

T I T L E 21

The Liberian Maritime Law

As amended through December 1, 1991.

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MARITIME LAW

Chapter 1. GENERAL

§ 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.¹

§ 2. Law Governing matters affecting economy of Liberian flag Ships.

All matters affecting the internal order and economy of Liberian flag ships, including labor relations, shall be governed by this title.²

§ 10. Administration of the law; Minister of Finance.

The Minister of Finance (hereinafter sometimes referred to as "the Minister"), shall administer all matters pertaining to domestic and foreign water-borne commerce of this Republic, and in the performance of his duties hereunder shall designate or establish an appropriate bureau or agency for the effective administration of the provisions of this title.³

§ 11. Commissioner of Maritime Affairs; rules and regulations.

In order to effectuate the policy and findings of facts herein declared, there shall be a Commissioner of Maritime Affairs (hereinafter sometimes referred to as "the Commissioner") who shall be appointed by the President and who shall make rules and regulations for carrying out the provisions of this title and to ensure the seaworthiness of Liberian ships

1. *Prior legislation:* Lib. Mar. Code, t. 1, § 2.

2. Eff. Apr. 11, 1962; amended eff. Aug. 28, 1986.

3. *Prior legislation:* Lib. Mar. Code, t. I, § 3.

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and proper manning conditions on board. When signed by the Minister and approved by the President, all such rules, regulations, and amendments thereto shall have the force and effect of law. ⁴

§ 12. Deputy Commissioner of Maritime Affairs.

The administrative duties of the Commissioner may be performed in foreign ports by agents from time to time appointed by him with the title of Deputy Commissioners of Maritime Affairs (hereinafter sometimes referred to as "Deputy Commissioners"). ⁵

§ 13. Administration of regulations.

The regulations promulgated by the Commissioner of Maritime Affairs of the Republic of Liberia 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 Minister for the effective administration of the provisions of the Maritime Law. ⁶

§ 14. Records relating to vessels.

There shall be maintained at the Office of the Commissioner of Maritime Affairs in Monrovia and at the Office of Deputy Commissioner of Maritime Affairs a central office where there shall be recorded or filed, in properly indexed public registers, all documents of the following nature:

- (1) Bills of Sale and other instruments of conveyance of vessels;
- (2) Mortgages or hypothecations of vessels;

4. *Prior legislation:* Lib. Mar. Code, t. I, § 4, 1841 Digest pt. I, Act Regulating Commerce and Revenue, § 28, 2 Hub. 1480; as amended Apr. 7, 1960.

5. *Prior legislation :* Lib. Mar. Code, t.1, § 5, added Dec. 229 1949; and Mar. Reg. 1.2, eff. Feb. 28, 1949.

6. *Prior legislation:* Mar. Reg. 1.1, eff. Feb. 28, 1949.

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- (3) Assignments of Mortgages;
- (4) Certificates of Permanent and Provisional Registry;
- (5) Licenses and Certificates of officers and members of ship's crew;
- (6) All other documents relating to vessels and which are entitled to re-cordation.⁷

§ 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.⁸

§ 16. Authority to issue radio station licenses.

The Commissioner and each Deputy Commissioner 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 may from time to time make such Rules and Regulations as are deemed by him necessary and appropriate to implement this provision.⁹

§ 17. Authority to issue licenses, certificates and other documents.

(1) The Commissioner and each Deputy Commissioner 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.

7. *Prior legislation:* Mar. Reg. 1.3, eff. Feb. 28, 1949, as amended Mar. 1, 1958.

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

9. *Prior legislation:* Mar. Reg. 1.5, eff. Mar. 8, 1949; amended eff. July 11, 1969.

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(2) In aid of licensing, certificating and upgrading of ship's officers and personnel, the Commissioner of Maritime Affairs shall, from time to time, establish such standards, rules and regulations as shall be deemed by him to be 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 \$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 \$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.¹⁰

§ 18. Suspension and revocation proceedings.

The Commissioner shall have power to suspend or to revoke any licenses, certificates, permits or documents issued under the provisions of this title, and he may from time to time make such rules and regulations as are deemed by him necessary and appropriate to the conduct of suspension and revocation proceedings.¹¹

§ 19. Fees.

The Commissioner of Maritime Affairs is authorized to establish by

10. *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.

11. Eff. July 11, 1969.

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Regulation all necessary and proper fees, except in cases where the fee is already provided for in this title. ¹²

§ 29. Definitions.

The words "document" and "enroll" or any of their derivatives, as used throughout this Title, shall have the same meaning as the word "register" or its derivatives. ¹³

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. ¹⁴

§ 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. ¹⁵

12. *Prior legislation:* Mar. Reg. 1.7, eff. June 29, 1949; amended eff. Mar. 1, 1958; renumbered July 11, 1969.

13. Eff. July 11, 1969.

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

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

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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 rules and regulations of the Commissioner related thereto and made as provided in section 11 of this title shall, upon conviction, be subject to a fine not exceeding twenty five thousand dollars or imprisonment for a term not exceeding ten years, or both.¹⁶

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.¹⁷

§ 34. Appeal from Commissioner's decision.

Appeal from any decision of the Commissioner pursuant to any section of this Title or any Rules and Regulations thereunder, may be taken to the Minister of Finance. Upon exhaustion of administrative remedies, appeal may be taken to the Circuit Courts of the Republic, sitting in Admiralty.¹⁸

16. *Prior legislation:* Lib. Mar. Code, t. XI, amended eff. Aug. 18, 1964; amended eff. July 8, 1982.

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

18. Eff. July 11, 1969.

Chapter 2. DOCUMENTATION AND IDENTIFICATION OF VESSELS.

Sub-Chapter 1. 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 Monrovia, and the name of the home port shall be shown on the Certificate of Registry.¹⁹

§ 51. Vessels eligible to be documented and redocumented.

Vessels of the following classes are eligible to be documented or redocumented 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 1600 net tons engaged in the foreign trade, wherever built, owned by a citizen or national of Liberia.
- (3) Any yacht or other vessel used exclusively for pleasure, of 100 net tons or over, owned by a citizen or national of Liberia.
- (4) Vessels referred to in paragraphs (2) and (3) above will not be

19. *Prior legislation:* Lib. Mar. Code, t. II, § 1, as amended Dec. 22, 1949; 1841 Digest, pt. 1, Act Regulating Commerce and Revenue, § 10, 2 Hub. 1480; and 1828 Code, Digest, Art XXXV, 2 Hub. 1272, 1294.

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eligible for initial documentation or redocumentation if, on January 1 of the year in which initial documentation or redocumentation 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 1600 net tons minimum requirement referred to in paragraph (2) above may be waived by the Commissioner or Deputy Commissioner, and a vessel of lesser net tonnage may be registered in exceptional cases where it has been demonstrated to the satisfaction of the Commissioner or Deputy Commissioner that:

- (a) The vessel meets all other requirements for registration; and
- (b) The vessel is needed to implement the operations of a Liberian shipowner, or its registration is otherwise desirable to carry out the objectives of the Liberian Maritime Program.

(6) Anything in this Section to the contrary notwithstanding, the ownership requirement referred to in paragraph (2) above may in exceptional cases be waived by the Commissioner or Deputy Commissioner where:

- (a) The vessel meets 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 of the vessel qualifies for, secures and maintains registration in the Republic of Liberia as a foreign maritime entity and either maintains at all times an operating office in the Republic or appoints a qualified registered agent in the manner prescribed by law.

(7) Anything in this Section to the contrary notwithstanding, the 20-year maximum age limitation in paragraph (4) above may be waived at the discretion of the Commissioner or Deputy Commissioner, and a vessel over 20 years of age may be documented or redocumented when:

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- (a) The vessel meets all other applicable requirements; and
- (b) It has been satisfactorily demonstrated that there is a genuine need for such waiver.

(8) The term "citizen" or "national", as used throughout this section, shall include corporations, partnerships and associations of individuals.²⁰

§ 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.²¹

§ 53. Registration fees.

(1) 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, a fee of one dollar and twenty cents for each net ton of the vessel's registered tonnage. [see RLM-100 for revised charge.]

(2) Vessels of less than 500 net tons and engaged solely in coastwise trade between ports of Liberia or between those of Liberia and other West African states, shall pay registration fees computed for 500 net tons.

(3) Vessels of less than 2,200 net tons, other than those specified in paragraph (2) of this Section, shall pay registration fees computed for 2,200 net tons.

(4) Where dual gross and net tonnages are assigned in a vessel's certifi-

20. *Prior legislation:* Lib. Mar. Code, t. 11, § 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. Sept. 17, 1973; amended eff. Aug. 28, 1986. amended eff. Aug. 22, 1989.

21. *Prior legislation:* Lib. Mar. Code, t. 11, § 4.

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cate of measurement, registration fees shall be computed on the greater of the two net tonnages.

(5) The net tonnage of unique design and special purpose vessels shall be stipulated prior to registration for purposes of this section.

(6) With respect to any vessel which has been admitted to Liberian registry and thereafter undergoes structural alteration or readmeasurement resulting in a change in net tonnage, there shall be paid prior to re-entry into service a corresponding adjustment of the registration fees computed on any increase in tonnage.²²

§ 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.²³

§ 54. Annual tonnage tax.

(1) *Amount of tax.* Each vessel registered under the provision of this Chapter shall pay an annual tax of forty cents per net ton for each net ton of the vessels registered tonnage.

(2) *Stipulated tonnage in certain cases.*

(a) Vessels of less than 500 net tons and engaged exclusively in

22. *Prior legislation:* Lib. Mar. Code, t. II, § 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.

23. Eff. July 1, 1986.

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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;

(b) Vessels of less than 2,200 net tons, other than those specified in sub-paragraph (a) of this paragraph, shall pay an annual tonnage tax computed for 2,200 net tons;

(c) Where dual gross and net tonnage are assigned in a vessel's Certificate of Measurement, the annual tonnage tax shall be computed on the greater of the two net tonnages;

(d) The net tonnage of unique design and special purpose vessels shall be stipulated for purposes of this Section; and

(e) With respect to any vessel which has been admitted to Liberian registry and thereafter undergoes structural alteration or readmeasurement resulting in a change in net tonnage, there shall, in respect of any increase, be paid prior to re-entry into service a prorated re-assessment of the annual tonnage tax.

(3) *Tax proration and exemption.* Notwithstanding paragraphs (1) and (2) of this section:

(a) The annual tonnage tax for the first calendar year following the year in which a vessel is registered shall be computed pro rata 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 tonnage tax otherwise due for each succeeding year thereafter until the vessel re-enters service, upon which date the tonnage tax then due and payable shall be computed pro rata for the remainder of that calendar year.

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(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 tonnage 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 reregistration. ²⁴

§ 55. Title of ship's document.

The ship's document shall be called the "Certificate of Registry." ²⁵

§ 56. 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 cancelled;
- (3) That the vessel is in a seaworthy condition;
- (4) That the owner has paid to the Administrator designated under sections 10 and 13 above a sum equal to one dollar and twenty cents per net ton of the vessel, representing the initial registration fee and the Administrator's fee;

24. *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.

25. *Prior legislation:* Lib. Mar. Code, t. 11, § 5.

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(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 Measurement as required by section 59 has been issued.²⁶

§ 57. Oaths.

(1) In order to document a vessel, the owner, managing owner, part owner, or his agent, authorized by power of attorney where such vessel is owned by individuals, or 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, 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 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 for the administration of such oaths.

The names of the persons owning shares in an incorporated company 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 and in such capacity has made such purchase in good faith.

(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

26. *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.

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President 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 must be surrendered to the Commissioner or to a Deputy Commissioner for cancellation.²⁷

27. *Prior legislation:* Lib. Mar. Code, t. II, § 6, as amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969.

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§ 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 13.²⁸

§ 59. Certificate of 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.²⁹

§ 60. Measurement of vessels.

The Commissioner shall by regulation prescribe the method of measurement for all vessels registered under this title.³⁰

§ 61. Treatment of shelter-deck and certain other spaces.

The "Recommendations on the treatment of shelter-deck and other open Spaces", adopted on October 18, 1963 by the Assembly of the Intergovernmental Maritime Consultative Organization, are hereby adopted and the Commissioner is authorized to issue Regulations for the purpose of effectuating those recommendations.³¹

28. *Prior legislation:* Lib. Mar. Code, t. II, § 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.

29. *Prior legislation:* Lib. Mar. Code, t. II, § 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.

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

31. *Prior legislation:* Lib. Mar. Code, t. II, § 10; amended eff. July 11, 1969.

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§ 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.

Upon application by the owner or Master of a Liberian vessel in foreign trade, the Commissioner or his duly authorized agent may attach to the document an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are there permitted to be deducted from gross tonnage or tonnages.³²

§ 63. Forms of documents.

The Commissioner or his duly authorized agent shall prescribe and furnish forms of Provisional and Permanent Certificates of Registry. A vessel's documents shall be in the form prescribed.

The Commissioner may prescribe endorsements that may be made on a vessel's documents from time to time, with or without issuance of a new document or surrender of the old document.³³

§ 64. Numbering of Registry Certificates.

The Commissioner or his duly authorized agent shall progressively number the Registry Certificates granted by him, beginning anew at the commencement of each year, and shall make a record thereof in a book kept for that purpose. He shall also retain permanently copies of all such documents issued by or surrendered to him.³⁴

32. *Prior legislation:* Lib. Mar. Code, t. II, § 11; amended eff. July 11, 1969.

33. *Prior legislation:* Lib. Mar. Code, t. II, § 12; amended eff. July 11, 1969; amended eff. Aug. 28, 1986.

34. *Prior legislation:* Lib. Mar. Code, t. II, § 13; amended eff. July 8, 1982.

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§ 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, 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 President, 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 Commissioners.

(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 for a period not exceeding two years, as endorsed thereon.

(4) The Commissioner or his duly authorized agent 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.³⁵

§ 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:

35. *Prior legislation:* Lib. Mar. Code, t. II, § 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.

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- (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 cancelled;
 - (c) That the vessel is in a seaworthy condition;
 - (d) That the owner has paid to the Administrator designated in Section 13 above a sum equal to one dollar twenty cents per net ton of the vessel, representing the initial registration fee and the Administrator's fee;
 - (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 vessels outstanding foreign marine document has actually been surrendered for cancellation and that the markings required by Section 75 have actually been made, or if before such thirty day period it is established that 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.
- (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

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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 tonnage established by 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.³⁶

§ 67. Denial of document.

The Commissioner or his agent or a consular or diplomatic officer shall not grant a document or issue papers to any vessel until all applicable provisions of this Chapter have been complied with.³⁷

§ 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.³⁸

§ 69. Sale or transfer abroad.

A registered vessel sold or transferred in whole or in part while without Liberia, but without change of flag, shall comply with the provisions of this chapter relating to the documentation of vessels and a new document shall be obtained.³⁹

36. *Prior legislation:* Mar. Reg. 2.3 (b)g (a), eff. Feb. 28, 1949, as amended June 29, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. Aug. 28, 1986.

37. *Prior legislation:* Lib. Mar. Code, t. II, § 15.

38. *Prior legislation:* Lib. Mar. Code, t. II, § 17; renumbered Dec. 21, 1949.

39. *Prior legislation:* Lib. Mar. Code, t. II, § 18; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958.

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§ 69A. Transfer to foreign registry.

The owner of a documented 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 document to the Commissioner or his duly authorized agent or to a consular or diplomatic officer of the Republic of Liberia.⁴⁰

§ 70. Application for surrender of documents.

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.⁴¹

§ 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

40. *Prior legislation:* Lib. Mar. Code, t. II, sea. 18; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. Apr. 7, 1960.

41. *Prior legislation:* Lib. Mar. Code, t. II, § 19; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. Apr. 7, 1960.

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duly authorized agent, who shall thereupon cancel it.⁴²

§ 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.⁴³

§ 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. In cases of a combination vessel that can be used either for the carriage of liquid cargo in bulk or dry cargo in bulk, if the Certificate of Registry shows the vessel in the condition or use providing the greater net and gross tonnage and has attached thereto an appendix showing the vessel in the other condition or use with the lesser gross and net tonnage, then a change of a vessel from one condition or use to the other would not require the vessel to 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

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

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

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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 five hundred dollars.⁴⁴

§ 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.⁴⁵

§ 75. Names, numbers and marks on vessels.

(1) Every documented vessel shall have her name marked upon each bow and upon the stern. The home port of the vessel shall also be marked upon the stern. These names shall be painted or gilded upon beaded or cast Roman 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) Each vessel of Liberia, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters

44. *Prior legislation:* Lib. Mar. Code, t. II, § 20; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. Apr. 7, 1960.

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

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of not less than six inches in length, on each outer side of the pilot house.

(3) The Commissioner or his duly authorized agent may prescribe a system of numbering documented vessels. The designated number of each vessel shall be marked permanently on her main beam.

(4) The draft of every registered vessel 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.⁴⁶

§ 76. Numbering of vessels.

Upon the initial registration (either permanent or provisional) of a vessel, the Commissioner either directly or through the Deputy Commissioner issuing the Certificate, shall assign to the vessel an official number.⁴⁷

§ 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 or his agent shall establish necessary rules and regulations and procure necessary evidence as to age, condition, where built, and pecuniary liability of the vessel so as to prevent injury to public or private interests. Upon granting permission the Commissioner or his 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 procuring evidence and advertising.

(3) The following fees shall be paid by the owners of vessels for securing such changes of name:

46. *Prior legislation:* Lib. Mar. Code, t. II, § 22; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969; amended eff. July 8, 1982; amended eff. Aug. 28, 1986.

47. *Prior legislation:* Mar. Reg. 2.6, eff. Mar. 8, 1949.

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- (a) For vessels ninety net tons and under, twenty-five dollars;
 - (b) For vessels over ninety and under five hundred net tons, fifty dollars;
 - (c) For vessels over five hundred and under one thousand net tons, seventy-five dollars;
 - (d) For vessels over one thousand and under five thousand net tons, one hundred dollars;
 - (e) For vessels five thousand net tons and over, one hundred fifty dollars.
- (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.⁴⁸

§ 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 one hundred dollars, and if his failure is wilful shall be liable to a penalty of not more than one thousand dollars or imprisoned for not more than one year, or both.⁴⁹

§ 79. Display of ship's papers to counsel.

- (1) Upon arrival during customary business hours of a documented

48. *Prior legislation:* Lib. Mar. Code, t. II, § 23; renumbered Dec. 21, 1949; amended eff. July 8, 1982.

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

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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, without payment of any fee, the vessels Certificate of Registry and annual tonnage tax receipt.

(2) Only the Certificate of Registry and Annual Tonnage 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 a 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.⁵⁰

§ 80. Perjury.

(1) If any owner, agent, or attorney 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 one thousand dollars; but the vessel shall not thereby be for-

50. *Prior legislation:* Lib. Mar. Code, t. II, § 25; renumbered Dec. 21, 1949; amended eff. Mar. 1, 1958; amended eff. July 11, 1969.

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feited.⁵¹

§ 81. Rules and regulations.

The Commissioner is hereby authorized, in keeping with the provisions of Section 11, to make such rules and regulations, not inconsistent with the provisions of this title, for the registration, identification and regulation of transfers of vessels as he may deem in the best interests of the Liberian Merchant Marine and the domestic and foreign commerce of the Nation.⁵²

§ 82. Standards of seaworthiness.

The Commissioner may from time to time establish by Regulation standards of seaworthiness required for the registration of vessels and may appoint classification Societies or others to determine any questions involved.⁵³

§ 83. Collection of fees and taxes; penalties and liens.

(1) Except as otherwise provided therein, the tonnage 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.

51. *Prior legislation:* Lib. Mar. Code, t. II, § 26; renumbered Dec. 21, 1949.

52. *Prior legislation:* Lib. Mar. Code, t. II, § 27; renumbered Dec. 21, 1949; amended Dec. 22, 1949.

53. *Prior legislation:* Lib. Mar. Code, t. II, § 27; renumbered Dec. 21, 1949; amended Dec. 22, 1949; amended eff. Mar. 1, 1958.

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There shall be no rebate or proration of tonnage tax and the entire annual tonnage 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 maritime 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 tonnage taxes, annual fees, and any penalties relating thereto.

(3) All unpaid tonnage 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 tonnage tax and annual fees for the then current year have been paid.⁵⁴

§ 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

54. *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.

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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.⁵⁵

Sub-Chapter 3.1. BAREBOAT REGISTRATION.

A. Liberian registration.

§ 85. Registration of Bareboat Charter-Party.

(1) A citizen or national of Liberia desiring to obtain provisional Liberian registration under this title of a vessel which such citizen or national possesses by demise charter, and which in all respects other than ownership complies with the requirements of Sub-Chapter I of this Chapter, must cause the charter party to be duly recorded in books to be kept for that purpose and indexed to show:

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

(2) The following documents must be filed with the Office of Deputy Commissioner:

⁵⁵. Eff. Aug. 28, 1986.

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(a) an official certificate from the foreign State of registration setting forth the ownership of the vessel and any recorded encumbrances;

(b) the written consents of the shipowner, and of the mortgagee(s), if any, to the provisional Liberian registration of the vessel under this Sub-Chapter; and

(c) 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 demise charter recorded under paragraph (1) of this Section.

(3) Any subsequent amendments or addenda to the charter party recorded under paragraph (1) of this Section and any and all present or subsequent demise sub-charter parties shall be submitted for recording within 30 days of execution.⁵⁶

§ 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.⁵⁷

§ 87. Bareboat Charter; Certificate of Registry.

(1) When the charter party has been recorded and 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, the Commissioner or a Deputy Commissioner 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 demise charter,

56. Eff. Aug. 28, 1986.

57. Eff. Aug. 28, 1986.

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whichever first occurs.

(2) Prior to the expiration of the current Provisional Certificate of Registry, the bareboat charterer may obtain a reissued Provisional Certificate of Registry, valid for a period not exceeding two years. In no case may a Provisional Certificate of Registry reissued under this paragraph bear an expiration date later than or remain valid beyond the date of termination of the demise charter.⁵⁸

§ 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 pretending 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 fifty thousand dollars, 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 registration of a Liberian vessel under any other Section of this Chapter.⁵⁹

§ 89. Recognition and recordation of foreign ship mortgage.

(1) 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, upon compliance with Sections 85 and 86 of this Sub-Chapter such foreign mortgage, hypothecation or similar charge may also be recorded in accordance with Section 105, and

58. Eff. Aug. 28, 1986.

59. Eff. Aug. 28, 1986.

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if so recorded shall also constitute a Liberian preferred mortgage under Section 106, and shall give rise to a preferred mortgage lien under Section 107.

(2) No ship mortgage, hypothecation or similar charge, or any other instrument related thereto shall be accepted for recording under this Section unless it has first been duly and validly executed and registered in the foreign State of registration of the vessel. If there is more than one such mortgage, hypothecation or similar charge, then all such instruments must be recorded under the provisions of this Section in the same order as they are registered in the foreign State of registration.

(3) If a foreign mortgage, hypothecation or similar charge has been recorded pursuant to paragraph (1) of this Section, then any subsequent mortgage, hypothecation or similar charge and any other instrument related thereto which is subsequently registered in accordance with the laws of the foreign State of registration of the vessel shall also be recorded forthwith in accordance with the provisions of Chapter 3 of this title.⁶⁰

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 Maritime Affairs.⁶¹

§ 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

60. Eff. Aug. 28, 1986.

61. Eff. Aug. 28, 1986.

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Certificate of Permission under Section 92.⁶²

§ 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.⁶³

§ 93. Right to fly Liberian Flag withdrawn.

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 demise 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.⁶⁴

§ 94. Restricted Certificate of Registry.

(1) Once a Certificate of Permission has been issued under Section 92 above, 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 of Maritime Affairs.

(2) Prior to the expiration of the current Provisional Certificate of

62. Eff. Aug. 28, 1986.

63. Eff. Aug. 28, 1986.

64. Eff. Aug. 28, 1986.

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Registry, the owner may obtain a reissued Provisional Certificate of Registry valid for a further period not exceeding two years. In no case may a Provisional Certificate of Registry reissued under this paragraph bear an expiration date later than or remain valid beyond the date of termination of the demise charter.⁶⁵

Chapter 3. PREFERRED SHIP MORTGAGES AND MARITIME LIENS ON LIBERIAN VESSELS.

§ 100. Recording and contents.

(1) A sale, conveyance, hypothecation, mortgage or assignment of mortgage of any vessel shall not be valid in respect of such vessel, against any person other than the grantor or mortgagor, his heirs or devisees or persons having actual notice until the instrument evidencing such transaction is recorded in the Office of the Commissioner or in the office of his duly authorized agent specifically appointed to record such documents.

(2) The Commissioner or such duly authorized agent shall record such instruments in the order of their reception in books to be kept for that purpose and indexed to show:

- (a) The name of the vessel;
- (b) The names of the parties;
- (c) The time and date of reception of the instrument;
- (d) The interest in the vessel transferred or affected; and
- (e) The amount and date of maturity of any mortgage.⁶⁶

65. Eff. Aug. 28, 1986.

66. *Prior legislation:* Lib. Mar. Code, t. III, § 1; amended Dec. 22, 1949.

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§ 101. Preferred mortgage.

A valid mortgage, 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:

- (1) The mortgage is recorded as provided herein;
- (2) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel; and
- (3) The mortgage does not stipulate that the mortgagee waives the preferred status thereof.
- (4) After December 31, 1986 the affidavit of good faith referred to in paragraph (2) of this Section shall no longer be required.⁶⁷

§ 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 cancelled from the Register for so long as the indebtedness secured by the preferred mortgage remains unsatisfied or the mortgage is not otherwise discharged.⁶⁸

67. *Prior legislation:* Lib. Mar. Code, t. III, § 2; amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986.

68. *Prior legislation:* Lib. Mar. Code, t. III, § 3; amended eff. Mar. 1, 1958; amended eff. Dec. 24, 1984.

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§ 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 certificate of 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.⁶⁹

§ 104. Bills of Sale; recording.

The Commissioner or any Deputy Commissioner may accept for recording in his Office any bill of sale or other 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, and provided further that any bill of sale of a vessel already documented under the laws of Liberia must have attached there a true copy of its latest Certificate of Registry.⁷⁰

§ 105. Mortgages; recordings.

The Commissioner or any Deputy Commissioner may accept for recording in his Office any mortgage on a vessel 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, and provided further that written proof is furnished to him of the amounts and dates of any documents or evidence of debts in support

69. *Prior legislation:* Lib. Mar. Code, t. III, § 4; amended Dec. 22, 1949; amended eff. Aug. 28, 1986.

70. *Prior legislation:* Mar. Reg. 3.1. eff. Feb. 28, 1949; amended June 29, 1949; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986.

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thereof.⁷¹

§ 106. Preferred mortgage.

(1) A mortgage which complies with the conditions enumerated in this Chapter is designated as a preferred mortgage.

(2) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate dis-charge of such property by the payment of a specified portion of the mortgage indebtedness.⁷²

§ 106A. Advances and repayments.

(1) A preferred mortgage 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:

71. *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.

72. *Prior legislation:* Lib. Mar. Code, t. III, § 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.

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

The recording 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.⁷³

§ 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

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

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(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) 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.⁷⁴

§ 107. Lien of preferred mortgage.

A preferred mortgage shall constitute a maritime lien upon the mortgaged vessel in the amount including mortgage indebtedness secured by such vessel. The lien of a preferred mortgage shall not be in any way impaired or affected because the vessel's document following recording of the mortgage has expired, or has been restrictively endorsed, suspended, revoked or cancelled.⁷⁵

§ 108. Interest on preferred mortgage.

Any other provision of law or regulation to the contrary notwithstanding, a preferred mortgage may secure such 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.⁷⁶

§ 109. Priority; disclosure of liens; penalty.

The mortgagor, before executing a preferred mortgage, shall disclose to

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

75. *Prior legislation:* Lib. Mar. Code, t. III, § 6; amended Dec. 22, 1949; amended eff. Dec. 24, 1984; amended eff. Aug. 28, 1986.

76. *Prior legislation:* Lib. Mar. Code, t. III, §7; repealed and substituted eff. Dec. 24, 1984.

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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 salvages including contract salvage, tonnage taxes and other charges of the Commissioner and Deputy Commissioner of Maritime Affairs in respect of the vessel.

Whoever, being a mortgagor or the president or principal officer of a corporate mortgagor, violates this Section with intent to hinder, delay or defraud any existing or future creditor of the mortgagor or any lien or of the mortgaged vessel, shall be fined not more than two thousand dollars 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.⁷⁷

§ 110. Certified copies; exhibition.

Upon recording a preferred mortgage, two certified copies thereof shall be delivered to the mortgagor who shall place and use due diligence to retain one copy on board the mortgaged vessel, and cause such copy and the document of the vessel 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 wilfully fails to exhibit such documents and copy of mortgage may be suspended or revoked.⁷⁸

77. *Prior legislation:* Lib. Mar. Code, t. III, § 8; amended eff. Aug. 18, 1964; amended eff. Aug. 28, 1986.

78. *Prior legislation:* Lib. Mar. Code, t. III, § 9; amended Dec. 22, 1949.

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§ 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 the Commissioner or his duly authorized agent who shall thereupon record the certificate; and the mortgagor may similarly file a certificate of partial discharge, which shall be similarly recorded.⁷⁹

§ 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 for which the vessel shall be found, pursuant to the procedure of said country for the enforcement of ship mortgages constituting maritime 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.

79. *Prior legislation:* Lib. Mar. Code, t. III, § 10; amended Dec. 22, 1949; amended eff. Mar. 1, 1958; amended eff. Aug. 28, 1986.

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(4) This Title does not authorize the enforcement by suit in rem in Admiralty of the rights of the mortgagee in respect to realty or personalty other than vessels covered by a mortgage.⁸⁰

§ 112A. Preferred status.

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 is documented; and the term "Preferred Mortgage Lien" shall also include the lien of such mortgage hypothecation or similar charge.⁸¹

§ 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.⁸²

80. *Prior legislation:* Lib. Mar. Code, t. III, § 11; amended Dec. 22, 1949.

81. Eff. July 11, 1969.

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

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§ 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 hao vice or agreed purchaser in possession, shall be presumed to have authority from the owner to procure such necessaries; but a person tortiously or unlawfully in possession or charge of the vessel shall not have authority to bind it.

(3) This Section shall not confer a lien when the furnisher knew, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering necessaries was without authority to bind the vessel therefor.⁸³

§ 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.⁸⁴

§ 116. **Abolition of mortgage endowment.**

(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

83. *Prior legislation:* Lib. Mar. Code, t. III, § 13.

84. *Prior legislation:* Lib. Mar. Code, t. III, § 14.

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requiring or permitting, endorsements upon any vessels 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 vessels 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 vessels document is surrendered or reissued or a new document is issued, as the case may be.⁸⁵

§ 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.⁸⁶

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

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

85. Eff. Dec. 24, 1984.

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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.

(e) 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.⁸⁷

§ 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.⁸⁸

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

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

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§ 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 manage, equip, and supply the ship;
- (e) 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

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the carrier of the goods as therein described in accordance with subparagraphs (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.

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(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; provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue 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, faults 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.⁸⁹

§ 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

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

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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 lookouts 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;

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- (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 defeat, 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.

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(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 and transactions.

(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

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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.⁹⁰

§ 124. Defenses.

(1) The defences 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 defences 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

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

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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.⁹¹

§ 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.⁹²

§ 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,

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

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

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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 nonnegotiable 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.⁹³

§ 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 ship for the 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.⁹⁴

§ 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 seagoing vessels.

This Sub-Chapter shall not affect the provisions of any international

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

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

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convention or national law governing liability for nuclear damage.⁹⁵

§ 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.⁹⁶

§ 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.⁹⁷

§ 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

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

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

97. *Prior legislation:* Lib. Mar. Code, t.-VI, § 10; renumbered July 8, 1982; renumbered Dec. 1, 1986.

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carrier, the shipper, the consignee, or any other interested person.⁹⁸

§ 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.⁹⁹

Sub-Chapter 3: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;

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

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

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- (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 labour 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

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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 re-delivery 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.¹⁰⁰

§ 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.

100. Eff. Dec. 1, 1986.

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(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 140.¹⁰¹

§ 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.¹⁰²

101. Eff. Dec. 1, 1986.

102. Eff. Dec. 1, 1986.

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§ 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 carriers 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.¹⁰³

§ 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 149.¹⁰⁴

103. Eff. Dec. 1, 1986.

104. Eff. Dec. 1, 1986.

MARITIME LAW

§ 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.¹⁰⁵

§ 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.¹⁰⁶

§ 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 sun

105. Eff. Dec. 1, 1986.

106. Eff. Dec. 1, 1986.

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to be deducted from the loss or damage.¹⁰⁷

§ 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 upon 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 operations and transactions.¹⁰⁸

§ 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 not be included in the limits of liability prescribed in Sections 146 and 147.¹⁰⁹

§ 150. Defences 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 this 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 defences and limits of liability which the carrier or the performing carrier is entitled to invoke under this Sub-Chapter.¹¹⁰

107. Eff. Dec. 1, 1986.

108. Eff. Dec. 1, 1986.

109. Eff. Dec. 1, 1986.

110. Eff. Dec. 1, 1986.

MARITIME LAW

§ 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.¹¹¹

§ 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

111. Eff. Dec. 1, 1986.

MARITIME LAW

intent to cause such damage, or recklessly and with knowledge that such damage would probably result.¹¹²

§ 153. Basis for claim.

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 Subchapter.¹¹³

§ 154. Notice of Loss or damage to luggage.

- (1) The passenger shall give written notice to the carrier or his agent:
 - (a)(i) in the case of apparent damage to luggage, 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 redelivery;
 - (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 redelivery 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.¹¹⁴

112. Eff. Dec. 19 1986.

113. Eff. Dec. 1, 1986.

114. Eff. Dec. 1, 1986.

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§ 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.¹¹⁵

115. Eff. Dec. 1, 1986.

MARITIME LAW

§ 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.¹¹⁶

§ 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

116. Eff. Dec. 1. 1986.

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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. ¹¹⁷

§ 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. ¹¹⁸

§ 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 under either the Paris or the Vienna Conventions. ¹¹⁹

117. Eff. Dec. 1, 1986.

118. Eff. Dec. 1, 1986.

119. Eff. Dec. 19 1986.

Chapter 5. LIMITATION OF LIABILITY FOR MARITIME CLAIMS

§ 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 l(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.¹²⁰

120. Eff. Dec. 1, 1986.

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§ 161. Subject to limitation.

(1) Subject to Sections 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 operations;

(d) claims in respect of the raising, removals, 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 of the cargo of the ship;

(f) claims of 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.¹²¹

121. Eff. Dec. 1, 1986.

MARITIME LAW

§ 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 operations, 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. ¹²²

§ 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. ¹²³

122. Eff. Dec. 1, 1986.

123. Eff. Dec. 1, 1986.

MARITIME LAW

§ 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. ¹²⁴

LIMITS 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, 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 (1):

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

124. Eff. Dec. 1, 1986.

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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 full, 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.¹²⁵

§ 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.

125. Eff. Dec. 1, 1986.

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(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.¹²⁶

§ 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.¹²⁷

§ 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

126. Eff. Dec. 1, 1986.

127. Eff. Dec. 1, 1986.

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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. ^{127a}

§ 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. ¹²⁸

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

127a. Eff. Dec. 1, 1986.

128. Eff. Dec. 1, 1986.

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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 (e) 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.¹²⁹

§ 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

129. Eff. Dec. 1, 1986.

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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.¹³⁰

§ 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.¹³¹

130. Eff. Dec. 1, 1986.

131. Eff. Dec. 1, 1986.

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§ 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.¹³²

§ 174. Scope of 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 seabed or the subsoil thereof.¹³³

Chapter 6. RADIO REGULATIONS

§ 180. Regulations.

The Commissioner may, from time to time, make such rules and regulations as may be deemed by him necessary and appropriate to the efficient administration of maritime mobile radio stations.¹³⁴

132. Eff. Dec. 1, 1986.

133. Eff. Dec. 1, 1986.

134. Eff. Apr. 7, 1960.

MARITIME LAW

Chapter 7. 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. ¹³⁵

§ 191. Regulations.

The Commissioner shall, from time to time, make such rules and regulations as may be deemed by him necessary and appropriate to the efficient administration of vessel inspections. ¹³⁶

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. ¹³⁷

135. Eff. Dec. 24, 1984.

136. Eff. Dec. 24, 1984.

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

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§ 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 non-descript local craft.¹³⁸

§ 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 one hundred dollars; 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.¹³⁹

§ 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 two hundred dollars, 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.¹⁴⁰

§ 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

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

139. *Prior legislation:* L. 1923-242 ch. XII, § 16; amended eff. Mar. 1, 1958.

140. *Prior legislation:* L. 1923-24, ch. XII, § 17; amended eff. Mar. 1, 1958.

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passenger (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.¹⁴¹

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.¹⁴²

§ 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;

141. *Prior legislation:* L. 1923-24, ch. XII, § 18.

142. *Prior legislation:* Lib. Mar. Code, t. IV, § 1.

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(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.¹⁴³

§ 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.¹⁴⁴

§ 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.¹⁴⁵

§ 254. Salvage remuneration.

Salvors of human life or cargo who have taken part in the services

143. *Prior legislation:* Lib. Mar. Code, t. IV, § 2.

144. *Prior legislation:* Lib. Mar. Code, t. IV, § 3.

145. *Prior legislation:* Lib. Mar. Code, t. IV, § 4.

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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.¹⁴⁶

§ 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.¹⁴⁷

§ 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.¹⁴⁸

§ 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 \$50,000.00, the Master shall immediately forward a report thereon to the Commissioner or Deputy Commissioner of Maritime Affairs in accordance with such regulations as the Commissioner may make from time to

146. *Prior legislation:* Lib. Mar. Code, t. IV, § 5.

147. *Prior legislation:* Lib. Mar. Code, t. IV, § 6.

148. *Prior legislation:* Lib. Mar. Code, t. IV, § 7, amended Dec. 22, 1949.

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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 \$250.00 upon notice from the Commissioner.¹⁴⁹

§ 258. Marine casualty investigations.

The Commissioner may, from time to time, make such rules and regulations as are deemed by him 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.¹⁵⁰

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 22 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.¹⁵¹

149. Eff. Apr. 7, 1960; amended eff. July 11, 1969.

150. Eff. July 11, 1969.

151. Eff. Aug. 18, 1964.

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§ 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" means any or all members of the crew and officers other than the Master and pilots, 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 22 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.¹⁵²

§ 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 may, from time to time, make such Rules and Regulations as are deemed by him necessary and appropriate to

152. Eff. Aug. 18, 1964.

MARITIME LAW

ensure compliance with this requirement.¹⁵³

§ 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 Maritime Affairs or any Deputy Commissioner authorized to issue licenses.¹⁵⁴

§ 294. Penalty for misuse or licenses or certificates.

Any person who shall receive or shall have in his possession any Liberian license, certificate or document issued to officers or crew by the Commissioner or Deputy Commissioner to which he is not lawfully entitled, or any false license, 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 license, certificate or document; or who shall aid or abet the perpetration of any of the foregoing acts shall, for each offense, be liable to a fine of not more than \$10,000 or imprisonment for not more than one year, or both.¹⁵⁵

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.¹⁵⁶

153. *Prior legislation:* Lib. Mar. Code, t. V; prev. § 290, renumbered Aug. 189 1964; amended eff. July 11, 1969.

154. *Prior legislation:* L. 1868-69, 27, § 1, 29 5; amended eff. March 1, 1958; prev. § 291, renumbered Aug. 18, 1964.

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

156. Eff. Aug. 18, 1964.

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§ 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 vessels funds and the disbursement thereof;
- (7) To see that the vessels log books are properly and accurately kept;
- (8) To keep in his custody all of the vessels documents;
- (9) To make all reports required by Liberian laws or Regulations, 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.¹⁵⁷

157. Eff. Aug. 18, 1964.

157a. Eff. Aug. 18, 1964.

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§ 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. ^{157a}

§ 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. ¹⁵⁸

§ 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. ¹⁵⁹

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 ports, 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. The Shipping Articles shall be written or printed and shall be subscribed by every seaman shipping on the vessel and shall

158. Eff. Aug. 189 1964; amended eff. Aug. 289 1986.

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

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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. ¹⁶⁰

§ 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 \$500. ¹⁶¹

§ 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 \$200. 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. ¹⁶²

§ 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.

160. *Prior legislation:* L. 1868-69, 2T, §§ 1, 2, 5; amended eff. March 1, 1958; prev. § 310, renumbered Aug. 18, 1964.

161. Eff. Aug. 18, 1964.

162. *Prior legislation:* L. 1868-69, 27, § 1; amended eff. March 1, 1958; prev. § 311, renumbered Aug. 18, 1964.

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(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.¹⁶³

§ 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

163. Eff. Aug. 18, 1964.

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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. ¹⁶⁴

§ 325. Required documents for seafarers.

(1) The Commissioner 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.

(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. ¹⁶⁵

§ 326. Minimum age at sea.

(1) Notwithstanding any other provision of this Title, persons under the age of fifteen 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.

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

(3) Provided, that such persons 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;

164. Eff. Aug. 18, 1964.

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

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- (b) Are not such as to prejudice their attendance at school; and
 - (c) Are not intended for commercial profit.
- (4) Persons under the age of eighteen years shall not be employed or work on coal-burning vessels as trimmers or stokers. ¹⁶⁶

§ 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 within two days after the termination of the Articles, or at the time when the seaman is discharged, whichever is first.

(3) *Entitlement.* A seaman is entitled to receive in local currency, on demand, from the Master, one-half of 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 ten-day period. In case of wrongful failure to pay a seaman wages on demand, the seaman becomes entitled to a payment of full wages earned.

(4) *Account.* 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 \$25. ¹⁶⁷

166. *Prior legislation:* Title 22 of Lib. Code of Laws of 1956, eff. Mar. 1, 1958; amended 1960; prev. § 315, renumbered Aug. 18, 1964; amended eff. July 8, 1982.

167. Eff. Aug. 18, 1964.

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§ 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. ¹⁶⁸

§ 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. ¹⁶⁹

§ 330. Grounds for discharge.

The Master may discharge a seaman for justifiable cause, including any of the following grounds:

- (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;

168. Eff. Aug. 18, 1964.

169. Eff. Aug. 18, 1964.

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- (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.¹⁷⁰

§ 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 the Section shall be punished with a fine of not more than \$50.

(2) It shall be lawful for the Master and any seaman to agree that an allotment of portion of the seaman's earnings may be payable to a spouse, children, grandchildren, parents, grandparents, brothers or sisters, 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

170. Eff. Aug. 18, 1964.

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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 seaman 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.¹⁷¹

§ 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.¹⁷²

§ 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 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.¹⁷³

171. Eff. Aug. 18, 1964; amended eff. July 11, 1969.

172. Eff. Aug. 18, 1964.

173. Eff. Aug. 18, 1964.

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§ 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.¹⁷⁴

§ 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.¹⁷⁵

§ 336. Wages, maintenance and cure for sick and injured.

(1) In the event of disabling sickness or injury, while a seaman is 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, the seaman shall be entitled to:

(a) Full wages, 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 no event more than 30 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 but not to exceed a maximum period of 16 weeks commencing from the day of

174. Eff. Aug. 18, 1964.

175. Eff. Aug. 18, 1964.

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injury or commencement of the sickness; and

(d) 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 take adequate measures for safeguarding property left on board by sick, injured or deceased seaman.

(3) 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.

(4) The seaman shall have a maritime lien against the vessel for any wages due him under this Section.¹⁷⁶

§ 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

176. Prev. § 312, eff. Apr. 7, 1960; renumbered Aug. 18, 1964.

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or beneficiaries. It shall be the shipowner's obligation to provide such benefit free of any charge to the seaman.¹⁷⁷

§ 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.¹⁷⁸

§ 338. Death on board.

In the event of a death on board a vessel, an entry shall be made into the Vessels 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, longitudes) 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.¹⁷⁹

177. Eff. July 18, 1982.

178. Eff. Aug. 18, 1964.

179. *Prior legislation:* Mar. Reg. 10-319; eff. Aug. 18, 1964.

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§ 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 Maritime Affairs 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. ¹⁸⁰

§ 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, 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. ¹⁸¹

§ 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

180. Eff. Aug. 18, 1964.

181. Prev. § 313, eff. Apr. 7, 1960; renumbered and amended eff. Aug. 18, 1964.

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Section, he shall be liable to a penalty not exceeding \$100.¹⁸²

§ 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.

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.¹⁸³

§ 343. Loss of right of repatriation.

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

182. Prev. § 316, eff. Apr. 7, 1960; renumbered Aug. 18, 1964.

183. Prev. § 314, eff. Apr. 7, 1960; renumbered Aug. 18, 1964.

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- (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. ¹⁸⁴

§ 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:

(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

184. Eff. Aug. 18, 1964.

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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 Maritime Affairs or a Deputy Commissioner. ¹⁸⁵

§ 345. Prohibition of corporal punishment.

Flogging and all other forms of corporal punishment are hereby prohibi-

185. Eff. Aug. 18, 1964.

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ted on board any vessel. ¹⁸⁶

§ 346. Barratry; 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 of 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 \$2500. ¹⁸⁷

§ 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. ¹⁸⁸

§ 348. Incitement of seaman to revolt or mutiny.

Whoever, being of the crew of a Liberian vessel, endeavors to make a

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

187. Eff. Aug. 18, 1964.

188. Eff. Aug. 18, 1964.

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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 to 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 \$1,000 or imprisoned for not more than five years of both.¹⁸⁹

§ 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 \$2,000 or imprisoned for not more than 10 years, or both.¹⁹⁰

§ 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

189. Eff. Aug. 18, 1964.

190. Eff. Aug. 18, 1964.

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be entered and signed in the same manner.¹⁹¹

§ 351. Abandonment of seaman.

(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 \$500.

(2) The abandoned seaman shall retain his right to repatriation.¹⁹²

§ 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 and Regulations. Any dispute as to the terms and conditions of this contract shall be resolved in accordance with the Liberian Maritime Law and Regulations.

(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 thereunder.¹⁹³

§ 352. Freedom of association.

Seamen and their employers, without distinction whatsoever, shall have

191. Eff. Aug. 18, 1964.

192. Eff. Aug. 18, 1964.

193. Eff. July 8, 1982.

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the right to establish, and to become members of, organizations of their choosing, always subject to Liberian jurisdiction.¹⁹⁴

§ 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.¹⁹⁵

§ 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.¹⁹⁶

§ 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

194. Eff. Aug. 18, 1964.

195. Eff. Aug. 18, 1964.

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

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Liberian laws or Regulations. ¹⁹⁷

§ 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 violative 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. ¹⁹⁸

§ 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 seaman 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. ¹⁹⁹

197. Eff. Aug. 18, 1964.

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

199. Eff. Aug. 18, 1964.

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§ 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 to 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.²⁰⁰

§ 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, medication 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

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

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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 Maritime Affairs, 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 Maritime Affairs or his appointed representative, acting as sole arbitrator.

(3) Any arbitration award may be enforced, if necessary, by any Court of competent jurisdiction.²⁰¹

§ 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

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

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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.²⁰²

§ 361. Commissioner to make rules and regulations.

The Commissioner may make rules and regulations not contrary to the provisions of this Title relating to conditions and terms of employment, wages, vacations and leave, hours of work, repatriation, minimum age, compensation for sickness, injury or death of masters, seamen, and seagoing labourers employed on vessels documented under the laws of the Republic of Liberia. Such rules and regulations, when signed by the Minister and approved by the President, shall have the force and effect of law.²⁰³

202. Eff. Aug. 18, 1964.

203. Prev. § 380, eff. June 1, 1962; renumbered Aug. 18, 1964.