Regulations on the Registration of Ships of China (the PRC)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purposes of strengthening the State's supervision and administration of ships and protecting the lawful rights and interests of all parties involved in ship registration.

Article 2 — The following ships shall be registered in accordance with these Regulations:

(1) ships of Chinese citizens who have their domicile or principal place of business within the territory of the People's Republic of China;

(2) ships of enterprise legal persons established in accordance with the laws of the People's Republic of China whose principal place of business is within the territory of the People's Republic of China; provided that, where foreign capital is contributed to the registered capital of such a legal person, the amount of investment contributed by the Chinese investor shall not be less than 50 percent;

(3) government official ships of the People's Republic of China and ships of public institution legal persons; and

(4) other ships that the harbor superintendency administration of the People's Republic of China deems should be registered.

Military ships, fishing vessels, and sports boats shall be registered in accordance with the provisions of the relevant regulations.

Article 3 — A ship shall acquire the nationality of the People's Republic of China only after registration in accordance with law, and only then may it fly the national flag of the People's Republic of China; without registration, a ship shall not fly the national flag of the People's Republic of China.

Article 4 — A ship shall not have dual nationality. A ship registered in a foreign country shall not acquire the nationality of the People's Republic of China until the nationality of the country of its previous registration has been suspended or deregistered.

Article 5 — The acquisition, transfer, and extinction of the ownership of a ship shall be registered with the ship registration authority; without registration, such matters shall not be effective against third parties.

Where a ship is jointly owned by two or more legal persons or individuals, the joint ownership shall be registered with the ship registration authority; without registration, it shall not be effective against third parties.

Article 6 — The creation, transfer, and extinction of a mortgage on a ship or of a demise charter shall be registered with the ship registration authority; without registration, they shall not be effective against third parties.

Article 7 — Crew members on Chinese ships who are required to hold certificates of competency must hold the corresponding certificates of competency for crew members of the People's Republic of China.

Article 8 — The harbor superintendency administration of the People's Republic of China is the competent authority for ship registration.

The harbor superintendency administration at each port is the authority that specifically implements ship registration (hereinafter referred to as the ship registration authority), and its scope of jurisdiction shall be determined by the harbor superintendency administration of the People's Republic of China.

Article 9 — The port of ship registration shall be the port of registry.

The port of ship registration shall be selected by the shipowner in the vicinity of the shipowner's domicile or principal place of business; however, a shipowner shall not select two or more ports of ship registration.

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Article 10 — A ship shall be permitted to use only one name.

The name of a ship shall be verified and approved by the ship registration authority of the port of registry. The name of a ship shall not duplicate or be homophonous with the name of a ship previously registered.

Article 11 — The ship registration authority shall establish a ship register.

The ship registration authority shall permit interested parties to consult the ship register.

Article 12 — Where a State-owned ship is operated and managed by a legal person with legal person status that is owned by the whole people and authorized by the State, the provisions of these Regulations concerning shipowners shall apply to that legal person.

Chapter II — Registration of Ship Ownership

Article 13 — A shipowner applying for the registration of ship ownership shall present to the ship registration authority of the port of registry documents sufficient to prove his, her, or its lawful identity, and shall provide the originals and copies of the relevant ship technical data and of the documents evidencing the acquisition of ship ownership.

Where registration of ship ownership is applied for in respect of a ship acquired by purchase, the following documents shall be provided:

(1) the invoice for the purchase of the ship or the contract for the sale of the ship together with the delivery documents;

(2) the certificate of deregistration of ship ownership registration issued by the ship registration authority of the previous port of registry; and

(3) documents evidencing that no mortgage has been created, or documents evidencing the mortgagee's consent to the transfer of the mortgaged ship to another person.

Where registration of ship ownership is applied for in respect of a newly built ship, the shipbuilding contract and delivery documents shall be provided. However, where registration of ship ownership is applied for in respect of a ship under construction, only the shipbuilding contract is required; where registration of ship ownership is applied for in respect of a ship built for the owner's own use, documents sufficient to prove the acquisition of ownership shall be provided.

Where registration of ship ownership is applied for in respect of a ship acquired by inheritance, gift, auction in accordance with law, or court judgment, documents evidencing the acquisition of ship ownership that have corresponding legal effect shall be provided.

Article 14 — The ship registration authority of the port of registry shall examine and verify the application for registration of ship ownership; where the application conforms to these Regulations, it shall, within 7 days from the date of receipt of the application, issue a certificate of ship ownership registration to the shipowner, assign a ship registration number, and record the following matters in the ship register:

(1) the name and call sign of the ship;

(2) the port of registry, the registration number, and the registration marks;

(3) the name and address of the shipowner and the name of his, her, or its legal representative;

(4) the manner and date of acquisition of ship ownership;

(5) the date of registration of ship ownership;

(6) the name of the shipbuilder and the date and place of construction;

(7) the value of the ship, the hull material, and the main technical data of the ship;

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(8) the former name of the ship, the previous port of registry, and the date of deregistration or suspension of the previous registration of the ship;

(9) where the ship is jointly owned by several persons, the circumstances of the joint ownership;

(10) where the shipowner does not actually use and control the ship, the name and address of the demise charterer or ship operator and the name of his, her, or its legal representative; and

(11) where a mortgage has been created on the ship, the circumstances of the creation of the mortgage.

Where the application does not conform to these Regulations, the ship registration authority shall notify the shipowner in writing within 7 days from the date of receipt of the application.

Chapter III — Ship Nationality

Article 15 — A shipowner applying for ship nationality shall, in addition to presenting the certificate of ship ownership registration obtained in accordance with these Regulations, present the following documents according to the navigation area of the ship:

(1) for a ship navigating international routes, the shipowner shall, according to the type of the ship, present the following valid ship technical certificates issued by a statutory ship survey institution:

a. the international tonnage measurement certificate;

b. the international ship load line certificate;

c. the cargo ship construction safety certificate;

d. the cargo ship equipment safety certificate;

e. the passenger quota certificate;

f. the passenger ship safety certificate;

g. the cargo ship radiotelegraphy safety certificate;

h. the international oil pollution prevention certificate;

i. the ship navigation safety certificate; and

j. other relevant technical certificates.

(2) for a ship navigating domestically, the shipowner shall, according to the type of the ship, present the ship survey certificate book and other valid ship technical certificates issued by a statutory ship survey institution.

Where a ship with foreign nationality is purchased from abroad, the shipowner, when applying for ship nationality, shall also provide the certificate of deregistration of the original nationality issued by the ship registration authority of the previous port of registry, or a certificate that the original nationality will be deregistered immediately upon re-registration.

For a ship that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall grant approval and issue a certificate of ship nationality.

Article 16 — For a ship for which registration is applied in accordance with Article 13 of these Regulations, the ship registration authority shall, after approval, issue a certificate of ship nationality. The certificate of ship nationality shall be valid for 5 years.

Article 17 — Where a newly built ship is sold abroad, the shipowner shall, with the documents evidencing acquisition of ship ownership and the valid ship technical certificates, apply to the ship registration authority of the place of construction for a provisional certificate of ship nationality.

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Where a newly built ship is purchased from abroad, the shipowner shall, with the documents evidencing acquisition of ship ownership and the valid ship technical certificates, apply to the embassy or consulate of the People's Republic of China abroad for a provisional certificate of ship nationality.

Where a ship is built at another place within the territory and a provisional certificate of ship nationality is required, the shipowner shall, with the shipbuilding contract and delivery documents and the valid ship technical certificates, apply to the ship registration authority of the place of construction for a provisional certificate of ship nationality.

Where a ship is built abroad, the shipowner shall, with the shipbuilding contract and delivery documents and the valid ship technical certificates, apply to the embassy or consulate of the People's Republic of China abroad for a provisional certificate of ship nationality.

Where a ship is chartered in from abroad on bareboat charter terms, the demise charterer shall, with the demise charter and the certificate of suspension or deregistration of the original nationality issued by the ship registration authority of the previous port of registry, or a certificate that the original nationality will be suspended or deregistered immediately upon re-registration, apply to the ship registration authority for a provisional certificate of ship nationality.

For a ship that passes examination and conforms to these Regulations, the ship registration authority or the embassy or consulate of the People's Republic of China abroad shall grant approval and issue a provisional certificate of ship nationality.

Article 18 — The validity period of a provisional certificate of ship nationality shall generally not exceed one year.

For a ship chartered in from abroad on bareboat charter terms, the validity period of the provisional certificate of ship nationality may be determined according to the term of the charter, but shall not exceed 2 years. Where the term of the demise charter exceeds 2 years, the charterer shall, within the validity period of the certificate, apply to the ship registration authority of the port of registry for the renewal of the provisional certificate of ship nationality.

Article 19 — A provisional certificate of ship nationality and a certificate of ship nationality shall have equal legal effect.

Chapter IV — Registration of Ship Mortgage

Article 20 — Where a mortgage is created on a ship of 20 gross tons or more, the mortgagee and the mortgagor shall, with the following documents, apply to the ship registration authority of the port of registry for the registration of the ship mortgage:

(1) a written application signed by both parties;

(2) the certificate of ship ownership registration or the shipbuilding contract; and

(3) the ship mortgage contract.

Where another mortgage has already been created on the ship, the relevant supporting documents shall also be provided.

Where co-owners of a ship create a mortgage on the jointly owned ship, the consenting documents of co-owners holding two-thirds or more of the shares, or of the shares as agreed, shall also be provided.

Article 21 — For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall, within 7 days from the date of receipt of the application, record the circumstances of the mortgagor, the mortgagee, and the ship mortgage, and the date of mortgage registration in the ship register and the certificate of ship ownership registration, and issue a certificate of

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ship mortgage registration to the mortgagee.

Article 22 — Ship mortgage registration shall include the following main matters:

(1) the names and addresses of the mortgagee and the mortgagor;

(2) the name and nationality of the mortgaged ship, and the issuing authority and number of the certificate of ship ownership registration; and

(3) the amount of the secured claim, the interest rate, and the term of repayment.

The ship registration authority shall permit the public to inquire into the registration status of ship mortgages.

Article 23 — When a ship mortgage is transferred, the mortgagee and the transferee shall, with the contract for the transfer of the ship mortgage, apply to the ship registration authority of the port of registry for the registration of the transfer of the mortgage.

For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall record the transferee as the mortgagee in the ship register and the certificate of ship ownership registration, issue a certificate of ship mortgage registration to the transferee, and seal the original certificate of ship mortgage registration.

Before handling the transfer of a ship mortgage, the mortgagee shall notify the mortgagor.

Article 24 — Where two or more mortgages are created on the same ship, the ship registration authority shall carry out registration in the chronological order of the dates of application for mortgage registration, and record the dates of registration in the ship register.

The date of application for registration shall be the date of registration; where applications are filed on the same day, the dates of registration shall be the same.

Chapter V — Registration of Demise Charter

Article 25 — In any of the following circumstances, the lessor and the lessee shall undergo demise charter registration:

(1) a Chinese ship is chartered out to a domestic enterprise on bareboat charter terms;

(2) a Chinese enterprise charters in a foreign ship on bareboat charter terms; or

(3) a Chinese ship is chartered out abroad on bareboat charter terms.

Article 26 — Where a ship is chartered out within the territory, the lessor and the lessee shall, before the commencement of the charter, with the certificate of ship ownership registration, the certificate of ship nationality, and the originals and copies of the demise charter, apply to the ship registration authority of the port of registry for demise charter registration.

For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall record the circumstances of the ship charter separately in the certificate of ship ownership registration and the ship register, and issue one certificate of demise charter registration to each of the lessor and the lessee.

Article 27 — Where a ship is chartered out abroad on bareboat charter terms, the lessor shall, with the documents specified in Article 26 of these Regulations, apply to the ship registration authority of the port of registry for demise charter registration.

For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall suspend or deregister the ship’s nationality in accordance with Article 42 of these Regulations, and issue two copies of the certificate of demise charter registration.

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Article 28 — Where a ship is chartered in from abroad on bareboat charter terms, the lessee shall determine the port of registry by analogy with Article 9 of these Regulations and, before the commencement of the charter, with the following documents, apply to the ship registration authority for demise charter registration:

(1) the originals and copies of the demise charter;

(2) the valid ship technical certificates issued by a statutory ship survey institution; and

(3) the certificate of suspension or deregistration of ship nationality issued by the ship registration authority of the previous port of registry, or a certificate that the ship's nationality will be suspended or deregistered immediately upon re-registration.

For a case that passes examination and conforms to these Regulations, the ship registration authority shall issue a certificate of demise charter registration, issue a provisional certificate of ship nationality in accordance with Article 17 of these Regulations, and record the country of previous registration in the ship register.

Article 29 — Where the term of a demise charter needs to be extended, the lessor and the lessee shall, 15 days before the expiry of the demise charter, with the certificate of demise charter registration and the originals and copies of the renewal contract, apply to the ship registration authority for the registration of the renewal of the charter.

Article 30 — During the term of a demise charter, the lessee shall not apply for registration of a sub-demise charter without the written consent of the lessor.

Chapter VI — Ship Marks and Company Flags

Article 31 — A ship shall bear the following marks:

(1) the ship's name on both sides of the bow and on the stern;

(2) the port of registry below the ship's name on the stern;

(3) the Chinese phonetic alphabet below the ship's name and the port of registry;

(4) the draft marks on both sides of the bow and the stern; and

(5) the load lines on both sides of the midship section.

A ship that, due to its type or size, cannot bear the marks at the positions specified in the preceding paragraph shall bear the ship's name and the port of registry at a conspicuous position on the ship.

Article 32 — A shipowner may apply to the ship registration authority of the port of registry for the registration of the ship's funnel mark and company flag, and shall provide standard design drawings in accordance with provisions.

Article 33 — Ships of the same company shall be permitted to use only one funnel mark and one company flag.

The funnel mark and company flag of a ship shall be examined and approved by the ship registration authority of the port of registry.

The funnel mark and company flag of a ship shall not be identical or similar to the funnel marks and company flags of ships previously registered.

Article 34 — The ship registration authority of the port of registry shall announce the ship funnel marks and company flags that have been approved for registration.

The registered funnel mark and company flag of a ship shall be for the exclusive use of the registration applicant, and other ships or companies shall not use them.

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Chapter VII — Registration of Alteration and Deregistration

Article 35 — Where the registered items of a ship change, the shipowner shall, with the relevant documents of ship registration and the documents evidencing the alteration, go to the ship registration authority of the port of registry to undergo registration of alteration.

Article 36 — Where the port of registry of a ship is changed, the shipowner shall, with the certificate of ship nationality and the documents evidencing the alteration, apply to the ship registration authority of the previous port of registry for the registration of alteration of the port of registry. For a case that passes examination and conforms to these Regulations, the ship registration authority of the previous port of registry shall note the matter in the endorsement column of the certificate of ship nationality and transfer the relevant registration files of the ship to the ship registration authority of the new port of registry, and the shipowner shall then go to the ship registration authority of the new port of registry to undergo registration.

Article 37 — Where the circumstances of joint ownership of a ship change, the shipowner shall, with the certificate of ship ownership registration and the documents evidencing the alteration of the circumstances of joint ownership, go to the ship registration authority of the port of registry to undergo the relevant registration of alteration.

Article 38 — Where a ship mortgage contract is altered, the mortgagee and the mortgagor shall, with the certificate of ship ownership registration, the certificate of ship mortgage registration, and the documents evidencing the alteration of the ship mortgage contract, go to the ship registration authority of the port of registry to undergo registration of alteration.

For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall note the altered matters of the ship mortgage contract in the certificate of ship ownership registration, the certificate of ship mortgage registration, and the ship register.

Article 39 — Where the ownership of a ship is transferred, the original shipowner shall, with the certificate of ship ownership registration, the certificate of ship nationality, and other relevant documents, go to the ship registration authority of the port of registry to undergo deregistration.

For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall deregister the ownership registration of the ship in the ship register and the registrations related thereto, recover the relevant registration certificates, and issue to the shipowner the corresponding certificate of ship deregistration. For a ship sold abroad, the ship registration authority may, according to the specific circumstances, issue a certificate of deregistration of nationality or a certificate that the nationality will be deregistered immediately upon re-registration.

Article 40 — Where a ship is lost (including by dismantling or sinking) or goes missing, the shipowner shall, within 3 months from the date of the loss (including dismantling or sinking) or disappearance of the ship, with the certificate of ship ownership registration, the certificate of ship nationality, and the documents evidencing the loss (including dismantling or sinking) or disappearance of the ship, go to the ship registration authority of the port of registry to undergo deregistration. After examination and verification, the ship registration authority of the port of registry shall deregister the ship in the ship register, recover the relevant registration certificates, and issue to the shipowner a certificate of ship deregistration.

Article 41 — Where a ship mortgage contract is discharged, the mortgagee and the mortgagor shall, with the certificate of ship ownership registration, the certificate of ship mortgage registration, and the document discharging the mortgage contract signed by the mortgagee, go to the ship registration authority of the port of registry to undergo deregistration. For a case that passes examination and conforms to these Regulations, the ship registration authority of the port of registry shall deregister the record of mortgage registration in the certificate of ship ownership registration and the ship register.

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Article 42 — For a ship chartered out abroad on bareboat charter terms, the lessor shall, in addition to undergoing demise charter registration in accordance with Article 27 of these Regulations, undergo registration of the suspension or deregistration of the ship's nationality. The ship registration authority of the port of registry shall seal the original certificate of ship nationality and issue a certificate of suspension or deregistration of ship nationality. Under special circumstances, the ship registration authority of the port of registry may issue a certificate that the ship's nationality will be suspended or deregistered immediately upon re-registration.

Article 43 — Upon the expiry of a demise charter or the termination of the demise charter relationship, the lessor shall, within 15 days from the expiry of the demise charter or the termination of the demise charter relationship, with the certificate of ship ownership registration, the demise charter, or the documents evidencing the termination of the demise charter relationship, go to the ship registration authority of the port of registry to undergo deregistration of the demise charter.

For a ship chartered out abroad on bareboat charter terms, the lessor shall also provide the certificate of deregistration of ship nationality issued by the ship registration authority at the lessee's place, or a certificate that the ship's nationality will be deregistered immediately upon re-registration.

After approval, the ship registration authority of the port of registry shall deregister the record of demise charter registration in the certificate of ship ownership registration and the ship register, and return the original certificate of ship nationality.

Article 44 — For a ship chartered in on bareboat charter terms, the lessee shall, within 15 days from the expiry of the demise charter or the termination of the demise charter relationship, with the demise charter and the documents evidencing the termination of the demise charter relationship, go to the ship registration authority of the port of registry to undergo deregistration.

For a ship chartered in from abroad on bareboat charter terms, the provisional certificate of ship nationality shall also be provided.

After approval, the ship registration authority of the port of registry shall deregister the demise charter registration in the ship register, recover the provisional certificate of ship nationality, and issue a certificate of demise charter deregistration and a certificate of provisional ship nationality deregistration.

Chapter VIII — Renewal and Reissuance of the Certificate of Ship Ownership Registration and the Certificate of Ship Nationality

Article 45 — Within one year before the expiry of the certificate of ship nationality, the shipowner shall, with the certificate of ship nationality and the valid ship technical certificates, go to the ship registration authority of the port of registry to undergo the renewal formalities for the certificate.

Article 46 — Where the certificate of ship ownership registration or the certificate of ship nationality is defaced and cannot be used, the holder shall apply to the ship registration authority of the port of registry for reissuance.

Article 47 — Where the certificate of ship ownership registration or the certificate of ship nationality is lost, the holder shall state the reasons in writing, attach the relevant documents, and apply to the ship registration authority of the port of registry for reissuance.

The ship registration authority of the port of registry shall announce in a local newspaper that the original certificate is void.

Article 48 — Where a shipowner discovers abroad that the certificate of ship nationality is lost or defaced, he or she shall apply to the embassy or consulate of the People's Republic of China abroad for a provisional certificate of ship nationality, but must, promptly after arriving at the first port in the country, apply to the ship registration authority of the port of registry for the renewal of the certificate of ship nationality.

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Chapter IX — Legal Liability

Article 49 — Where a party counterfeits the nationality of the People's Republic of China and navigates flying the national flag of the People's Republic of China, the ship shall be confiscated by the ship registration authority in accordance with law.

Where a Chinese ship counterfeits a foreign nationality and navigates flying a foreign national flag, the preceding paragraph shall apply.

Article 50 — Where a party conceals the facts of registration within or outside the territory, resulting in dual nationality, the ship registration authority of the port of registry shall revoke the certificate of ship nationality and, according to the circumstances, impose the following fines:

(1) for a ship of less than 500 gross tons, a fine of not less than 2,000 yuan but not more than 10,000 yuan;

(2) for a ship of not less than 501 gross tons but not more than 10,000 gross tons, a fine of not less than 10,000 yuan but not more than 50,000 yuan; and

(3) for a ship of more than 10,001 gross tons, a fine of not less than 50,000 yuan but not more than 200,000 yuan.

Article 51 — Where a party, in violation of these Regulations, falls under any of the following circumstances, the ship registration authority of the port of registry may, according to the circumstances, give a warning and, according to the tonnage of the ship, impose a fine of 50 percent of the fine amount specified in Article 50 of these Regulations, and may even confiscate the ship registration certificate:

(1) concealing the true facts or resorting to deception when undergoing registration formalities;

(2) concealing the facts of registration, resulting in duplicate registration; or

(3) forging or altering the ship registration certificate.

Article 52 — Where a party fails to undergo registration of alteration or deregistration in accordance with provisions, or uses an expired certificate of ship nationality or provisional certificate of ship nationality, the ship registration authority of the port of registry shall order it to complete the relevant registration formalities; where the circumstances are serious, a fine of 10 percent of the fine amount specified in Article 50 of these Regulations may be imposed according to the tonnage of the ship.

Article 53 — Where a party, in violation of these Regulations, uses the registered funnel mark or company flag of another ship, the ship registration authority of the port of registry shall order it to rectify; where it refuses to rectify, a fine of 10 percent of the fine amount specified in Article 50 of these Regulations may be imposed according to the tonnage of the ship; where the circumstances are serious, its certificate of ship nationality or provisional certificate of ship nationality may also be revoked.

Article 54 — Where a staff member of the ship registration authority abuses his or her power, engages in malpractice for personal gain, neglects his or her duties, or is seriously derelict, he or she shall be subject to administrative sanctions by his or her employing unit or a higher authority; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 55 — Where a party is dissatisfied with a specific administrative act of the ship registration authority, it may apply for reconsideration or file an administrative lawsuit in accordance with the provisions of the relevant laws and administrative regulations of the State.

Chapter X — Supplementary Provisions

Article 56 — For the purposes of these Regulations, the following terms shall have the following meanings:

(1) "ship" means all types of self-propelled and non-self-propelled vessels and other waterborne mobile devices, except lifeboats and life rafts fitted on ships and boats and rafts of less than 5 meters in length;

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(2) “fishing vessel” means a vessel engaged in fishery production and a vessel belonging to the aquatic products system that serves fishery production; and

(3) “official ship” means a ship used for the purpose of government administration.

Article 57 — Except for official ships, ship registration authorities shall collect ship registration fees in accordance with provisions. The fee collection standards and administrative measures for ship registration fees shall be formulated by the financial department and the price administration department of the State Council jointly with the transport administration department of the State Council.

Article 58 — The forms of the ship register, the certificate of ship nationality, the provisional certificate of ship nationality, the certificate of ship ownership registration, the certificate of ship mortgage registration, the certificate of demise charter registration, the application form, and other certificates shall be uniformly formulated by the harbor superintendency administration of the People’s Republic of China.

Article 59 — These Regulations shall be effective from January 1, 1995.

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