**Unofficial translation**



**Lao People’s Democratic Republic**

**Peace Independence Democracy Unity Prosperity**

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**Ministry of Public Works and Transport No.: 09539/MPWT**

**Vientiane Capital, dated: 4 January 2013**

**Decision**

***on***

**Ship Registration Regulation**

* Pursuant to the Prime Minister’s Decree No.: 373/PM, dated 22 October 2007 on the Organization and Operation of the Ministry of Public Works and Transport;
* Pursuant to the Request Letter of the Department of Waterways Public Works No.: 19936/DWPW, dated 10 December 2012;
* Pursuant to the consensus of the leads of the Ministry of Public Works and Transport.

**The Minister of Public Works and Transport hereby issues a Decision:**

**CHAPTER 1**

**General Decisions**

**Article 1. Objectives**

 This Decision is issued to define regulation on the registration of ships used in the Lao PDR aiming for facilitating ship management to be in order and systematic harmonized countrywide.

**Article 2. Ships**

 A “ship” refers to all kinds of water vehicles made of metal, wood, or other materials propelled by motor, paddles, oars, or other means for multiple purposes such as: transport, construction, natural resource excavation, sport, recreation, tourism, fishery, and other water-based activities.

**Article 3. Definitions**

 The meanings of the terms used in this Decision are as follows:

1. A “ship registration number” refers to the number of a ship which is registered in the ship registry book;
2. A “raft” refers to a vessel with no motor for goods transport including a floating facility, a connected raft, and floating restaurants;
3. A “shipyard” refers to a factory or place for ship construction or repair;
4. “Horsepower” refers to a ship engine power unit based on the standard of its manufacturing factory;
5. A “Ship name” refers to the specific name of a ship named by its owner;
6. “Ship construction” refers to building of a ship;
7. “Fishery” refers to seeking, catching, or feeding fish and other water animals.

**Article 4. General Principles for Ship Registration**

 Ship registration shall comply with following general principles:

1. To ensure consensus in the implementation of this Regulation countrywide;
2. To ensure convenience and speed;
3. To ensure compliance with technical standards;
4. To ensure compliance with laws and regulations.

**Article 5. Scope of Regulation Application**

 This Regulation applies to the registration of ships used along the rivers, sub-rivers, streams, watercourses, canals, lakes, and reservoirs in the Lao PDR.

 This Regulation does not apply to ships used in national defense and public security.

**CHAPTER 2**

**Ship Registration, Denomination, and Deregistration**

**Article 6. Criteria for Ship Registration**

 Ship registration in the Lao PDR shall comply with the following criteria:

1. An applicant for ship registration shall be a ship owner who may be an individual, a legal entity, or an organization that is:
* A Lao citizen;
* An alien, foreigner, or non-resident operating a business or living permanently in the Lao PDR;
* A Lao public or private organization;
* An international organization or embassy with an office in the Lao PDR.
1. A ship owner shall possess the following documents related to a ship:
* A valid certificate of ownership or a certificate of ship use right that does not conflict with laws and regulations of the Lao PDR;
* A certificate of deregistration of a former registration certificate issued by a domestic or foreign ship registration management authority. Imported ships shall have been in use for no more than 10 years with a duly imported approval in accordance with relevant laws and regulations, be in good condition, and have a ship technical inspection certificate issued by a ship technical inspection authority.

**Article 7. Required Documents for Ship Registration**

 Required documents for ship registration consist of following:

1. An application for ship registration;
2. A residence certificate issued no more than three months by a village administrative authority;
3. A copy of an ID Card for a Lao citizen, alien, or non-resident, a passport for a foreigner, an enterprise registration certificate for a legal entity;
4. A technical inspection certificate;
5. An import license, goods delivery certificate, and receipt for ship fees;
6. A customs payment or exemption certificate for imported ships from foreign countries;
7. A ship deregistration certificate issued by a foreign ship registration management authority where the ship was already registered overseas;
8. Supporting documents relating to ownership of the ship:
* An approval for ship construction and a shipyard enterprise registration certificate of the shipyard that was hired to construct a ship;
* An approval for ship construction and the family book of an individual who is hired to construct a ship;
* A ship purchase-sale agreement or an ownership transfer certificate in cases of ship is purchased-sale.
1. A ship technical and environmental safety certificate;
2. A 10 x 15 cm-sized photograph showing the side of the whole ship based on the length of the ship when afloat.

**Article 8. Procedures for Ship Registration**

 Ship registration is to follow the procedures as following:

1. A ship owner submit an application for ship registration as **the printed form A** of the Department of Waterways Public Works and provide the required documents set out in Article 7 of this Decision to the relevant ship registration management authority;
2. Upon receiving the application and required documents, the ship registration management authority shall:
* Carefully examine the required documents and, if it is found that those documents have not been fully provided or are incorrect, the ship owner shall be notified not later than seven working days from the date of receiving those documents in order to fully provide or correct the documents;
* In case of documents are fully and duly provided, examine the actual condition of the ship. If it is found that the ship’s condition is not consistent with the information provided in the documents set out in item 3, 8, and 9 of Article 7 of this Decision, the ship owner shall be notified to repair or improve the ship’s condition to be consistent with the information provided in the documents. After repair or improvement, the ship registration management authority shall be notified to conduct further examination. If it is considered that the ship’s condition is in accordance with the aforementioned information, the ship registration management authority shall determine a registration number for the ship and record it in the registry book based on **the printed form A 1**, and thereafter issue a ship registration certificate to the ship owner within ten working days from the date that the ship has passed the examination of the ship’s actual condition.

**Article 9. Contents of a Ship Registry Book**

 A ship registry book has the following contents:

1. Order number, registration number;
2. Ship name and date of registration;
3. Name and address of ship owner;
4. Ship level, size, and type of use, date and name of shipyard;
5. Length;
6. Width;
7. Height;
8. Ship-making materials;
9. Number, brand, or horsepower of main engines;
10. Container or carrying capacity, stress of the ship;
11. Draft of the ship’s hull.

**Article 10. Ship Registration**

 The ship registration consists of two parts: numerals and letters:

1. The letters are an abbreviation of the ministry, province or capital, and district as set out in **Annex 1** of this Decision.
2. The numerals consist of 4 digits from **0001** to **9999**. The size of letters and numerals painted on the ship shall match the size of the ship as set out below:
* Height : 200 mm;
* Width : 30 mm;
* Space between the letters or numbers : 30 mm.

**Article 11. Ship Registration Certificate**

 The ship registration certificate refers to an approval of ship registration that indicates details such as name of ship owner, type, registration number, date and place of issuance of the ship registration certificate issued by the ship registration management authority on **the printed form B** of the Department of Waterways Public Works as an evidence of ownership and duly use of the ship in accordance with laws and regulations.

**Article 12. Painting Registration Number on the Ship**

 Upon receiving the registration certificate, the ship owner shall paint the registration number, both letters and numerals, on the ship using colors which are different from the ship color. If the ship is a dark color, the letters and numerals shall be light and vice versa, and those letters and numerals shall be:

1. Painted on the ship cockpit on the front, right and left sides where there is no obstruction;
2. Painted on both sides of the ship if there is no cockpit;
3. Painted on a place where they can easily be seen by reducing the size of the letters and numerals appropriately if there is no cockpit or insufficient ship side area for painting such letters and numerals in the size set out in Article 10 above;
4. The number of passengers shall be painted above the registration number if permitted to transport 12 or more passengers.

**Article 13. Ship Nationality**

 A ship that is registered by a ship registration authority at any level of the Lao PDR is Lao nationality. A ship owner can fly a Lao flag on the ship.

**Article 14. Ship Name**

 A passenger-transport ship with a capacity of 15 or more seats and a goods-transport ship with a capacity of 5 tonnes or more shall have a specific name designated by a ship owner that is agreed and approved by the ship registration authority issued the registration certificate.

 For the designation and painting of a name of the ship, the ship owner shall comply with the following:

1. A newly designated name shall not be the same as other ships duly registered and recorded in the ship registry book;
2. If a ship owner wishes to designate a ship name based on the name of a historical national hero, event, or place, an approval from the relevant ministries is required;
3. A permitted name shall be painted outside on both sides of the ship’s prow where it can be easily seen. For a ship traveling internationally, its name shall be painted in Lao and English, and the name color shall be different from the ship color as set out in Article 12 of this Decision.

**Article 15. Changing Ship Name**

 Changing a registered name cannot be done solely by a ship owner as it requires the permission of the ship registration management authority where the ship is registered and compliance with the following procedures:

1. A ship owner shall submit a written application with the reasons for changing the ship’s name **on form C** of the Department of Waterways Public Works and submit it with the ship registration certificate to the relevant ship registration management authority for consideration;
2. A relevant competent officer of the ship registration management authority shall review and consider the application. If such application considered as reasonable, the officer will issue a new registration certificate with the new name, but the registration numbers remain the same; and amend the name recorded in the registry book and thereafter notify the ship owner to amend the ship name painted on the ship and take the ship for technical inspection. After proper technical inspection, the ship registration management authority will issue a new registration certificate to the ship owner and retain the former registration certificate;
3. The changed name shall be amended in the national ship registry book after changing the name of the ship under the supervision of Division of Public Works and Transport Division in provinces, capital and Office of Public Works and Transport in districts or municipalities, which shall then be reported it to the Department of Waterways Public Works for acknowledgement and amendment of the name in the national ship registry book.

**Article 16. Ship Deregistration**

 A ship registration will be de-registered from the ship registry book when s ship is under the following cases:

1. To be lost, stolen, sunk, destroyed by fire, or under accident whereby it is severely damaged and cannot be recovered, fixed, or repaired;
2. To reach the end of its useful life, be deteriorated, or lose features or not meet the technical standards as stipulated in current enforceable laws and regulations;
3. To be transferred to register in a foreign country;
4. To be abandoned by its owner for more than three months.

 In cases 1., 2., and 3. above, the ship owner shall write a letter requesting ship deregistration **on form D** of the Department of Waterways Public Works and submit it to the relevant ship registration management authority. The authority will then inspect the actual ship condition, and if it is found that the ship’s condition is consistent with the request letter, the authority will issue a deregistration certificate **on form D1** of the Department of Waterways Public Works to deregister the ship from their ship registry book, and report it to the Department of Waterways Public Works to deregister the ship from the national ship registry book.

**Article 17. Ship Component Modification**

 A ship owner wishing to improve and change integral parts of a ship shall write an application **on form E** and attach a design plan for changing the ship’s parts, and submit them to the ship registration management authority where the ship is registered. After obtaining approval, the ship owner can change the ship parts. Upon completion of the change, the ship shall be inspected by an officer of the authority. After inspection, if the ship is duly consistent with the technical standard, the ship registration management authority will record it in the ship registry book, issue a new registration certificate for the ship owner, and retain the former registration certificate for one year and after this period it will be destroyed.

**Article 18. Transfer of Ship**

 A ship owner wishing to transfer the registered ship to be registered in another province or in a foreign country shall send a written application for transfer **on form F** of the Department of Waterways Public Works to the ship registration management authority where the ship is registered. The authority will then issue a transfer permit and a copy of supporting documents to the ship owner to be submitted to a new ship registration management authority. After the new authority receives such documents, it shall record those documents in its ship registry book and thereafter issue a new registration certificate to the ship owner and retain the former certificate.

**CHAPTER 3**

**Rights and Duties of a Ship Owner**

**Article 19. Rights of a Ship Owner**

 After registration of the ship, a ship owner has the following main rights:

1. To designate a ship name using appropriate words, not violating laws and regulations, or offensive to Lao culture, and not the same as the name of other registered ships, which is agreed and approved by the relevant ship registration management authority;
2. To request the relevant ship registration management authority by following a relevant form of Department of Waterways Public Works to:
* Request ship name change to the one that is more appropriate than the former name;
* Request a permission to improve or change integral parts of the ship;
* Request a change of registration certificate in the case of sale-purchase, transfer of ownership, or use right;
* Request a new registration certificate in case a certificate is invalid due to being damaged, torn, or soiled;
* Request a transfer of a ship to be registered in another province or a foreign country.
1. To manage and use their ship in activities and operations approved in accordance with laws and regulations.

**Article 20. Duties of a Ship Owner**

 After registration of a ship, a ship owner has the following main duties:

1. To paint or write a ship name, registration numbers, hull draft, permitted goods- and passenger-transport capacity;
2. To maintain a ship registration certificate in good condition that can be shown to relevant officers on a timely manner during inspection. In case a certificate is damaged, relevant officers shall be notified in order to record it and issue a lost or damaged certificate to be submitted to the ship registration management authority at the relevant level to consider issuing a new registration certificate. If a certificate is dirty or torn, the ship registration management authority at the relevant level shall be notified immediately in order to consider issuing a new registration certificate;
3. To notify the ship registration management authority at the relevant level in a timely manner or no later than 30 days if the ship is lost, stolen, sunk, destroyed by fire, or in an accident which causes severe damage, cannot be operated, recovered, fixed, or repaired;
4. To return a ship registration certificate to the ship registration management authority if the certificate is not damaged and if the ship is in the condition as set out in item 3. above;
5. To give written notice to the ship registration management authority at the relevant level in case of sale-purchase or transfer of ship ownership to others in order to request for consideration of changing a ship registration certificate upon such transaction.

**CHAPTER 4**

**Management and Inspection**

**Article 21. Ship Registration Management and Inspection Authority**

 The Ship Registration Management and Inspection Authority consists of:

* The Department of Waterways Public Works;
* Division of Public Works and Transport in provinces, capital;
* Office of Public Works and Transport of districts.

**Article 22. Rights and Duties of Department of Waterways Public Works**

 To perform ship registration, the Department of Waterways Public Works has the following rights and duties:

1. To manage, conduct technical inspection, register, and deregister the following types of ships:
	1. All sizes of international passenger- and goods-transport ships;
	2. All types of domestic ships:
* Passenger-transport and tourism ships with over 100 seats;
* Goods-transport ships with a capacity of over 300 tonnes;
* Floating restaurants with a capacity of over 100 persons;
* Large natural resource dredging and construction ships.
1. To stipulate the size and technical standards of natural resource dredging and construction ships;
2. To summarize a list of ship registration countrywide in the national ship registry book;
3. To collect and manage fees and service charges for ship registration in accordance with laws and regulations;
4. To supervise and inspect the implementation of management, registration, and deregistration of ships of the Division of Public Works and Transport in provinces, capital and the Office of Public Works and Transport in districts countrywide;
5. To stipulate application forms for ship registration, deregistration, registration certificates and other related documents, and to publish and distribute them to the Division of Public Works and Transport in provinces, capital and the Office of Public Works and Transport in districts in order to use them within their scope of responsibilities;
6. To issue further guidelines regarding ship management, registration, and deregistration.

**Article 23. Rights and Duties of Division of Public Works and Transport in provinces, capital**

 To perform the registration, Division of Public Works and Transport in provinces, capital have the following rights and duties:

 To manage and conduct technical inspection, and register and deregister the following types of ships in provinces and between provinces:

* Passenger-transport and tourism ships with over 15 seats but not exceeding 100 seats;
* Goods-transport ships with a capacity of over 15 tonnes but not exceeding 300 tonnes;
* International ferries;
* Car ferries;
* Floating restaurants with a capacity of over 50 persons but not exceeding 100 persons;
* Nnatural resource dredging and construction ships that has sizes other than those stipulated in item 1.2 of Article 22 mentioned above;
* Motorized boats and sports boats over 5 horsepower.

**Article 24. Rights and Duties of Office of Public Works and Transport in Districts**

 To perform the registration, the Office of Public Works and Transport in districts has the following rights and duties:

 To manage, conduct technical inspections of, register, and deregister the following types of ships in districts or between districts:

* Passenger-transport and tourism ships with 5 or more seats but not exceeding 15 seats;
* Goods-transport ships with a capacity of 500 kgs or 0.5 tonnes or over but not exceeding 15 tonnes;
* Motorbike ferries;
* Floating restaurants with a capacity of less than 50 persons;
* Fishery boats;
* Motorized boats and sports boats of less than 5 horsepower.

**CHAPTER 5**

**Prohibitions**

**Article 25. General Prohibitions**

 An individual or an organization is prohibited from:

1. Not registering a ship under their ownership;
2. Operating an unregistered ship;
3. Other acts which violate laws and regulations.

**Article 26. Prohibitions for a Ship Owner**

 A ship owner is prohibited from:

1. Using a ship registered as a passenger-transport ship to transport goods and vice versa without permission;
2. Registering a ship in a foreign country without requesting ship deregistration and without complying with applicable laws and regulations;
3. Improving or changing integral parts of a ship without permission;
4. Using a ship to operate an illegal business activity;
5. Other acts which violate laws and regulations.

**Article 27. Prohibitions for Officers of the Ship Registration Management Authority**

 An officer of a ship registration management authority is prohibited from:

1. Allowing a registered ship in the Lao PDR to be registered in a foreign country without deregistration and without complying with applicable laws and regulations;
2. Not paying attention to the registration work, neglecting, and allowing ships to operate without proper registration;
3. Other acts which violate laws and regulations.

**CHAPTER 6**

**Awards for Good Performance and Measures against Violators**

**Article 28. Awards for Good Performance**

 Individuals, legal entities, or organizations that contributes to and cooperates with ship registration management authority officers and other relevant officers to resolve matters regarding ship registration and matters pertaining to ship owners and that complies with laws and regulations relating to ship registration will receive an award and other policies as appropriate.

**Article 29. Measures against Violators**

 Individuals, legal entities, or organizations that violate this Decision will be educated and warned, or sanctioned by disciplinary measures, fined, or proceeded in accordance with laws and regulations depending on the level of severity.

**Article 30. Education and Warning Measures**

 Individuals, legal entities, or organizations that violate this Decision on non-severe prohibitions will be educated and warned such as in case of a ship owner or a person with the rights to use a ship does not request for ship registration, technical inspection within timeframe stipulated in this Decision.

 A relevant staff member or officer who neglects ship registration work will also be educated and warned or may be sanctioned by disciplinary measures on case by case basis.

**Article 31. Fine Measures**

 Individuals, legal entities, or organizations that violate this Decision will be fined as following:

1. To be fined the equivalent of the total amount of fees and service charges for ship registration as set out in the Presidential Ordinance of the Lao PDR in each period based on the following cases:
* Using an unregistered ship or an imported ship without registration to operate business;
* Transferring a ship from a province or a district to another province or another district without permission and deregistration of the former registration certificate by the ship registration management authority;
* Transferring a ship from a province or a district to another province or another district with the permission and deregistration of the former registration certificate, but without submitting an application for registration with a ship registration management authority where the ship is transferred to within ten days;
1. To be fined the equivalent of twice the total amount of fees and service charges for ship technical inspection as set out in the Presidential Ordinance mentioned above, in case of a ship owner does not request an annual ship technical inspection with the relevant public works and transport authority within thirty days and will be fined the equivalent of twice the total amount of fees and service charges for technical inspection multiplied by the number of years that a ship has not been inspected;
2. To be fined the equivalent of twice the total amount of fees and service charges for ship registration as set out in the Presidential Ordinance mentioned above, in case of the ship owner uses a ship that has been declared to have temporarily or permanently ceased its operations;
3. To be fined 1% of the sale-purchase price or actual value of a ship in case of sale-purchase or transfer of ownership over a ship without notifying the relevant ship registration management authority within 30 days;
4. To be fined the equivalent of the total amount of the cost related to adjusting or changing technical standards of a ship that is done without permission, and such ship is to be returned to its original technical standards as registered.

**Article 32. Criminal Measures**

 A person who violates this Decision as a criminal offense will be prosecuted in accordance with the Criminal Law. The offenses include:

* Giving bribes to staff members or officers for improper ship registration;
* Falsifying documents regarding a ship in order to be eligible for registration;
* Other acts regarding ship registration that are considered as a criminal offense.

 Relevant staff members or officers who misuse their position or take bribes regarding ship registration or change of ship registration will be prosecuted in accordance with the Criminal Law.

**Article 33. Additional Penalties**

 In addition to the penalties stipulated in Articles 29, 30, 31, and 32 of this Decision, offenders can be sanctioned by additional penalties such as seizure, repeal of registration certificate, or seizure of ship depending on the case.

**CHAPTER 7**

**Final Decision**

**Article 34. Implementation**

 The Department of Waterways Public Works and the Division of Public Works and Transport in provinces and the Office of Public Works and Transport in districts are responsible for implementing this Decision strictly.

 The Department of Waterways Public Works is assigned to disseminate this Decision and issue a further and detailed guideline to ensure effective implementation.

**Article 35. Effectiveness**

 This Decision is effective from date of signature. Any decisions, requirements, or regulations which conflicts with this Decision shall be cancelled.

**Minister of Public Works and Transport**

**(Signature and Seal)**

**Sommad PHOLSENA**