



Article 91 of the United Nations Convention on the Law of the Sea (UNCLOS), ratified by National Parliament through Resolution 17/2012 of 17 December, gives states the prerogative to determine the conditions on which the attribution of their nationality to ships depends, while establishing that, in doing so, they must ensure that there is a substantial link between them and the ships of their nationality. The rule in Article 91 of UNCLOS, which is closely linked to the principle of freedom of movement on the high seas, is justified, among other reasons, by the fact that the nationality of a ship, which involves the right to fly the corresponding flag, generates international obligations of particular importance for states, namely the obligation to ensure that ships of their nationality meet international requirements and parameters in terms of safety, habitability, seaworthiness and protection of the marine environment. In addition, Article 94 of UNCLOS establishes that States must create and maintain a register of ships to which they attribute their nationality and, consequently, the right to fly their flag.

In this sense, the purpose of this Decree-Law is to define the conditions for granting Timorese nationality to ships and the creation and organisation of the corresponding register. The purpose of the registration procedure is precisely to verify the conditions for granting nationality to ships, so that registration derives nationality and, consequently, the right to fly the Timorese flag.

The Government decrees, under the terms of Article 115(1)(e) and Article 116(d) of the Constitution of the Republic, to be valid as law, the following:

This Decree-Law establishes and regulates the requirements and procedures for granting Timorese nationality to vessels and ships and the consequent right to fly the Timorese flag on them, and also creates and regulates the corresponding register.

This Decree-Law does not apply to vessels and ships used by the Defence Forces or the Security Forces.

For the purposes of this statute, the following definitions shall apply

- a) "Vessel": any device that moves on water, with or without its own propulsion, including those that can only navigate by means of tugboats;
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- a) Commercial;
 - b) Fishing;
 - c) Recreational;
 - d) Tugs;
 - e) Auxiliary.
2. In terms of navigation area, ships are classified as:
- a) "Port", they can sail up to 3 nautical miles from a harbour;
 - b) "Local", they can sail up to 12 nautical miles from the coast;
 - c) "Coastal", they can sail up to 24 nautical miles from the coast;
 - d) "Broad", may sail up to 200 nautical miles from the coast;
 - e) "High Seas", may sail without area limit.
1. The National Directorate of Maritime Transport of the Ministry of Transport and Communications is responsible for registering ships and issuing the documents that prove this, as well as organising and keeping the corresponding archives and databases up to date, acting in coordination with other government departments competent in the matter.
2. Communications and the performance of registration and related acts are carried out through the DNTM, with requests being forwarded, depending on the matter, to the competent entities, which ensure that the acts they carry out are updated permanently and immediately to the DNTM.
3. In the case of a request to register rights, encumbrances or charges, authentic or notarised documents must be presented.
1. Registration shall be carried out and organised on a computer medium that allows the information to be stored securely and permanently, taking into account the division provided for in Article 6.
2. Documents submitted by applicants or obtained by other means shall be filed electronically and on a physical medium.
1. The application to register a ship shall be made on a form made available by the body responsible for registration and must be signed, depending on the case, by the owner, the consort or the legal representative, without prejudice to the right to appoint a proxy, under the terms of the law.
2. The application, failing which it will be rejected, must be accompanied by the following documents:
- a) A document proving the applicant's nationality or, in the case of a commercial company, an up-to-date certificate of its registration;
 - b) Construction certificate, in the case of new ships;

- c) A document proving the acquisition of ownership of the ship or a co-ownership or communal share;
 - d) Tonnage certificate;
 - e) Document proving the call sign;
 - f) Document proving that the registration survey has been carried out;
 - g) In the case of a ship registered in another State or Territory, or in another register that is legally organised in Timor-Leste, a document proving the cancellation of the registration made there.
3. The signature on the application must be notarised, except where the application is submitted by the individual and he/she identifies him/herself by means of an official personal identification document, which shall be certified at the time of submission.
 4. Documents drawn up in a foreign country that are not written in one of the official languages of Timor-Leste are admitted under the terms prescribed by civil law, and the applicant must submit a translation of the document when necessary.
 5. The registration of State vessels shall be subject to the provisions of this statute, but the initial application shall be replaced by a letter from the head of the department to which the vessel belongs.
1. Each ship subject to registration must be given a name, which must be indicated in the application provided for in paragraph 1 of the previous article, without prejudice to the provisions of the following paragraph.
 2. The administrative body responsible for registration must reject names that are likely to be confused with others previously assigned, and may accept those that are distinguished from other existing names by the mere addition of an ordinal or cardinal number only in the case of the same series of ships belonging to the same owner.
 3. Name changes require authorisation from the administrative body responsible for registration.

Registration consists of opening a computer file for each ship, numbered sequentially, in which the entries listed in Annex I, amendments and cancellations, in accordance with Articles 19 and 20, must be entered.

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1. The administrative body responsible for registration must cancel it in the following cases:
 - a) Demolition or dismantling of the ship;
 - b) Loss due to shipwreck;
 - c) Lack of news about the ship for more than two years;
 - d) Use of the ship for a purpose other than that indicated in the register;
 - e) The ship ceases to fulfil the requirements of safety, habitability, seaworthiness and protection of the marine environment on which registration depends;
 - f) Lack, for a period of more than six months, of any licences or administrative authorisations required by law for the exercise of the activities in which the ship is used;
 - g) The shipowner fails to respond to any judicial or administrative summons for a period of more

5. Bareboat charter vessels registered in Timor-Leste are subject to the same regime as vessels belonging to Timorese owners, including, with the necessary adaptations, the provisions of this Decree-Law; they must also fulfil the same requirements in terms of safety, habitability, navigability and protection of the marine environment.
6. The administrative body competent for registration must notify the State whose flag the ship was previously flying under bareboat charter of its temporary registration in Timor-Leste and, as soon as it occurs, of its cancellation.

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In addition to the cases provided for in Article 20 of this Decree-Law, registration must also be cancelled whenever the charter contract ends.

1. Administrative fees, as set out in Annex IV, shall be payable for the registration of a ship.
2. The performance of other acts relating to registration shall give rise to an obligation to pay the administrative fees set out in Annex V.

The government department responsible for transport is responsible for monitoring compliance with the provisions of this Decree-Law, without prejudice to the monitoring powers legally attributed to other entities.

1. Violation of any of the duties imposed in Article 8(4), Article 22(3), (5) and (6), Article 23(2), Article 24(3) and Article 25(1), as well as the prohibition established in Article 28, shall constitute an administrative offence punishable by a fine of between US\$25 and US\$500.
2. If the offence is committed by a legal person, the minimum and maximum amounts of the fines provided for in the previous paragraph shall be increased to US\$500 and US\$20,000 respectively.
3. In addition to the competent services of the government department responsible for transport, the Defence Forces and the Security Forces shall be competent to issue the notice of infringement.
4. The competent department of the government department responsible for transport is responsible for investigating the administrative offence, and the Minister is responsible for the final decision, without prejudice to the possibility of delegating powers.
5. The final decision to impose a fine may be challenged in court.
6. The provisions of the Penal Code and the Code of Criminal Procedure shall apply subsidiarily to administrative offence proceedings.

- 1) Identification of the owner:
 - i) Surname, first name and title;
 - ii) Address;
 - iii) Nationality;
 - iv) Percentage of shares held, if applicable.
- 2) In the case of a legal person:
 - i) Company name;
 - ii) Address of registered office;
 - iii) Percentage of shares held by the legal person.
- 3) Identification of the vessel:
 - a) Commercial vessels
 - i) Name;
 - ii) IMO number and official number;
 - iii) Radio call sign;
 - iv) Previous port of registry;
 - v) Port of Dili;
 - vi) Whether provisional or definitive registration;
 - vii) Propulsion method (e.g. sail, steam, motor or other);
 - viii) Place and year of construction;
 - ix) Name and address of the builder;
 - x) Date the keel was laid;
 - xi) Length in metres;
 - xii) Mouth in metres;
 - xiii) Pier in metres;
 - xiv) Type of ship (e.g. general cargo, oil tanker, passenger ship, bulk carrier);
 - xv) Material used to build the hull;
 - xvi) Gross tonnage;
 - xvii) Net tonnage;
 - xviii) Make and model of engine(s);
 - xix) Total power of the engine(s) in kilowatts.
 - b) Other vessels:
 - i) Name;
 - ii) Official number;
 - iii) Radio call sign;
 - iv) Previous port of registry;
 - v) Harbour letters;
 - vi) Whether it is a definitive or provisional registration;
 - vii) Propulsion method;
 - viii) Place and year of construction;
 - ix) Name of builder;
 - x) Date of entry into service;
 - xi) Length overall;
 - xii) Mouth in metres;

In addition to the information described in the preceding paragraphs, the following information must be included in the register:

- i) Name and address of the owner;
- ii) Name and address of the charterer;
- iii) Name and address of any representatives;
- iv) Registration number;
- v) Original port of registration;
- vi) Date of commencement of the charter period and its expiry date;
- vii) Name by which the ship is known in the main register or a translation of that name.

That the ship has been registered in accordance with the applicable regulations of the Decree-Law

(Ship type)

Issued at:

(Place of issue of the certificate)

Date of issue

(Name and address of the bare boat charterer)

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(Particulars of the

Date of issue

(Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

Remarks:

**ANNEX IV
ADMINISTRATIVE FEES DUE FOR REGISTRATION**

- a. Fixed fee of US\$1,800 dollars;
- b. Variable fee:

Scale	Fee per bracket
Up to 250 TAL	US\$225
From 250 TAL to 2,500 TAL	US\$0.90 per NT
From 2,500 TAL to 10,000 TAL	US\$0.75 per NT
From 10,000 TAL to 20,000 TAL	US\$0.60 per NT
From 20,000 TAL to 30,000 TAL	US\$0.50 per NT
From 30,000 to 40,000 TAL	US\$0.40 per NT
From 40,000 to 50,000 TAL	US\$0.30 per NT
From 50,000 to 60,000 TAL	US\$0.20 per NT
Over 60,000 TAL	US\$0.10 per NT

Where: TAL = Tonne of Net Tonnage

ANNEX V
ADMINISTRATIVE FEES DUE FOR OTHER ACTS

Other Acts	Tax
Issues, duplicates, acknowledgements of certificates and/or other ship's documents (price per certificate or document)	US\$130,00
Change or cancellation of registration	US\$ 250,00
Changing the ship's name	US\$ 100,00