Seamen and their employers, without distinction whatsoever, shall have the right to establish, and to become members of, organizations of their choosing, always subject to Liberian jurisdiction.

Eff. Aug. 18, 1964.

§353. Protection of Freedom of Association.

It shall be unlawful for any employer, employer organization or labor organization to coerce any seaman in the exercise of his choice whether to establish, become a member of or participate in any labor organization, provided that any provision in a labor contract entered into pursuant to Section 355 of this Chapter shall not be deemed to be violative of this Section.

Eff. Aug. 18, 1964.

§354. Bargaining and Execution of Labor Contract.

(1) It shall be lawful for any employer or employer organization and any labor organization representing seamen to bargain and enter into a labor contract concerning wages and other terms and conditions of employment, provided that no labor contract provisions may be contrary to the laws of Liberia or deprive the Republic of Liberia of any jurisdiction over labor relations.

(2) A copy of any labor contract between the employer and an organization representing seamen employed on a vessel shall be placed on board the said vessel and shall be made available to maritime or judicial authorities when requested.

Eff. August 18, 1964; amended eff. July 8, 1982.

§355. Provisions Authorized in Labor Contracts.

It shall be lawful for any employer or employer organization and any labor organization to agree to be bound by any provisions in entering into a labor contract, provided that such provisions are not prohibited by Liberian laws or Regulations or Rules.

Eff. Aug. 18, 1964; amended eff. 19 June 2002.

§356. Provisions Prohibited in Labor Contracts.

It shall be unlawful for any employer or employer organization or employee or labor organization to attempt to bargain for, or to enter into, any labor contract containing any provision which attempts to set aside the application of or is inconsistent with or is in violation of the laws of the Republic of Liberia, or which prescribes terms or conditions of employment less favorable to seamen than those set forth in this Chapter, or which discriminates as to terms and conditions of employment on the basis of race, color or creed; and any such prohibited provisions shall be deemed null and void.

Eff. Aug. 18, 1964; amended eff. July 8, 1982, amended eff. April 23, 2018.

§357. Protection of Labor Contract.

Whenever an employer organization and a labor organization have entered into a labor contract providing that such labor organization shall be sole bargaining representative of seamen pursuant to Section 355 it shall be unlawful:

- (1) For the employer or employer organization to bargain with or enter into a labor contract pertaining to such seamen with any other labor organization; or
- (2) For any other labor organization to attempt to bargain with or enter into a labor contract pertaining to such seamen with the employer or employer organization,

prior to thirty days before the termination of such agreement or before the expiration of three years from the effective date of such agreement, whichever event shall first occur.

Eff. Aug. 18, 1964.

§358. Strikes, Picketing and Like Interference.

(1) It shall be unlawful for any person or labor organization to promote or to engage in any strike or picketing, or any boycott or like interference with the internal order of operation of a vessel, unless:

- (a) A majority of seamen of the vessel involved have voted by secret ballot that such action be taken; and

- (b) At least thirty days written notice of intention to take such action has been given to the employer or the Master; and
- (c) The procedures of conciliation, mediation and arbitration under Section 359 have been followed to conclusion.

(2) Nothing contained in paragraph (1) hereof shall be deemed to permit any strike or picketing, or any boycott or like interference with the internal order or operation of a vessel contrary to the provisions in any existing labor contract or any contract for seafaring labor.

Eff. Aug. 18, 1964; amended eff. July 8, 1982.

§359. Conciliation, Mediation and Arbitration of Labor Disputes, Differences or Grievances.

(1) It is declared to be the policy of the Republic of Liberia to place upon employers and employer organizations and employees and labor organizations the primary responsibility for avoidance of any interruption in foreign or domestic maritime commerce.

(2) In the event that an agreed settlement between the parties to any dispute, difference or grievance is not effected, the following conciliation, mediation and arbitration procedures, as may be further implemented by Regulation, shall apply:

- (a) If the dispute is not resolved, crew members shall present their case to the employer through the Master or his appointee, or, if the matter is to the prejudice of the Master, then directly to the employer. Crew members may be represented in the matter by a labor organization which is a party to a labor contract entered into pursuant to Section 354, and which covers the crew members. Efforts shall be made to conciliate the matter and to find an agreeable solution thereto.
- (b) If a conciliation acceptable to both parties cannot be made at this stage, either party may call upon the Commissioner or a Deputy Commissioner of Liberia Maritime Authority, or a representative appointed by the Commissioner or a Deputy Commissioner, to act as mediator to endeavor to find a solution to the matter satisfactory to the parties.
- (c) In the event that the dispute cannot be resolved by conciliation or mediation, either party may submit the matter to an independent arbitrator or arbitrators for a final determination, as provided by Regulation. If the parties cannot agree upon a choice of arbitrator or arbitrators, the matter shall be finally determined by the Commissioner of Liberia Maritime Authority or his appointed representative, acting as sole arbitrator.

(3) Any arbitration award may be enforced, if necessary, by any Court of competent jurisdiction.

Eff. Aug. 18, 1964; amended eff. July 8, 1982; amended eff. Feb. 14, 2013.

§360. Time Bar.

- (1) The following rights of action are subject to one year's prescription:
 - (a) Claims arising out of the Shipping Articles.
- (2) The following rights of action are subject to two years' prescription:
 - (a) The right of action for death of a seaman caused by wrongful act, neglect or default on the high seas;
 - (b) Claims of the shipowner against the Master for acts committed during the performance of his duties; and
 - (c) All other tort claims.
- (3) All other claims are subject to three years' prescription.
- (4) The period of prescription of the claims laid down in the preceding paragraphs runs from the time when the right of action accrues.

Eff. Aug. 18, 1964.

§361. Rules and Regulations.

The Commissioner, acting alone in accordance with section 11, may make Regulations not contrary to the provisions of this Title relating but not limited to conditions and terms of employment, wages, vacations and leave, hours of work, repatriation, minimum age, compensation for sickness, injury abandonment or death of masters, seamen, and seagoing laborers employed on vessels documented under the Maritime Law, Title 21, and the laws of the Republic of Liberia and the Deputy Commissioner duly appointed and designated for this purpose, acting in accordance with section 12, may make such Regulations and Rules and the agent, acting in accordance with section 13, may promulgate any Notice necessary and appropriate to ensure the administration and compliance with the provisions and the requirements of this Law and Regulations made by the Commissioner.

Prev. Sec. 380, eff. June 1, 1962; renumbered Aug. 18, 1964; amended eff. 19 June 2002; amended eff. April 23, 2018.

END