

**مرسوم تفسيري بشأن المياه الإقليمية
لامارة الشارقة وملحقاتها**
١٩٧٠**

**** صدر المرسوم التفسيري بشأن المياه الإقليمية لامارة الشارقة وملحقاتها عن المغفور له بإذن الله الشيخ خالد بن محمد القاسمي باللغة الانجليزية وذلك بتاريخ ٥ / ابريل ١٩٧٠ / ويتناول هذا المرسوم تفصيل ما اجمل في المرسوم الصادر بتاريخ ١٠ / سبتمبر ١٩٦٩ / بشأن المياه الاقليمية وباعتبار ان هذا المرسوم مكمل للمرسوم الصادر بتاريخ ١٠ / سبتمبر ١٩٦٩ والسابق الاشارة اليه فقد تم وقف العمل به يصدر القانون الاتحادي رقم ١٩ لسنة ١٩٩٣ في شأن تعيين المناطق البحرية لدولة الامارات العربية المتحدة والصادر بتاريخ ١٧ اكتوبر / ١٩٩٣ .**

**Supplementary Decree concerning
the Territorial Sea of the Emirate of Sharjah
and its Dependencies**

Supplementary Decree concerning the Territorial Sea of the Emirate of Sharjah and its Dependencies

This Decree supplements our Decree of 10th September 1969, in which we recorded and confirmed our sovereign rights in the Territorial Sea of the Emirate of Sharjah and its Dependencies, including its islands.

Article 1

The Territorial Sea of the Emirate of Sharjah and its Dependencies extends into the open sea to a distance of twelve nautical miles from the base lines on the coasts of the mainland and of the islands of the Emirate.

Article 2

The base lines and the outer limit of the territorial sea referred to in Article 1 shall be determined in the manner provided for in Section II of the convention of the Territorial Sea and the contiguous Zone, signed at Geneva April 29th, 1958.

Article 3

The sovereignty of the Emirate of Sharjah and its Dependencies extends beyond its land territories to its Territorial Sea; provided, however, that if the Territorial Sea of the Emirate of Sharjah and its Dependencies and the territorial sea of an opposite coast of another State, are

contiguous, so that none of the water between the land territories of this Emirate and the other state are high seas, the Emirate recognizes the right of transit of that portion of its territorial sea so situated, by all vessels of all nations with which Sharjah is at Peace, and the right of over flight thereof by all aircraft of all such nations, reserving to the Emirate nevertheless all other sovereign rights whatsoever with respect to its territorial sea.

Article 4

Where the distance between the base line from which the Territorial Sea of the Emirate of Sharjah and its dependencies is measured, and the base line on an opposite coast of another State, from which that State territorial sea is measured, is less than the sum of the width of the territorial sea of that other State, the boundary of the territorial sea of this Emirate shall be the median line between those two base lines, determined in accordance with Article 12 of the Convention on the Territorial Sea and the Contiguous Zone, unless this Emirate and that other State shall otherwise agree.

Dated 5th April 1970

Khalid Bin Mohamed Al Qassimi
RULER OF SHARJAH AND ITS DEPENDENCIES

THE MARITIME LAW OF THE STATE OF SHARJAH AND ITS DEPENDENCIES

**Decree No.12 of the Laws of the State of Sharjah
and its dependencies, effective March 1, 1970**

****THE MARITIME LAW OF THE STATE OF SHARJAH AND ITS DEPENDENCIES**

**Decree No.12 of the Laws of the State of Sharjah
and its dependencies, effective March 1, 1970**

**** تم وقف العمل بهذا القانون وبإلوائحه التنفيذية المكمل له بصدر القانون الاتحادي رقم ٢٦ / ١٩٨١ بشأن القانون التجاري البحري والصادر بتاريخ ٧ / ١١ / ١٩٨١ والذي نشر بالجريدة الرسمية بالعدد الثامن والتسعون بتاريخ ٢١ / ١١ / ١٩٨١ حيث نصت المادة ٤٢٢ من ذلك القانون على أن يعمل بأحكامه بعد ثلاثة أشهر من تاريخ نشره بالجريدة الرسمية.**

TABLE OF CONTENTS

Section 1		
Article 1 to 16:	General provisions	01-
Section 2		
Article 17 to 50:	Registration and Identification of Vessels	00-00
Section 3		
Article 51 to 66:	Registered Ship Mortgages and Maritime Liens on Sharjah Registered Vessels	00-00
Section 4		
Article 67 to 77:	Carriage of goods by sea	00-00
Section 5		
Article 78 to 83:	Limitation of Shipowner's liability	00-00
Section 6		
Article 84:	Radio	00-00
Section 7		
Articles 85 to 90:	Rules and Regulations of Navigation	00-00
Section 8		
Articles 91 to 98:	Wrecks and Salvage	00-00
Section 9		
Articles 99 to 103:	Merchant Seamen	00-00
Section 10		
Article 104 to 108:	Rights and duties of a Master of a Sharjah Vessel	00-00
Section 11		
Articles 109 to 148:	Rights and duties of seamen	00-00
Section 12		
Articles 149:	Period of Limitation	00
Section 13		
Articles 150 to 152	Right of the Department to make Rules and Regulations	00-00
Section 14		
Article 153:	Interpretation	00

SHARJAH MARITIME LAW
Decree No.14 of the 1st day of March 1970

Section 1
GENERAL PROVISIONS

ARTICLE 1

This Decree 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 defence and security of the State of Sharjah and its Dependencies.

ARTICLE 2

In this Decree unless the subject or context otherwise requires:

- (1) "The Ruler" means the Sheikh of Sharjah and its Dependencies.
- (2) "The State of Sharjah" means all the territories within the jurisdiction of the Sheikh of Sharjah and its Dependencies and includes the territorial waters appurtenant thereto.
- (3) "The Department" means the Trade Aviation and Marine Department of the State of Sharjah and its Dependencies.
- (4) "Duly authorised Officer(s)" means The Chairman, The Director General, The Deputy Director General, the Legal Adviser and the Deputy Director General,

the Legal Adviser and the Deputy legal Adviser of the Department and any Department Officials, authorised in writing by the Department and all officially accredited Representatives of the Department abroad.

ARTICLE 3

For the due Administration of this Decree the Ruler hereby appoints the Marine Division of the Trade Aviation and Marine Department which Department will have power to appoint such Officials and persons as may be necessary under the control of the Director General of the Department.

ARTICLE 4

All matters affecting the economy of Sharjah Flag ships, including labour relations, shall be governed by English Law as varied by the Laws of the State of Sharjah.

ARTICLE 5

The Department shall administer all matters appertaining to domestic and foreign water-borne commerce of the State of Sharjah.

ARTICLE 6

In order to give effect to the policy of the Department, the Department shall make rules and regulations for carrying out the functions of the Department and to ensure the

seaworthiness of Sharjah ships and proper manning conditions on board. When approved by the Department all such rules, regulations, and amendments thereto shall have the full force and effect of law.

ARTICLE 7

The administrative duties of the Department may be performed abroad by a duly authorised officer from time to time appointed by the Department.

ARTICLE 8

The regulations promulgated by the Department pursuant to the provisions of Article 6 of this Decree shall be administered by a duly authorised officer of the Department to be designed and appointed by the Department for the effective administration of the provisions of the Maritime Law.

ARTICLE 9

Records relating to Vessels. - There shall be maintained at the office of the Department's Marine Division in the State of Sharjah and at the office of each officially accredited Representative of the Department abroad a central Registry where there shall be recorded or filed, in properly indexed public registers, all documents of the following nature:

- (a) Bills of Sale and other instruments of transfer of vessels;
- (b) Mortgages or hypothecations of vessels;
- (c) Assignment of Mortgages;

-
- (d) Certificates of Permanent and Provisional Registration and Licences;
 - (e) Licences and Certificates of Officers and Members of Ship's crew;
 - (f) All other documents of record relating to Sharjah Vessels.

ARTICLE 10

Any duly authorised officer of the Department is authorised to administer all oaths and take all acknowledgements required by this Decree.

ARTICLE 11

Authority to Issue Radio Station Licences. - The Department and its duly authorised officers are authorised to issue ship station licences in respect of radio transmitting apparatus located on board vessels registered under the laws of the State of Sharjah.

ARTICLE 12

Authority to Issue Licences, Certificates. - The Department and its duly authorised officers are authorised to issue all licences, certificates or other documents for officers and ship's personnel on Sharjah vessels necessary or proper for carrying out the purposes of the Maritime Law as defined by Article 14 of this Decree or of any International Convention to which the State of Sharjah is or may become a party.

In aid of licencing, certificating and up-grading of ship's officers and personnel, the Department shall, from time to time, establish such standards, rules and regulations as shall be deemed necessary and appropriate to carry out such purposes and maintain the high standards of the Sharjah Merchant Fleet.

Failure of an owner of a Sharjah vessel to file any required report relating to the ship's officers employed on the vessel shall result in an automatic fine of U.A.E. Dirhams 1,000 (one thousand) for each offence, and until paid, each such file shall constitute a maritime lien on the vessel.

Failure of an owner of a Sharjah vessel to ensure that each officer employed on the vessel is the holder of a valid Sharjah licence of competence to fill the position held by him shall subject the owner to a fine of U.A.E. Dirhams 500 (five hundred) for each officer so employed who is not the holder of such Sharjah licence. Where such failure is admitted or is established by any required report, the fine shall be automatic. If a proper Sharjah licence is obtained within thirty days of notice from the Department, the fine with respect thereto shall be remitted. Until paid or remitted, each fine shall constitute a maritime lien on the vessel.

ARTICLE 13

Fees. - The Department is authorised to establish by Regulations all necessary and proper fees.

ARTICLE 14

Insofar as it does not conflict with any other provisions of this Decree, the General Maritime Law of England is hereby declared to be and is hereby adopted as the General Maritime Law of the State of Sharjah.

ARTICLE 15

General Penalty for Violation. - Except as otherwise specified herein, any person who is convicted by a court of competent jurisdiction of a violation of any of the provisions of this Decree or of any of the lawful rules and regulations of the Department made as provided in Article 6 of this Decree shall, upon, conviction, be subject to a fine not exceeding U.A.E. Dirhams 50,000 (fifty thousand) or imprisonment for a term not exceeding ten years, or both.

ARTICLE 16

Jurisdiction. - The Admiralty Division of the Courts of the State of Sharjah shall be competent to try all causes of action arising out of, or under this Decree or any regulations made by its authority, but, except as otherwise specifically provided in his Decree, the provisions of this Article shall not be deemed to deprive other courts, elsewhere, of jurisdiction to enforce such causes of action.

Section 2
REGISTRATION AND IDENTIFICATION OF VESSELS

ARTICLE 17

General Provisions. - Except as provided herein no self-propelled or sailing vessel engaged in trade exclusively between ports of the State and no vessel engaged in foreign trade shall fly the flag of the State or be accorded the rights and privileges of a Sharjah vessel unless such vessel shall be registered in accordance with the provisions of this Section. The home port of every vessel so registered shall be Sharjah, and the name of the home port shall be shown on the Certificate of Registration.

ARTICLE 18

Vessels Eligible to be Registered. - Vessels of the following classes are eligible to be registered under the laws of the State of Sharjah:

- (a) A sea-going vessel engaged in foreign trade wherever built, owned by a citizen or national of Sharjah or The Trucial States or a foreign corporation duly registered under the Law of the State of Sharjah. The term "citizen" or a "national" shall include corporations, partnerships, and associations of individuals.
- (b) Any vessel engaged in trading between ports in Sharjah and the Trucial States.

ARTICLE 19

Vessels Not Required to Be Registered. - Any vessel engaged solely in domestic commerce shall not be required to be registered so long as an exemption certificate issued by the Department is in force and carried on the vessel.

ARTICLE 20

Registry Fee and Tonnage Taxes. - There shall be an initial registration fee of Qatar and Dubai Riyals 4 (four) per net ton, and there shall be an annual tonnage tax of U.A.E. Fils 50 (fifty) per net ton, which said taxes shall not be increased for a period of twenty one years as from the date of initial registration; provided, however, that as to any vessel of less than 500 net tons registered, and registration fee and the annual tonnage tax shall be equal to half that required for a vessel of 500 net tons. All unpaid tonnage taxes and all other charges due to the Department shall constitute a maritime lien on the vessel, second only to liens for wages and salaries.

ARTICLE 21

Annual Tonnage Tax. - Except as herein otherwise provided, the annual tonnage tax on vessels provided for in Article 20 above is payable in advance on the first day of January in each year and upon failure to pay said tonnage tax when due, the Department may invalidate the said Certificate of Registration of the vessel with respect to which said tax is payable.

No Certificate of Registration, either permanent or provisional shall be issued for a vessel not previously registered under the laws of the State of Sharjah unless a sum equal to the tonnage tax for one year has been paid in respect of the vessel. In the case of a vessel so initially registered, the amount payable on the first day of January of the year immediately following the date of its initial registration shall be computed at the rate of U.A.E. Fils 50 (fifty) per net ton for the proportionate part of the year remaining between the first anniversary of the date of its initial registration and the close of the calendar year. The Department or its duly authorised officer is authorised and directed to collect the tonnage tax and to issue receipt therefor. No Certificate of Registration deposited by the master or commander of the vessel shall be returned to them until proof is furnished to the Department that the annual tonnage tax for the then current year has been paid.

ARTICLE 22

Title of Ship's Document. - The ship's document shall be called the "Certificate of Registration".

ARTICLE 23

Conditions Precedent to the issue of a Permanent Certificate of Registration. - Upon receipt of a written application in the prescribed form of an owner of a vessel eligible for registration under the laws of the State of Sharjah requesting the issue of a Certificate of Registration for the vessel,

accompanied by the oath or oaths required by Article 24 below, the Department, upon payment of the prescribed fees, may issue a permanent Certificate of Registration for the vessel provided that the owner provides proof satisfactory to the Department:

- (a) As to his ownership of the vessel;
- (b) That any foreign Certificate of Registration for the vessel has been surrendered with the consent of the government that had issued it; or has been legally cancelled;
- (c) That a Certificate of seaworthiness has been issued;
- (d) That the owner has paid to the Department a sum equal to U.A.E. Dirhams 4 (four) per net ton of the vessel, representing the initial registration fee;
- (e) That the markings of name, official number, net tonnage, home port, and draft required by Article 26 has been issued.

ARTICLE 24

Oaths

- (1) In order to register a vessel, the owner, managing owner, part owner, or his agent, authorised by power of attorney, where such vessel is owned by individuals, or, in the case of a corporate owned

vessel, the president, vice president, secretary of the corporation or other officer or agent authorised in writing shall take an oath declaring the name of the vessel, its net tonnage, the place where built, the date when built, the name and residence of any other owner and his citizenship; each owner's proportion; name of master, and citizenship, the name of the deponent and his citizenship.

The oath may be taken before those persons designated in Article 10 of this Decree of a notary public or other officer authorised to administer oaths by the laws of the place where the oath is administered.

The names of the persons owning shares in an incorporated company owning such vessel need not be stated. The oath of any 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) When the master of a vessel is at the port where the vessel is when she is to be registered, and application is made for registration, he, instead of the owner, agent, or attorney, shall execute the oath regarding his citizenship required by Sub-Article 1 of this Article.
- (3) Whenever the Certificate of Registration of any vessel

is lost or destroyed, the master, or other person in command, may take the following oath at or according to the availability of a duly authorised officer of the Department 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 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 Laws of the State of Sharjah by the name of (insert again name of vessel), and that a Permanent (or Provisional) Certificate of Registration bearing No. (insert No. of lost Certificate) or (insert date of issue 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 Director General of the Trade Aviation Marine Department of the State of Sharjah and its Dependencies".

When an oath is taken in the foregoing form, the duly authorised officer of the Department shall grant to the vessel a temporary Provisional Certificate of Registration and insert therein that it is issued in lieu of the one lost or destroyed. Which officer shall forthwith send to the Department 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 Director General, upon being satisfied that the vessel is entitled to a Certificate of Registration, may grant a new Certificate of Registration identical with that which was lost or destroyed. As soon as practicable after the issue of such a Certificate of Registration, the temporary Provisional Certificate hereinbefore referred to must be surrendered to the Department for cancellation.

ARTICLE 25

Measurement. - A vessel shall not be permanently registered until measured by a person appointed by the Department or a bureau or agency authorised by this Decree or pursuant to the regulations made hereunder. A vessel registered under the laws of the State of Sharjah shall not be required to be measured anew unless here burden has been changed.

ARTICLE 26

Certificate of Measurement. - The person who measures a vessel shall certify, specifying the building of the vessel, number of decks and masts, length, breadth, depth, tonnage, and such other particulars usually descriptive of the identity of a vessel, and that her name, and place to which she belongs, are painted on her stern.

All Charges incidental to the measurement of vessels and to the issue of a Certificate of Measurement shall be payable at

the time of issue of the certificate and shall be payable by the owner of the vessel.

ARTICLE 27

Method of Measurement. - The permanent registration of every vessel shall specify her length, depth, breadth and height under the third or spardeck, ascertained as follows: The tonnage deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull shall be the tonnage deck. The length from the forepost of the outer planking on the side of the stem to the afterpart of the main stern-post of screw vessel, and to the afterpart of the rudderposts of the outside of the vessel shall be the vessel's breadth beam. A measure from the underside of the tonnagedeck plank, amidships to the ceiling of the hold (average thickness) shall be the depth of the hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the underside of the upperdeck plank shall be the height under the spardeck. All measurements shall be expressed in feet and decimal fractions of feet.

ARTICLE 28

Tonnage Evaluation. - The registered or recorded tonnage of every vessel shall be her entire internal cubical capacity in tons of one hundred cubic feet each. Ascertainment of the documented or recorded tonnage shall be measured in accordance with such rules and regulations as shall be prescribed by the Department; provided, however, that in so

prescribing such rules and regulations and Department shall give due consideration to the standard practice for measurements in such circumstances as this practice is enunciated by the various maritime agencies of other foreign governments.

ARTICLE 29

Tonnage Statements in Registration Certificate. - Each ship's permanent Certificate of Registration, after stating the number of decks, shall separately state (a) the tonnage under the tonnage deck, (b) the tonnage of the between decks above the tonnage deck, (c) the tonnage above the upper deck, and (d) the total gross tonnage, which is the sum of the three preceeding items. Each ship's permanent Certificate of Registration shall state separately the deductions made from the gross tonnage, and also the net or registered tonnage.

Upon application by the owner or master of a Sharjah vessel in foreign trade, the Department or its duly authorised officer may attach to the Certificate of Registration 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.

If a new Certificate of Registration is not issued upon remeasurement, the statement of remeasurement shall be attached by an appendix to the outstanding Certificate or registration or enrollment with a certificate of the Department that the original estimate of tonnage is amended.

ARTICLE 30

Form of Documents. - The Department or a duly authorised officer shall prescribe and furnish forms of Certificates of Registration. Ship documents will not be issued except in the form prescribed.

Each ship's permanent Certificate of Registration shall state the name of the person making the required oath, the names of the owners of the vessel, their occupation and residences, the vessel's home port, the name of her master, when and where the vessel was built, by whom measured, the number of decks and masts, her length, breadth and depth in feet and her measured tonnage, a description of the particular kind of vessel, together with her build, stating whether she has any or no galley or head, and the name of the owner, master, or person countersigning the Certificate of Measurement on behalf of the owners and that he has agreed to the description and measurement therein stated.

The Department by regulation may prescribe forms of endorsements that may be made on ship documents from time to time, without the issue of a new document or surrender of the told document, to show exchange of documents, permanent, provisional, or temporary registration, nature of trade permitted, renewal of annual licence, and changes of name, ownership or command.

ARTICLE 31

Numbering Registration Certificates and Licences. - The

Department or a duly authorised officer shall progressively number the licences and Registration Certificates, respectively, granted by it, beginning anew at the commencement of each year, and shall make a record thereof in a book kept for that purpose. It shall also retain permanently copies of all such documents issued by or surrendered to the Department.

ARTICLE 32

Provisional Registration Certificates to Vessels Abroad. - Upon compliance with the provisions set forth in Article 33, a Provisional Certificate of Registration may be issued by the Department, or by any person appointed by the Department to vessels abroad which are to be registered under the flag of Sharjah.

Copies of Provisional Certificates issued by persons other than the Director General or Deputy Director General shall be furnished as soon as practicable by the issuing officer to the Department.

Unless sooner invalidated, a Provisional Certificate shall entitle the vessel to the privileges of a vessel of Sharjah in foreign trade until the expiration of one year from its date.

The Department or its duly authorised officer 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 Registration.

The Department or its duly authorised officer shall prescribe the form of the Provisional Certificate and shall include the name of the ship and of the master, time and place of purchase and names of purchasers, and the best particulars respecting the tonnage, build, description, and inspection or survey which the issuing officer is able to obtain.

ARTICLE 33

Conditions Precedent to the Issue of Provisional Certificate. -
Upon receipt by the Department of a written application of an owner of a vessel eligible for registration under the laws of the State of Sharjah requesting the issue of a Certificate of Registration for the vessel, accompanied by the oath or oaths required by Article 24, and upon payment of the prescribed fees to the officer receiving such application, the Department or any issuing official listed in Article 32 may issue a Provisional Certificate of Registration for the vessel, provided the owner shall furnish proof satisfactory to the officer receiving the application:

- (a) as to his ownership of the vessel;
- (b) that if there is an outstanding foreign Certificate of Registration for the vessel, the government that had issued it has consented to its surrender and that either the certificate of registration has been surrendered for cancellation or that the owner has issued orders to the master of the vessel to surrender the certificate of registration for cancellation

immediately upon receipt of the Sharjah Provisional Certificate of Registration on Board the vessel; or that the outstanding certificate of registration has been legally cancelled;

- (c) that the vessel is in a seaworthy condition;
- (d) that the the owner has paid to the Department in accordance with Article 6 above a sum equal to U.A.E. Dirhams 4 (four) per net ton of the vessel, representing the initial registration fee.
- (e) that either the markings of name, official number, net tonnage home port, and draft required by Article 43 have actually been made or that the owner has issued orders to the master of the vessel to have such markings made immediately upon receipt of the Sharjah Provisional Certificate of Registration on board the vessel.

Unless the owner within thirty days after issue of the Provisional Certificate or Registration shall furnish satisfactory proof to the officer to whom the application for registration has been presented, showing that the vessel's outstanding foreign Certificate of Registration has actually been surrendered for cancellation and that the markings required by Article 43 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, the said officer may declare such Provisional Certificate of Registration to be null and void.

As soon as reasonably practicable after measurement of the vessel and the surrender for cancellation of any outstanding foreign Certificate or Registration for the vessel and the making of the markings required by Article 43 a Permanent Certificate of Registration shall be issued in place of any provisional Certificate therefore issued, and such Provisional Certificate shall be surrendered as promptly as circumstances permit to the Department. When the Permanent Certificate is issued after the issue of a Provisional Certificate, the charges originally paid shall be adjusted in accordance with the tonnage established by the Certificate of Measurement.

If good cause is shown the Department may, from time to time, renew a Provisional Certificate of Registration for a period of not exceeding one year.

ARTICLE 34

The Department or its duly authorised officer shall not grant a Certificate or Registration or other document or issue papers to any vessel until all applicable provisions of this Decree have been complied with.

ARTICLE 35

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

ARTICLE 36

A registered vessel sold or transferred in whole or in part while outside the State of Sahrjah, but without change of flag, shall comply with the provisions of this Decree relating to the registration of vessels and a new Certificate of Registration shall be obtained.

ARTICLE 37

The owner of a registered Sharjah vessel who desires to transfer the vessel to a foreign registry may do so provided that there are no unfulfilled obligations to the State of Sharjah in respect of the vessel. Before such transfer is accomplished the registered owner shall surrender the ship's Certificate of Registration to the Department or its duly authorised officer.

ARTICLE 38

Before Certificate of Registration shall be accepted for surrender, the registered owner shall submit to the Department 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.

ARTICLE 39

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 Registration Certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person in command, to the Department or its duly authorised officer in the State of Sharjah or elsewhere.

When the application is made for new registration of a vessel, its former Registration Certificate shall be delivered up to the Department or its duly authorised officer to whom such application is made.

Where a Registration Certificate is granted in lieu of one lost, the lost Certificate, if found, shall be delivered up to the Department or its duly authorised officer for cancellation.

ARTICLE 40

The Certificate of Registration of a vessel subject to a mortgage shall not be accepted for surrender without the consent of the mortgagee except in the case of a provisional Certificate for the purpose of issue of a permanent Certificate, in which case the mortgage endorsement on the provisional Certificate shall be transferred to the permanent Certificate.

ARTICLE 41

(1) Whenever a registered Sharjah 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 registered 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 need not be registered anew. In case 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 Registration shows the vessel in the condition or use providing the greater net and gross tonnage and has attached there to an addendum 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, shall not require the vessel to be registered anew.

- (2) When the Department or its duly authorised officer 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 requirement of this Decree, excepting only the delivering up of the former document. This subsection shall not remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel on a transfer or sale of the same.

-
- (3) Any vessel required to be registered anew which is not so registered shall not be deemed a vessel of Sharjah. 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 Qatar and Dubai Riyals 2,000 (two thousand).

ARTICLE 42

Builder's Certificates. - 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: (a) that it was built by him or under his direction; (b) the place where built; (c) the time when built; (d) the person for whom built; (e) build; (f) number of decks and masts; (g) length; (h) breadth; (i) depth; (j) tonnage; and (k) such other circumstances as are usually descriptive of the identity of a vessel.

ARTICLE 43

- (1) Every registered Sharjah 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, or consist of cut or carved or cast Roman letters in light colour on a dark ground, or in a dark colour on a light ground, secured in place and distinctly visible. The smallest letters used shall not be less than four inches in size. If any such vessel shall be found

without these names being so marked, the owner shall be liable to a penalty of U.A.E. Dirhams 100 (one hundred) for each name omitted.

- (2) Each Sharjah registered vessel in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters of not less than six inches in length, on each outer side of the pilot house, if she has such, and in case the vessel has sidewheels, also on the outer side of each wheel house.
- (3) The Department or its duly authorised officer may prescribe a system of numbering registered Sharjah vessels. The designated number and the net tonnage of each vessel shall be carved deeply or otherwise marked permanently on her main beam. If at any time such vessel ceases to be so marked, she shall be liable to a penalty of U.A.E. Dirhams 750 (seven hundred and fifty) on every arrival in Sharjah.
- (4) The draft of every registered vessel shall be marked upon the stem and tern post, in English feet or in decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line.

ARTICLE 44

Upon the initial registration (either permanent or provisional) of a vessel, the Department either directly or through its duly

authorised officer issuing the Certificate, shall assign to the vessel an official number.

ARTICLE 45

Change in Name of Vessel.

- (1) The Department or its duly authorised officer may change the name of a vessel of Sharjah on application of the owner.
- (2) The Department 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 interest. Upon granting permission the Department or changing of name to be published in at least four issues of the newspaper circulating at the place of registration. 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:
 - (a) for vessels ninety-nine gross tons and under. U.A.E. Dirhams 40 (fourty);
 - (b) for vessels one hundred gross tons and up to and including four hundred ninety-nine gross tons, U.A.E. Dirhams 125; (one hundred and twenty five);

-
- (c) for vessels five hundred gross tons and up to and including nine hundred ninety nine gross tons, U.A.E. Dirhams 250 (two hundred and fifty);
 - (d) for vessels one thousand gross tons and upto and including four thousand nine hundred ninety-nine gross tons, U.A.E. Dirhams 375 (three hundred seventy five);
 - (e) for vessels five thousand gross tons and over, U.A.E. Dirhams 500 (five hudnred).
- (4) Whenever the name of a Sharjah registered vessel 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.

ARTICLE 46

Inspection of Documents. - The Department or its duly authorised officer may at all times inspect the documents of a vessel. A master who fails to exhibit the same, when required by such officer, shall be liable to a penalty of U.A.E. Dirhams 1,000 (one thousand), and if his failure is wilful shall be liable to a penalty of not more than U.A.E. Dirhams 10,000 (ten thousand) or imprisoned for not more than one year, or both.

ARTICLE 47

Deposit of Ship's Papers with the Department. - Every master

of a registered Sharjah vessel, on his arrival at the foreign port where there is situated a registered office of the Department shall, upon request of the Department's duly authorised officer in such office, deposit with him the vessel's registered, to be returned when such master produces clearance from the proper officer of the port and complies with the laws relating to the laws relating to the discharge of seamen in a foreign country and the payment of fees and taxes.

ARTICLE 48

Perjury. - If any owner, agent, or attorney commits perjury in the oath taken to obtain registration of a vessel, such vessel, her tackle, apparel, and furniture shall be forfeited, or the value thereof recovered from such person.

A master who commits perjury in taking such oath shall be liable to a penalty of UAE Dirhams 10,000 (ten thousand) but the vessel shall not thereby be forfeited.

ARTICLE 49

Rules and Regulations. - The Department is hereby authorised, in keeping with the provisions of Article 6 to make such rules and regulations, not inconsistent with the provisions of this Decree, for the registration, identification and regulation of transfers of vessels as it may deem in the best interests of the State of Sharjah and the domestic and foreign commerce of the nation.

ARTICLE 50

Standards of Seaworthiness. - The Department 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.

Section 3
REGISTERED SHIP MORTGAGES AND MARITIME
LIENS ON SHARJAH REGISTERED VESSELS

ARTICLE 51

Registration: 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 successors in title and persons having actual notice thereof until the instrument evidencing such transaction is registered in the office of the Department or in the office of the Department's duly authorised officer specifically appointed to register such documents.
- (2) The Department or its duly authorised officer shall register such instruments in the order in which they are presented for registration 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 registration of the instrument
 - (d) the nature of the interest in the vessel transferred or affected; and
 - (e) the principal amount secured by and date of maturity of the mortgage.

ARTICLE 52

Ships Mortgages. - Documentary Endorsements. - A valid mortgage, which at the time it is made, includes the whole of a vessel shall have priority over any unregistered mortgages or charges in respect of such vessel as from the date of its registration provided that:

- (a) the mortgage is endorsed upon the vessel's registration certificate
- (b) the mortgage is registered as provided herein
- (c) An affidavit is filed with the registration 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 person having a lawful lien on the mortgaged vessel; and
- (d) the document evidencing the mortgage is in a form approved by the Department.

ARTICLE 53

Termination of Mortgagee's Interest. - The interest of a mortgagee in a vessel registered under this Decree shall not be terminated by a forfeiture of a vessel for a violation of any law of the State of Sharjah unless the mortgagee authorised, consented or conspired to effect the illegal act, failure or omission which constituted such violation.

ARTICLE 54

Registration: Conditions. Precedent. - A bill of sale conveyance or mortgage shall not be registered unless it states the interest of the grantor or mortgagor in the vessel and the interest so sold conveyed or mortgaged. A bill of sale, conveyance mortgage notice of claim of lien or certificate of discharge thereof shall not be registered unless previously acknowledged before the Department or its duly authorised officer or before a notary public or other officer authorised by the laws of the place where the acknowledgement is made to take acknowledgements of deeds.

ARTICLE 55

Bills of Sale: Registration. - The Department or its duly authorised officer may accept for registration upon payment of a fee of U.A.E. Dirhams 125 (one hundred and twenty five) any bill of sale of a vessel which recites the interest sold or conveyed provided it has previously been acknowledged in accordance with the provisions of Article 54 and provided further that any bill of sale of a vessel already registered under this Decree must have incorporated therein a true copy of its latest certificate or registration.

ARTICLE 56

Mortgages: Registration. - The Department or its duly authorised officer may accept for registration upon payment of a fee of U.A.E. Dirhams 1,250 (one thousand two hundred fifty) any mortgage on a vessel which recites the interest of

the mortgagor in the vessel and the interest so mortgaged provided it has been previously acknowledged in accordance with the provisions of Article 54 and provided further that written proof is furnished of the amounts and date of any documents or evidence of debts in support thereof. At the time of the registration the Department or its duly authorised officer will, if requested, certify without charge two copies of the mortgage so registered. A certificate of registration issued abroad giving all details required by this Decree, will be furnished together with a certified copy of the mortgage deed to the Department or its duly authorised officer as soon as possible after registration of the mortgage.

ARTICLE 57

- (1) A mortgage which complies with the conditions enumerated in this Decree shall be known as "Registered mortgage".
- (2) There shall be endorsed upon the Certificate of Registration of a vessel covered by a registered mortgage:
 - (a) the names of the mortgagor and mortgagee
 - (b) the time and date the endorsement is made
 - (c) the amount of the principal sum secured by and the date of maturity of the mortgage
 - (d) Any amount required to be endorsed by sub-Article

4 or 5 by this Article.

- (3) Such endorsement shall be made by the Department or its duly authorised officer in the State of Sharjah or by a duly authorised officer or agent at any foreign port and each such duly authorised officer or agent is hereby directed and authorised to endorse on the Certificate of Registration whether permanent or provisional of a vessel covered by a registered mortgage registered in his office, particulars of such mortgage is required by sub-Article 2 above.

Clearance shall not be given to the vessel until such endorsement is made.

A certificate of such endorsement giving the place time and description of the endorsement shall be registered with the registration of the mortgage. Where the endorsement is made other than by the Department or its duly authorised officer in the State of Sharjah a certified copy of such certificate shall be promptly furnished to the Department or its duly authorised officer in the State of Sharjah.

- (4) A mortgage which includes property other than a vessel shall not be registered unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a registered mortgage is so providing the portion of such payment shall be endorsed upon the vessel's Certificate of Registration.

-
- (5) If a registered mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a stated portion of the mortgage indebtedness the amount of such portion shall be endorsed upon each respective vessel's Certificate of Registration.

ARTICLE 58

Lien of Registered Mortgage. - A registered mortgage shall constitute a maritime lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel.

ARTICLE 59

Interest on Registered Mortgage. - A registered mortgage may bear such rate of interest as is agreed by the parties thereto.

ARTICLE 60

Priority - Disclosure of Liens: Penalty. - The mortgagor before executing a mortgage intended to be registered shall disclose to the mortgagee in writing the existence of any maritime lien prior mortgage or other obligation or liability upon the vessel to be mortgaged which is known to the mortgagor.

After the execution of such mortgage and before the mortgagee has had a reasonable time in which to record it and have proper endorsements made upon the vessel's

Certificate of Registration, the mortgagor without the consent of the mortgagee, shall not incur any contractual obligation creating a lien upon the vessel other than liens for wages of stevedores when employed directly by the owner operator master ship's husband or agent of the vessel, for wages of the crew of the vessel, for general average or for salvage, including contract salvage, tonnage, taxes and all other charges not to exceed U.A.E. Dirhams 5,000 (five thousand) of the Department levied by itself or its duly authorised officer in respect of the vessel.

Whoever being a mortgagor or the president or principal officer of a corporate mortgagor with intent to defraud violates this section shall be fined not more than U.A.E. Dirhams 10,000 (ten thousand) or imprisoned for a period of not more than two years or both. The mortgage indebtedness shall there-upon become immediately due and payable at the election of the mortgagee.

ARTICLE 61

Certified copies: exhibition. - After registration two certified copies of a registered mortgage shall be delivered to the mortgagor who shall place and use due diligence to obtain one copy on board the mortgaged vessel and cause such copy and the vessel's Certificate or Registration 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 licence of a master who willfully fails to exhibit such documents and mortgage copy may be suspended or revoked.

A certificate of such endorsement giving the time place and description of the endorsement shall be registered with the records of registration of the vessel. Where such certificate of discharge filed with and such endorsement is made by a duly authorised officer outside the State of Sharjah a certified copy of each such document shall be promptly furnished to the Department or its duly authorised officer in the State of Sharjah.

ARTICLE 63

Foreclosure and Default: Jurisdiction and Procedure

- (1) The lien of a registered mortgage may be enforced in the State of Sharjah 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 a suit shall be given by the claimant in such manner as the court directs to the master, other ranking officer or caretaker of the vessel and any person who has registered a notice of claim of the undischarged lien upon the vessel unless after search by the claimant satisfactory to the court such person is not found within the State of Sharjah. Failure to give such notice shall not constitute a jurisdictional defect but the claimant 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 registered mortgage may also be enforced by a suit in rem in admiralty or otherwise in any foreign

country in which the vessel shall be found, pursuant to the procedure of such country for the enforcement of ship mortgages constituting maritime liens on vessels registered under the laws of such country.

- (3) Notwithstanding anything in this Decree the mortgagee may in addition to all other remedies granted in this Decree bring suit in person against the mortgagor in any court of competent jurisdiction for the amount of the outstanding mortgage indebtedness or for any deficiency in the full payment thereof.
- (4) This Decree does not authorise the enforcement by suit in rem in admiralty of the rights of the mortgagee in respect of realty or personality other than vessels charged by the mortgage.

ARTICLE 64

Foreclosures: Priority of Registered Mortgage Lien: Exemption. - Upon the sale of any vessel in a suit in rem in admiralty for the enforcement of a registered mortgage lien, all prior claims on the vessel, including any possessory common law lien shall terminate and shall thereafter attach, in like amount in accordance with their respective priorities to the proceeds of sale; except that the registered mortgage lien shall have priority over all claim against the vessel except liens registered before the registration and endorsement of the registered mortgage as provided in this Decree, liens for damages arising out of tort, for crew's wages, for general average, and for salvage (including contract salvage) and

expenses and fees allowed and costs fixed by the court.

ARTICLE 65

Necessaries: Lien; Enforcement

- (1) Whoever furnishes repairs, supplies, towage, use of dry dock or marine railway, or other necessities, to any foreign or domestic vessel upon the order of the owner or person authorised 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 a vessel at the port of supply is entrusted including any such appointed by a character, owner pro hac vice or agreed purchaser in possession, shall be presumed to have authority from the owner to procure such necessities, but a person tortuously or unlawfully in possession or charge of the vessel shall not have authority to bind it.
- (3) This article 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 necessities was without authority to bind the vessel therefor.

ARTICLE 66

Necessaries; Waiver of Lien. - Nothing in this Decree shall prevent the furnisher of repairs, supplies, towage, use of dry

dock or marine railway, or other necessities or the mortgagee from waiving his right to a lien or in the case of a registered mortgage lien to the preferred status of such lien, at any time by Agreement or otherwise.

Section 4
CARRIAGE OF GOODS BY SEA

ARTICLE 67

Definitions. - When used in this Section:

- (a) the term "carrier" includes the owner or the charterer who enters to a contract of carriage with a shipper;
- (b) the term "contract of carriage" applies only to contracts for 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 any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations, between a carrier and a holder of the same;
- (c) the term "goods" includes goods, wares, merchandise

and articles of every kind whatever 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 the State of Sharjah and ports of all countries other than the Trucial States.

ARTICLE 68

Risks. - Subject to the provisions of Article 72 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 entitled to the rights and immunities herein after set forth.

ARTICLE 69

Responsibilities and Liabilities

- (1) The carrier shall be bound before and at the beginning of the voyage to exercise due diligence to:
 - (a) make the ship seaworthy;

-
- (b) properly man, equip and supply the ship;
 - (c) make the holds refrigerating and cooling chambers, and all other parts of the ship in which goods are carried fit and safe for their reception carriage and prevention.
- (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 as 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 quantity or weight as the case may be, as furnished in writing by the shipper;
 - (c) the apparent order and condition of the goods; provided, that no carrier, master, or agent of the carrier shall be bound to state or show in the bill of

lading any marks, number, quantity or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received or which he has had no reasonable means of checking.

- (4) Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with sub-sections 3(a), (b) and (c) of this article. Nothing in this section 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) 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 the 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.

Such 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 a point survey or inspection.

In any event the carrier and the ship shall be discharge from all liability in respect of loss or damage unless suit is brought within one year after the delivery of the goods or the date when the goods should have been delivered; provided that if a notice of loss or damage either rent or concealed is not given as provided for in this Article that fact shall not affect or prejudice the right of the shipper to bring suit within one year after the delivery of the goods or the date when the goods should have been delivered.

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.

- (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 are shipped and the date or dates of shipment and when so noted the same shall for the purpose of this section be deemed to constitute a "shipped" bill of lading.

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

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

ARTICLE 70

Rights and Immunities

- (1) Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and

supplied, and to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of Article 69 (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 public enemies;
 - (f) arrest or restraint of princes, rulers, or people or seizure under legal process;
 - (g) quarantine restrictions;
 - (h) act or omission of the shipper or owner of the goods; his agent or representative;
 - (i) strikes or lockouts or stoppage or restraint of labour 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;

-
- (i) riots and civil commotions;
 - (k) saving or attempting to save life or property at sea;
 - (l) waste in bulk or weight or any other loss or damage arising from inherent defect, quality or vice of the goods;
 - (m) insufficiency of packing;
 - (n) insufficiency or inadequacy of marks;
 - (o) latent defects not discoverable by due diligence;
 - and
 - (p) 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 under this Decree 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) 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 transportation of goods in an amount exceeding U.A.E. Dirhams 2,500 (two thousand and five hundred) per package or in the case of goods not shipped in packages, per customary freight unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration, if embodied in the bill of lading, shall be prima facie evidence but shall not be conclusive against the carrier.

By agreement between the carrier, master, or agent of the carrier, and the shipper another maximum amount than that mentioned in this paragraph may be fixed; provided that such maximum shall not be less than the figure above named.

In no event shall the carrier be liable for more than the amount of damage actually sustained.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with the transportation of the goods if the nature or value thereof has been knowingly and fraudulently 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.

ARTICLE 71

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 Section, provided that such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of this Article 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 Section. Nothing in this Section shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE 72

Special Conditions. - Notwithstanding the provisions of the preceding Articles 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 (in so far as the stipulations regarding seaworthiness is not contrary to public policy) or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care and discharge of the goods carried by sea; provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect; provided that this section shall not apply to ordinary commercial shipments made in the ordinary course of trade by 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 a reasonably justify a special agreement.

ARTICLE 73

Contract Permitted as to Damages to Goods While not on Ship. - Nothing contained in this Section 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.

ARTICLE 74

Effect of Section. - The provision of this Section shall not affect the rights and obligations of the carrier under provisions of Section 5 of this Decree, or under the provisions of any law of the State of Sharjah for the time being in force, relating to the limitation of the liability of the owners of sea-going vessels.

ARTICLE 75

Discrimination Forbidden as to competing Shippers. - Nothing contained in this Section shall be construed as permitting a common carrier by water to discriminate between competing shippers similarly placed in time and circumstances, either (a) with respect to their right to demand and receive bills of lading subject to the provisions of this Section or (b) when issuing such 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.

ARTICLE 76

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 in 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 Decree the bill of lading shall not be deemed to be prima facie evidence against the carrier of 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.

ARTICLE 77

Scope of Section. - This Section shall apply to all contracts for carriage of goods by sea to or from ports to the State of Sharjah in foreign trade.

Section 5
LIMITATION OF SHIP OWNER'S LIABILITY
ARTICLE 78

No liability for Damage by Fire. - 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 or 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 design or neglect of such owner.

ARTICLE 79

Limitation of Liability for Embezzlement, Loss or Destruction of Goods. - The liability of the owner of any vessel for any embezzlement, loss or destruction by any person, of any property goods or merchandise, shipped or put on board such vessel or for any loss, damage or injury by collision, or for any act, matter or thing, loss damage or forfeiture done, occasioned or incurred without the privity, or knowledge of such owner or owners, shall in no case exceed the amount value or the interest of such owner in such vessel, and her freight then pending.

ARTICLE 80

Proportionate Compensation for Loss. - Whenever such embezzlement, loss or destruction is suffered by several freighters; or owners of goods, wares, merchandise or any property whatsoever, on the same voyage and the whole value of the vessel and her freight for the voyage is not

sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel in proportion to their respective losses; and for that purpose the freighters and owners of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

ARTICLE 81

What Constitutes compliance. - It shall be deemed a sufficient compliance on the part of such owner with the requirements of this Section relating to his liability for any embezzlement, loss or destruction of any property, goods or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimant to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may be legally entitled there to; from and after which transfer all claims and proceedings against the owner shall cease.

ARTICLE 82

Liability of Charterer as Owner. - The Charterer of any vessel, in case he shall man, victual and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Section and such vessel, when so chartered shall be liable in the same manner as if navigated by the owner thereof.

ARTICLE 83

Application of Provisions. - The provisions of the five preceding articles of this Section shall apply to all sea-going vessels and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges and lighters.

Section 6 RADIO

ARTICLE 84

Regulations. - The Department may from time to time make such rules and regulations as may be deemed by it necessary and appropriate for the efficient administration of maritime mobile radio stations.

Section 7 RULES AND REGULATIONS OF NAVIGATION

ARTICLE 85

Regulations for Preventing Collisions. - The Regulations for Preventing Collisions at Sea 1948, as approved by the International Conference on Safety of Life at Sea, 1948, held at London, England from April 23 to June 10, 1948, and such changes therein as in the future shall be made by an International Convention to which the State of Sharjah subscribes, shall be followed by all vessel and seaplanes navigating all harbours, rivers, and inland waters of the State

of Sharjah; and shall be followed by all Sharjah vessels and seaplanes upon the high seas and in all waters connected therewith navigable by sea-going vessels except as provided in Rule 30 of the aforesaid regulations; and the aforesaid regulations shall have effect as if specifically enacted by this Decree and fully set forth herein.

ARTICLE 86

Small Rowing Boats. - The term "small rowing boat" as set forth in Rule 8 of the aforesaid regulations shall be interpreted to include canoes and various nondescript local craft.

ARTICLE 87

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 refused to observe the provisions of this Section shall be liable to a penalty of U.A.E. Dirhams 500 (five hundred) 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.

ARTICLE 88

Penalty for Violations by Vessel. - Every vessel that shall be navigated which fails to comply with the provisions of this Section shall be liable to a penalty of Qatar and Dubai Riyals

1,000 (one thousand) for which sum the vessel so navigated shall be liable and may be seized and proceeded against before any court of competent jurisdiction in the State of Sharjah.

ARTICLE 89

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 in so far as he can do so without serious danger to his own vessel, crew, and passengers (if any) to stand by the other vessel until he has ascertained that it needs no further assistance; to render to the other vessel, and to its master, crew or passengers (if any), such assistance as may be practicable and necessary to save them from any danger caused by the collision; and to report to the master or person in charge of the other vessel the name of his own vessel its port of registry or the port to which it belongs, and the names of the ports from which and to which it is bound. If he fails to do so without reasonable cause for such failure, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

ARTICLE 90

Penalty for Failure to Render Assistance. - Every master or person in charge of a Sharjah vessel or boat, who, without reasonable cause, fails to render assistance or to give information as required by Article 89 above shall be deemed guilty of an offence and shall be liable to a penalty of U.A.E. Dirhams 5,000 (five thousand) or imprisonment for a term not

in any court of competent jurisdiction in the State of Sharjah.

Section 8

WRECKS AND SALVAGE ARTICLE 91

International Agreements as to derelicts. - The Department is hereby authorised with the specific consent in each instance of the Ruler to make international agreements with governments interested for the reporting, marking and removing of dangerous wrecks derelicts and other menaces to navigation in the Arabian Gulf or Indian Ocean outside the coastal waters bordering the State of Sharjah.

ARTICLE 92

International Agreements; Derelicts; Expenses. - The Department with the specific consent of the Ruler in each instance may conclude agreements with interested maritime nations for the maintenance of:

- (a) a service of assistance to vessel's and crews requiring aid within the limits of a patrol to be defined in the agreement concluded;
- (b) a service for the destruction or removal of derelicts in the Arabian Gulf or Indian Ocean, the area in which such service is to be maintained to be determined in such agreements by appropriate latitudinal and longitudinal boundaries;
- (c) The Department subject in each instance as above

stated may include in such agreements a provision for payment to the State of Sharjah by the countries concerned of a proportionate share of the expense for the maintenance of the service named.

ARTICLE 93

Vessels Stranded on Foreign Coasts. - Any duly authorised officer of the Department in countries on whose shores the vessels of the State of Sharjah are stranded shall take proper measures for saving the vessels, their cargoes and appurtenances, storing and saving the vessels, their cargoes and appurtenances, storing and securing the effects and merchandise saved, and taking inventories thereof shall, after payment of the expenses, be delivered to the owners. A duly authorised officer of the Department shall not take possession of any such merchandise or other property, when the master, owner or consignee thereof is present on capable of taking possession of the same. The Department in each instance is hereby authorised to conclude agreements with countries in which the State of Sharjah is not represented by a duly authorised officer or other agent for the purpose of securing the service herein imposed upon the duly authorised officers of the Department in countries to which they are assigned.

ARTICLE 94

Right to Salvage Not Affected by Ownership of Vessel. - The Right to remuneration for assistance of salvage services shall not be affected by common ownership of the vessels

rendering and receiving such assistance or salvage.

ARTICLE 95

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

ARTICLE 96

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.

ARTICLE 97

Recovery for Salvage Services Rendered by Government Vessels. - The Department or its duly authorised officer and the crew of any vessels owned or operated by the State of Sharjah or its agencies or representatives, may collect and sue for salvage services rendered by such vessel and crew. Any salvage monies so recovered and not for the benefit of the crew shall be held to the credit of the Department or Agency having possession or control of the vessel rendering

such service.

ARTICLE 98

Marine Casualties. - In the event of any casualty involving a Sharjah vessel where there is a loss of life or loss for damage to property estimated to be in excess of U.A.E. Dirhams 250,000 (two hundred and fifty thousand) the master shall forward a report thereon to the Department in accordance with such regulations as the Department may make from time to time.

Section 9 MERCHANT SEAMEN

ARTICLE 99

Application

- (1) The right and obligations of every person employed on any ocean going merchant vessel registered under this Decree 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 Section.
- (2) The provisions of this Section 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.

ARTICLE 100

Definitions. - For the purpose of this Section, the following expressions have the meaning hereby to them and for the purpose of this Decree are defined as:

- (a) "master" means any person having command of a vessel;
- (b) "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;
- (c) "crew" means collectively the persons, other than the officers and the Master, serving in any capacity on board a vessel;
- (d) "shipowner" includes the charterer of any vessel where he mans, victuals and navigates such vessel at his own expense or by his own procurement;
- (e) "vessel" means any vessel registered under this Decree;
- (f) "fishing vessel" means a vessel used for catching fish, whales, seals, walrus and other living creatures at sea;
- (g) "foreign trade" means trade between foreign countries or between the State of Sharjah, the Trucial States and foreign countries.

ARTICLE 101

Full Complement Required

A Sharjah 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 or as shall be required by virtue of this Decree.

ARTICLE 102

Officer's Licences

Except when prevented by force majeure, all officers of Sharjah vessels shall obtain licences to fill their relative positions from the Department of its duly authorised officer authorised to issue licences.

ARTICLE 103

Penalty for misuse of Licences or Certificates

Any person who shall receive or shall in his possession any Sharjah licence or certificate of competency of the State of Sharjah issued to officers or crew by the Department or its duly authorised officers, to which he is not lawfully entitled, with intent to use the same unlawfully; or who, without lawful authority, shall alter or change any such certificate or licence by addition interpolation, deletion or erasure, or who shall in any manner transfer or arrange for the transfer of any such licence or certificate or who shall aid or abet the perpetration of any of the foregoing acts, shall, for each offence, be liable to a fine of not more than U.A.E. Dirhams 2,500 (two thousand and five hundred) or imprisonment for not more than one year, or both.

Section 10
RIGHTS AND DUTIES OF THE MASTER OF
A SHARJAH VESSEL

ARTICLE 104

Termination of Employment. - Notwithstanding any contractual provision to the contrary, the ship owner, with or without good cause, may at any time terminate without prior notice the employment of and dismiss the master.

ARTICLE 105

Duties of the Master. - The master shall, among others, have the following duties:

- (a) to enter into shipping articles with seamen as hereinafter provided;
- (b) to maintain discipline on board the vessel and to take all such steps as are necessary and appropriate in connection therewith;
- (c) to assume responsibility for the receipts 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;
- (d) 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;

الأكراه:

المادة (١٧)

لا يعتبر الفعل جرماً اذا ارتكبه الشخص مكرهاً تحت طائلة التهديد وكان يتوقع حين ارتكابه ايّاه، ضمن دائرة المعقول، الموت العاجل أو الأذى البالغ فيما لو لم يرتكبه. ويستثنى من ذلك جرائم القتل والجرائم الأخرى التي تقع ضد السلطة في الأقليم والتي تستوجب عقوبة الإعدام. ويشترط في ذلك أن لا يكون الشخص الذي ارتكب مثل ذلك الفعل قد عرض نفسه لمثل هذا الإكراه بمحض إرادته.

الحالات الاستثنائية الطارئة:

المادة (١٨)

مع مراعاة ما ورد في هذا القانون من أحكام أخرى لا يؤاخذ أى شخص جزائياً على أى عمل قام به في ظروف فجائية أو حالات طارئة فوق العادة اذا كان لا ينتظر، ضمن ما هو معقول، من الإنسان العادي الذي يملك القدرة العادية على تقدير الأمور وضبط النفس، أن يتصرف فيها بخلاف ذلك في نفس الظروف والحالات.

الأسباب المبررة:

المادة (١٩)

لا يعتبر الإنسان مسؤولاً جزائياً عن أى فعل أو ترك اذا كان قد أتى ذلك الفعل أو الترك في أى حال من الأحوال التالي:-
(أ) تنفيذاً للقانون.

(ب) اطاعة لأمر صدر له من مرجع ذي اختصاص يوجب عليه القانون اطاعته الا اذا كان الأمر غير مشروع في ظاهرة، أما كون الأمر مشروعاً أو غير مشروع في ظاهرة فهو مسألة من المسائل القانونية.

أثر الموافقة:

المادة (٢٠)

١- لا يسأل الإنسان عن أى فعل يرتكبه بسبب ما يلحقه هذا الفعل من أذى أو

-
- (e) to assume full responsibility for the navigation of the vessel at all times.
 - (f) to assume full responsibility for the vessel's funds and the disbursement thereof;
 - (g) to see that the vessel's log books are properly and accurately kept;
 - (h) to keep in his custody all of the vessel's documents;
 - (i) to make all reports required by Sharjah laws or Regulations of the State of Sharjah or by the Regulations of any ports at which the vessel may call;
 - (j) to render assistance in the saving of life and property at sea.

ARTICLE 106

Special Powers of Masters

When a vessel is at sea, the master is authorised to:

- (a) marry passengers or other persons aboard;
- (b) issue birth certificates for children born at sea;
- (c) bury persons who have died on board the vessel while at sea.

ARTICLE 107

Certain seamen's Rights Provided for Master. - Except as otherwise provided, the master of a Sharjah vessel shall have the same rights in respect of wages maintenance and care and repatriation as provided in this Decree for seamen.

ARTICLE 108

Wrongful Death. - The personal representative of the master of a Sharjah vessel shall have the same rights in case of the master's wrongful death as provided in this Decree in respect of seamen.

ضروب التأديب:

المادة (٢٢)

يجوز للآباء انزال ضروب التأديب المعقولة بأبنائهم على نحو يبيحه العرف العام لغيات التقويم. وينزل الاشخاص الذين هم بحكم الآباء منزلة الآباء لهذه الغايات. كما يجوز لمدرء المدارس والمعلمين وللأشخاص الموكل اليهم بصورة مشروعة رعاية تلاميذ أو متدربين استعمال ضروب التأديب اللازمة للتقويم والمحافظة على النظام، ضمن المعقول، وعلى النحو الذي يبيحه العرف العام ولكن ليس الى ابعد من ذلك.

مسؤولية الهيئات الاعتبارية جزائيا:

المادة (٢٣)

- ١- يجوز ملاحقة ومحاكمة وادانة ومعاينة الهيئات الاعتبارية سواء لوحدها أو مع أى شخص آخر، كما لو كانت شخصا طبيعيا بأي جرم معاقب عليه بالغرامة حسب نص القانون أو يجوز قانونا المعاقبة عليه بالغرامة بدلا من السجن، وتكون معاقبة الهيئات الاعتبارية بالغرامة.
- ٢- وإيفاء للغايات المقصودة في هذا المادة تشمل عبارة الهيئات الاعتبارية أية شركة وأية جمعية ذات كيان مستقل عن اعضائها.
- ٣- وإيفاء للغايات المقصودة في هذه المادة، ومع مراعاة ما جاء في الفقرة الاولى، تعتبر الهيئة الاعتبارية بأنها قد ارتكبت جرما في الحالات التالية:
 - (أ) اذا ارتكب أى شخص معين أو مفوض بصورة قانونية لتولي سلطات الهيئة الاعتبارية وعلى سبيل ممارسة تلك السلطات جرما أو أجاز ارتكابه أو حرض على ارتكابه أو
 - (ب) اذا أهملت الهيئة الاعتبارية القيام بواجب قانوني، أو أحرزت أو استعملت أو تصرفت بأي مال وكان مثل هذا الإهمال أو الإحراز أو الاستعمال أو التصرف جرما ما لو قام به شخص طبيعي.
- ٤- لا يوجد في هذه المادة بأى حال ما يؤثر على مسؤولية أى شخص منفردا عن أى فعل أو ترك قام به بأي صفة كانت نيابة عن الهيئة الاعتبارية، سواء كان واحدا من الأشخاص الموصوفين في الفقرة (٣) (أ) أعلاه أو كان مستخدما أو وكيلًا عن الهيئة الاعتبارية أو خلاف ذلك.

Section 11
RIGHTS AND DUTIES OF SEAMEN

ARTICLE 109

Shipping Articles required. - Before the master of any Sharjah vessel of 75 not tons or more shall sail from any port, there shall be in force shipping articles (some times referred to as articles) with every seamen 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 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 law.

ARTICLE 110

Penalty for Alteration of Shipping Articles. - If any person fraudulently alters, or makes any false entry in any shipping articles, and if any person aids in committing or procures to be committed any such offence, he shall, in respect of each offence be liable for a fine not exceeding U.A.E. Dirhams 2,500 (two thousand and five hundred).

ARTICLE 111

Penalty for Shipment without Shipping Articles. - If any person shall be carried to sea as an officer or one of the crew on board of 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 offence to a penalty of not more than U.A.E. Dirhams 2,500 (two thousand and five hundred). 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.

ARTICLE 112

Duration and Extension of Shipping Articles:

- (1) shipping articles for the duration of a single voyage terminate as soon as unloading of the cargo is completed at the last port of destination or, if the vessel carries ballast only, upon the arrival at the last port of destination.
- (2) shipping articles for the duration of a round voyage terminator 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 sub-Article 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.

ARTICLE 113

Termination of Shipping Articles. - Where the shipping articles have terminated because of:

- (a) transfer of registration; or
- (b) transfer of ownership; or
- (c) abandonment of vessel; or
- (d) loss of vessel

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

equivalent seagoing employment.

ARTICLE 114

Certificate of Service

- (1) The master shall sign and give to a seaman discharged from his vessel, either on his discharge or on payment of his wages, a certificate of service in a form approved by the Department specifying the period of his service and the time and place of his discharge.
- (2) If any person forges or fraudulently alters any certificate of service, he shall, in respect of each offence, be guilty of an offence.

ARTICLE 115

Minimum Age at Sea

- (1) Children under the age of sixteen years shall not be employed on Sharjah vessels engaged in foreign trade, except on vessels upon which only members of the same family are employed, schoolships or training ships;
- (2) The master shall keep a register of all persons under the age of sixteen years employed on board his vessel, as required by law.

ARTICLE 116

Payment of Wages

- (1) Commencement and Termination. - Wages shall

commence on the day specified and agreed to in the shipping articles or at a time of presence on board the vessel for the purpose of commencing work, which ever 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 ship-owner 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) 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) 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 offence, be liable to a penalty of not more than U.A.E. Dirhams 125 (one hundred and twentyfive).

ARTICLE 117

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.

ARTICLE 118

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 care as herein provided. The master shall discharge him at the first convenient port of call. Nothing in this article shall require a stowaway be signed on shipping articles.

ARTICLE 119

Grounds for Discharge. - The master may discharge a seaman for justifiable cause including any of the following grounds:

- (a) unjustified failure to report on board at such times and dates as may be specified by the master;
- (b) incompetence to perform duties for which the seaman has represented himself as qualified;
- (c) theft, embezzlement or wilful destruction of any part of the vessel, its cargo or stores;
- (d) serious insubordination or wilful disobedience or wilful refusal to perform assigned duties;
- (e) mutiny or desertion;
- (f) habitual intoxication, Quarrelling or fighting;
- (g) possession of dangerous weapons, narcotics or

-
- contraband articles;
- (i) assistance to stowaways;
 - (j) willful violation of the laws of the State of Sharjah or applicable local criminal laws.

ARTICLE 120

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 to make any order or note or other evidence of the indebtedness therefor, to any other person, or to pay to any person for the shipment of any seaman when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the provisions of this Section shall be punished with a fine of not more than U.A.E. Dirhams 250 (two hundred and fifty).
- (2) It shall be lawful for the master and any seaman to agree that an allotment of a portion of the seaman's earning may be payable to a spouse, children, grandchildren, parents, grand parents, brothers or sisters, or to a bank account in the name of the seaman.

ARTICLE 121

Wages and Clothing Exempt from Attachment. - The wages and clothing of a seaman shall not be subject to attachment or arrestment by any court; and any assignment or sale of

wages or of salvage made prior to the accruing thereof shall not bind the seaman, except allotments.

ARTICLE 122

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 masters 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 days paid holidays per year.

ARTICLE 123

Agreement as to Loss of Lien or Right to Wages. - No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the 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.

ARTICLE 124

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.

ARTICLE 125

Wages, Maintenance and Cure for Sick and Injured Seamen

- (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 sixteen weeks commencing from the day of injury or commencement of the sickness;
 - (d) repatriation as provided in Articles 131 and 132

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 Ship owner or his representative shall take adequate measures for safe-guarding property left on board by sick, injured or deceased seamen.
- (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;
 - (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.

ARTICLE 126

Wrongful Death. - 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.

ARTICLE 127

Death on Board. - In the event of the death on board a vessel, an entry shall be made into the vessel's logbook by the master and one of his officers. He shall also report the death to the authorities at the first port of arrival and shall submit a statement signed by him to the Department or its duly authorised officer. The logbook entry and statement shall contain the first and last name, sex, nationality, year and place of birth of the deceased person, the cause of death, place of death (latitude, longitude) date and time of death and the names of next-of-kin, if known and name of the vessel. If the deceased person is a seaman, the entry and statement shall contain, in addition, his rank and rating, place and address of his residence or domicile and the number of his licence with date of issue. 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. Certified copies of statement submitted outside the State of Sharjah shall be furnished by the receiving officer as quickly as possible to the Department or its duly authorised officer in the State of Sharjah.

ARTICLE 128

Issue 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 Article, the Department or its duly authorised officer shall issue a death certificate containing the particulars set forth in the preceding Article.

ARTICLE 129

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 ship owners expense, the ship owner 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.

ARTICLE 130

Working Hours, Overtime. - In relation to members of the crew on a vessel engaged in foreign trade:

- (a) the normal hours of work in port and at sea shall be 8 per day;
- (b) work performed over and above the 8 hours period shall be considered as overtime and shall be compensated for at overtime rates;
- (c) a sufficient number of men shall be employed to promote safety of life at sea and to avoid excessive overtime;

-
- (d) whenever the master of any vessel shall fail to comply with this Article he shall be liable to a penalty not exceeding U.A.E. Dirhams 500 (five hundred).

ARTICLE 131

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 ship owner'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 ship owner or the master.

However, in the event that the seaman's contract period of service has not expired, the ship owner shall have the right to transfer him to another of the ship owner'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 when he is in condition to be repatriated.

ARTICLE 132

Loss of Right of Repatriation. - A seaman shall forfeit his right of repatriation in case of:

- (a) desertion;
- (b) entering into a new agreement with the same owner after his discharge;
- (c) entering into a new agreement with another owner within one week after his discharge;
- (d) criminal offences under Article 135, 137 and 139;
- (e) unjustifiable repudiation of the shipping articles.

ARTICLE 133

Offences Against the Internal Order of the Vessel

- (1) Any seaman on a Sharjah vessel who commits any of the following offences 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 wage or 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 wilful disobedience to any lawful command by being placed in restraint until such intoxication or disobedience shall cease, and by forfeiture from his wages of not more than four days wages;
- (d) for continued intoxication or willful disobedience to any lawful command or continued willful neglect of duty by being placed in restraint until such intoxication, disobedience or neglect shall cease, and by forfeiture, for every 24 hour's continuance of such intoxication, disobedience or neglect, of a sum of not more than 12 day's 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 ship owner, by payment to such master or ship owner 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 month's pay.
- (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 ship owner for any loss or damage resulting from the act for which the forfeiture was imposed, and the balance with an accounting thereof shall thereupon be forwarded to the Department or its duly authorised officer.

ARTICLE 134

Prohibition of Corporal Punishment. - Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and any master who shall violate the provision of this section shall be guilty of an offence.

ARTICLE 135

Drunkenness, Neglect of Duty. - Whoever, being a master, seaman, or other person on any vessel, by willful breach of duty or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel or her cargo, or tending immediately to endanger the life or limb of any person belonging to or on board such vessel, or by willful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such

vessel and her cargo from immediate loss destruction or serious damage or for preserving any person on such vessel from immediate danger to life or limb, shall be subject to a fine of not more than U.A.E. Dirhams 12,500 (twelve thousand and five hundred).

ARTICLE 136

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 ship owner 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 duly authorised officer or if there by no duly authorised officer at the port with the Department.

ARTICLE 137

Incitement of Seamen to Revolt or Mutiny. - Whoever, being of the crew of a Sharjah vessel, endeavours to make a revolt or mutiny on board such vessel, or combines, or conspires 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 officers 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 U.A.E. Dirhams 5,000 (five thousand).

ARTICLE 138

Revolt or Mutiny of Seamen. - Whoever of the crew of a Sharjah vessel, unlawfully and with force, or by fraud or intimidation, usurps the command of such vessel from the master or other lawful officers 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 U.A.E. Dirhams 10,000 (ten thousand) or imprisoned for not more than 10 years or both.

ARTICLE 139

Entry of the Offences in Log-Book. - Upon the commission of any offence, an entry thereof shall be made in the official log-book of the vessel on the day on which the offence 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, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished or the same has been so read over, together with his reply, if

any made by the offender shall likewise be entered and signed in the same manner.

ARTICLE 140

Abandonment of Seamen

(1) Whoever, being master or in charge of a Sharjah vessel, maliciously and without justifiable cause forces any member of the crew of such vessel on shore or 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, shall be fined not more than U.A.E. Dirhams 2,500 (two thousand and five hundred).

ARTICLE 141

Freedom of Association. - Seamen and their employers, without distinction whatsoever, shall have the right to establish and to become members of organizations of their choosing, always subject to the laws of the State of Sharjah.

ARTICLE 142

Protection - Freedom of Association. - It shall be unlawful of any employer, employer organization or labour organization to coerce any seaman in the exercise of his choice whether to establish, become a member of, or participate in, any labour organization, provided that any provision in a labour contract entered into pursuant to Article 144 of this Section shall not be deemed to violate this Article.

ARTICLE 143

Bargaining and Execution of Labour Contract. - It shall be lawful for any employer or employer organization and any labour organization representing seamen to bargain and enter into a labour contract concerning wages and other terms and conditions of employment provided that no labour contract provisions may be contrary to the Laws of Sharjah or deprive the State of Sharjah of any jurisdiction over labour relations.

ARTICLE 144

Provisions authorised in Labour Contract. - It shall be lawful for any employer or employer organization and any labour organization to agree to be bound by any provisions in entering into a labour contract, providing that such provisions are not prohibited by the laws of the State of Sharjah.

ARTICLE 145

Provisions Prohibited in Labour Contracts. - It shall be unlawful for any employer or employer organization or labour organization to attempt to bargain for, or to enter into any Labour contract containing any provision which violates the laws of the State of Sharjah or which prescribes terms or conditions of employment less favourable to seamen than those set forth in this Section or which discriminates as to terms and conditions of employment on the basis of race, colour or creed.

ARTICLE 146

Protection of Labour Contract. - Whenever an employer or employer organization and a labour organization have entered into a labour contract providing that such labour organization shall be sole bargaining representative of seamen pursuant of Article 144 it shall be unlawful:

- (a) for the employer or employer organization to bargain with or enter into a labour contract pertaining to such seamen with any other labour organization; or
- (b) for any other labour organization to attempt to bargain with or enter into a labour 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.

ARTICLE 147

Strikes, Picketing and Like Interference

(1) It shall be unlawful for any person or labour organization subject to this Article to promote or to engage in a strike or picketing or like interference with the internal order or operation of a vessel unless such strikes, picketing or like interference.

- (a) takes place at a port at which the shipping articles terminates; and
- (b) a majority of seamen on the vessel involved have voted by secret ballot that such action be taken; and
- (c) at least thirty days written notice of intention to take

such action has been given to the employer or the master.

- (2) Nothing contained in this Article shall be deemed to permit any strike picketing or like interference with the internal order or operation of a vessel country of the provisions in any existing labour contract.

ARTICLE 148

Conciliation and Mediation of Labour Disputes. - It is declared to be the policy of the State of Sharjah:

- (a) to place the primary responsibility upon employers and employers organizations, and employee and labour organizations for the avoidance of any interruption of foreign or domestic maritime commerce; and
- (b) in the event that a peaceful adjustment of such difference is not accomplished, to provide procedures for assistance, upon application of all parties to any dispute, in the settlement of the causes of any labour dispute without any such interruption.

To this end, upon application of all parties to any dispute the Department are authorised to assist in efforts for conciliation, mediation and final resolution.

Section 12
PERIOD OF LIMITATION

ARTICLE 149

Time Limit

- (1) The following right or action is subject to one year's prescription namely:
- (2) The following rights of action are subject to two year's prescriptions:
 - (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 ship owner against the master for acts committed during the performance of his duties;
 - (c) all other tort claims.
- (3) All other claims are subject to three year's prescription.
- (4) The period of prescription runs from the time when the right of action accrues.

Section 13
RIGHT OF THE DEPARTMENT TO MAKE
RULES
AND REGULATIONS
ARTICLE 150

The Department to make Rules and Regulations. - The Department may make rules and regulations not contrary to the provisions of this Decree relating to conditions and terms of employment, wages, vacations and leave, hours of work, repatriation, minimum age, compensation for sickness, injury or death of master, seamen and seagoing labourers employed on vessels.

ARTICLE 151

The Department to make Rules and Regulations regarding Oil Pollution. - The Department may make rules and regulations not contrary to the provisions of this Decree relating to Prevention of Pollution of the sea by Oil.

ARTICLE 152

The Department to make Rules and Regulations regarding Load Lines. - The Department may make rules and regulations not contrary to the provision of this Decree relating to Load Lines.

Section 14 INTERPRETATION

ARTICLE 153

Prevailing Text. - In the event of any misunderstanding as to the correct interpretation of this Decree or any regulations made hereunder, the English text shall for all purposes be deemed to be the correct text and the provisions thereof construed in accordance therewith.