

MONGOLIA



REGULATIONS FOR REGISTRATION OF SHIPS IN THE SHIP REGISTRY OF MONGOLIA

GENERAL ARRANGEMENT OF REGULATIONS

Chapter I – General Provision

- 1.1 Purpose
- 1.2 Name of Port Registry
- 1.3 Enforcement of laws and regulations
- 1.4 Flying the Mongolian Flag

Chapter II – The Port of Ship Registry

- 2.1 Issuance of Certificates and documents
- 2.2 Appointment of Director
- 2.3 Appointment of Registrar and delegation of Power
- 2.4 Maintaining the Office of Port Registry
- 2.5 Authorization given to the Director of Port Registry and Proxy Agent
- 2.6 Immunity of the Director

Chapter III – Registration of Vessels

1. Authority to take declarations

- 3.1 Right to register
- 3.2 Place to make declaration
- 3.3 Vessels not required to register

2. Registration of vessels and issuance of Certificate

- 3.4 Right to issue of Permanent and Preliminary Certificate
- 3.5 Condition in issuing Permanent and Preliminary Certificate
- 3.6 Marking and duties of Surveyor for Carving & Marking Notes
- 3.7 Issuance of Permanent Certificates
- 3.8 Agent to send copy of certificate
- 3.9 Extension of provisional certificate
- 3.10 Payment of tonnage tax

3. Issuance of Bareboat Charter Certificate of Registry

- 3.11 Conditions for Bareboat charter
- 3.12 Payment of annual tax before issuance of bareboat registry certificate
- 3.13 Record of transfer not allowed in Bareboat Charter
- 3.14 Extension of Bareboat Charter
- 3.15 Conditions to Bareboat Charter out a Mongolian Ship
- 3.16 Registering a New building

4. Alteration of vessel

- 3.17 Registering anew after modification
- 3.18 Issuing of new certificate of registry after modification

5. Names, numbers and marks on vessel

- 3.19 Marking of Ship's name and homeport name
- 3.20 Right to issue Official Number to a ship
- 3.21 Marking of Ship's draught
- 3.22 Assigning of Official Number to a Mongolian ship
- 3.23 Changing of ship's name

6. Use of Certificate and voluntary closure of registry

- 3.24 Proper use of the Certificate of Registry
- 3.25 Certificate of Registry not allowed
- 3.26 Lost and replacement of Certificate of Registry
- 3.27 Certified copy of transcript of the ship registry
- 3.28 Application to close a ship registered with the Registry
- 3.29 Closing of a ship registry by the Registrar
- 3.30 Cancellation of a Mongolia ship's Certificate of Registry

7. Transfer of vessel

- 3.31 Transferring of share by a Bill of Sale
- 3.32 Content of a Bill of Sale
- 3.33 Transfer of ownership without a change of flag
- 3.34 Conditions for transferring to another flag
- 3.35 Conditions in Sale and transfer by court order
- 3.36 Conditions of transfer not under the regulations
- 3.37 Transfer is equivalent to the Bill of Sale

CHAPTER IV. Mortgages

- 4.1 Shares in Mongolian ship for security for loan
- 4.2 Recording of Mortgages
- 4.3 Disclosure before Mortgage
- 4.4 Discharge of Mortgage
- 4.5 Mortgage priority
- 4.6 Ownership under Mortgage
- 4.7 Condition in disposing of shares under mortgage
- 4.8 Registered mortgage not affected by bankruptcy
- 4.9 Transferring of registered mortgage
- 4.10 Conditions in transfer of mortgage

CHAPTER V. Survey and safety

- 5.1 Establish safety standards and appointment of survey organizations
- 5.2 All Mongolian ship must be surveyed
- 5.3 Compulsory carriage of safety certificates
- 5.4 Showing of safety certificates to Port officials and inspectors
- 5.5 Right to make regulations for survey issues
- 5.6 Cancellation of certificates
- 5.7 Rules for radio communication
- 5.8 Rules for safety equipment
- 5.9 Duty to comply with the rules
- 5.10 Compliance to collision regulations
- 5.11 Compliance to International Conventions and Regulations
- 5.12 Reporting of defect and deficiency
- 5.13 Report when alteration and modification is being made
- 5.14 Compulsory report of a marine casualty
- 5.15 Reporting on a lost of a vessel
- 5.16 Detention of unsafe ship
- 5.17 Appointment of surveyor to check unsafe ship
- 5.18 Order of detention and appeal

CHAPTER VI. Other

- 6.1 Ensign of Mongolia
- 6.2 Flying of proper colours
- 6.3 No acquisition of ships by the state

CHAPTER I. General Provisions

- 1.1 The purpose of these Regulations made is to regulate relations with regard to the Mongolian ship registration of vessels.
- 1.2 The Mongolian Port of Registry will conduct registry of ships.
- 1.3 All vessels registered in the Port registry will enforce the law of Mongolia, Mongolian conventions of the International Maritime Organization, general maritime rules and regulations, standards that enacted by the Port Registry.
- 1.4 Entitlement for flying Mongolian flag will be given to the ships registered in accordance with this Regulation.

CHAPTER II. The Port of ship registry

- 2.1 The Port of ship registry will register in the Mongolian ship registry vessels and will issue necessary certificates and licences, other documents.
- 2.2 The Director of Port Registry shall be the cabinet member responsible for the transport issues.
- 2.3 The Director of Port Registry may appoint a proxy Agent as Registrar to exercise the powers and perform the duties under this regulation in foreign countries.
- 2.4 There shall be maintained in the office of the Port Registry or the Agent, a central office where there shall be recorded or filed, in properly indexed registers, all documents of the following nature:
 - 2.4.1 certificates of permanent and provisional registry and licences, all documents relating to vessels;
 - 2.4.2 bill of sale and other instruments of conveyance of vessels;
 - 2.4.3 mortgages of vessels;
 - 2.4.4 assignments of mortgages;
 - 2.4.5 all other documents relating to vessels which are entitled to be recorded.
- 2.5 The Director of Port Registry or the proxy Agent is authorized as following:
 - 2.5.1 to issue all such licences, certificates or other documents as are necessary or proper for carrying out the purposes of these Regulations or of any international convention to which Mongolia is or may become a party and to establish such standards, rules and regulations as he deems necessary and appropriate;
 - 2.5.2 to issue Ship Radio Station Licences in respect of radio transmitting apparatus located onboard vessels;

- 2.5.3 to suspend or to revoke any license, certificate, permit or document issued under the provisions of these Regulations, if there violations are considered to have been made of requirements of Port Registry by the vessels registered under these Regulations.
 - 2.5.4 to establish all necessary fees relating to the registration of ships and other fees.
 - 2.5.5 to prescribe and furnish forms of bareboat charter, provisional and permanent Certificates of Registry and other vessel documents; and may prescribe forms of endorsements that may be made on vessel documents.
- 2.6 The Director of Port Registry or the Agent shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default by them in their capacity as Director or Agent.

CHAPTER III. REGISTRATION OF VESSELS

1. Authority to take declarations

- 3.1 Any following person shall make in the prescribed forms a registration written declaration of vessels to the Port Registry declaring the name of the vessel, its net or gross tonnages; the place where built; the year built; the name and residence of the owner.
- 3.1.1 owner of the vessel
 - 3.1.2 part owner
 - 3.1.3 other officer or agent authorized in writing
- 3.2 Any declaration of acknowledgment required to be made under these Regulations shall be made before:
- 3.2.1 the Director or the Deputy Director, or the Agent, or
 - 3.2.2 the Registrar or the Deputy Registrar, or
 - 3.2.3 a Consul of Mongolia, or
 - 3.2.4 a Notary public.
- 3.3 Any vessels belonging to the Mongolian Armed Forces or belongings to the naval, military of any other country and any fishing vessels licensed by the other Appropriate Authority shall not be required to be registered.

2. Registration of vessels and issuance of Certificate

- 3.4 The Director of Port of Registry or Agent shall issue a permanent or provisional Certificate of Registry for the vessel.

- 3.5 Upon receipt of a written application from an owner of a vessel eligible for registration under the provisions of these Regulations (paragraph 3.1) requesting the issuance of a Certificate of Registry for the vessel, the Director of Port Registry or the Agent may issue a permanent Certificate or provisional Certificates of Registry for a period six months for the vessel provided that the issuing officer is satisfied:
- 3.5.1 as to the ownership of the vessel;
 - 3.5.2 that the vessel is in a seaworthy condition;
 - 3.5.3 that the owner has paid to the Port Registry the registration fees due in respect of the vessel;
 - 3.5.4 that the markings of name, official number, net tonnage or tonnages, home port and draft required under Regulation 31, 32, 33 have actually been made;
 - 3.5.5 that a Certificate of measurement has been issued.
- 3.6 The ship surveyor appointed by the Director of Port Registry or the Agent to measure a vessel shall certify, specifying the building of the vessel, length, depth, tonnage or tonnages, and such other particulars usually descriptive of the identity of a vessel, and markings required under paragraphs 3.19, 3.20, 3.21 have actually been made.
- 3.7 The Director of Port Registry will approve the regulations on issuance of provisional or permanent certificate, renewal and replacement of provisional certificate by permanent certificate.
- 3.8 In the event of proxy Agent issuing a provisional certificate the copy of it should be sent to the Director of Port Registry immediately.
- 3.9 Upon receipt of an application from an owner of a vessel requesting to extend the Provisional Certificate, the Director or the Agent may renew a Provisional Certificate of Registry for a period not exceeding six months.
- 3.10 Except as herein otherwise provided, the tonnage tax on vessels shall be due annually on or before the anniversary date of initial registration or registration anew. Upon failure to pay the tonnage tax, the Director or the Agent may invalidate the Certificate of Registry of the vessel.

3. Issuance of Bareboat Charter Certificate of Registry

- 3.11 Anything in these Regulations to the contrary notwithstanding, a Bareboat Charterer of a vessel registered in a foreign registry may, where permitted by that foreign registry, obtain a Bareboat Charter Certificate of Registry for a period of not exceeding two years, on payment of a prescribed fee and upon presentation to the Director or the Agent of the following:
- 3.11.1 a written application;

- 3.11.2 a copy of the charter party in a form satisfactory to the Director or the Agent and certified as true and correct by any person permitted to take declarations and acknowledgment under Regulation 3.2;
 - 3.11.3 proof of ownership, and consent of the registered owner of the vessel;
 - 3.11.4 consent of holders of all mortgages, hypothecation or similar charges against the vessel in the foreign registry;
 - 3.11.5 written consent of the country of registry, or presentation of satisfactory evidence that such consent is not required.
- 3.12 No Bareboat Charter Certificate of Registry shall be issued for a vessel registered under these Regulations unless its annual tonnage tax is paid.
- 3.13 During any period in which a vessel carries a Bareboat Charter Certificate of Registry, at no time shall a document indicating a transfer of ownership be recorded against the vessel in the record books maintained at the office of the Director or the Agent.
- 3.14 Where permitted by the foreign registry, a Bareboat Charter Certificate of Registry may be extended for a period of two years upon filing, prior to the expiration of the current certificate, an application, together with a copy of the charter party, a certificate of ownership and encumbrance or transcript of registry, and the written consent of all mortgages with the Director or the Agent and upon payment of the prescribed fees and taxes.
- 3.15 The Bareboat Charterer of a Mongolian ship may register the vessel in a foreign jurisdiction, where permitted by that jurisdiction, upon obtaining written consent of the Director or the Agent, which may be granted upon presentation of the following:
- 3.15.1 written consent of the owner
 - 3.15.2 written consent of all holders of record of any mortgages or other charges recorded in the office of the Director or the Agent.
- 3.16. In order for the first time to register under Mongolian ship registry a vessel newly built and previously unregistered under any flag, the builder by whom or under whose direction the vessel has been built, shall certify as follows:
- 3.16.1. that it was built by him or under his direction;
 - 3.16.2. the place where built and the time when built;
 - 3.16.3. the person for whom built;
 - 3.16.4. length, breadth, depth, tonnage or tonnages; and
 - 3.16.5. such other particulars as are usually descriptive of identity of a vessel.

4 Alteration of vessel

- 3.17 When a Mongolian ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the Certificate of Registry, the owner shall apply for the vessel to be registered anew.
- 3.18 The Director or the Agent shall on receipt of the application and on production of a certificate from a recognized surveyor stating the particulars of the alteration proceed as in the case of first registry and on the delivery up to him of the existing Certificate of Registry and on the other requisites as to registry being complied with, shall make such registry anew and grant a new Certificate of Registry containing a description of the vessel as altered.

5 Names, numbers and marks on vessel

- 3.19. Every registered vessel shall have her name marked upon each bow and upon the stern. The homeport of the ship 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 background, or in a dark colour on a light background, secured in place and distinctly visible. The smallest letter used shall not be less than one hundred millimetres in height.
- 3.20 The Director or the Agent may prescribe a system of numbering registered vessels. The designated number of each vessel shall be carved deeply or otherwise marked permanently on her main beam.
- 3.21 The draft of every registered vessel shall be marked on each side of her stem and upon the stern post, in metres or in decimetres, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line.
- 3.22 Upon the initial registration of a vessel, the Director or the Agent shall assign to the vessel an official number.
- 3.23 The Director or the Agent may change the name of a Mongolian ship on application of the owner. In the event of change of vessels name by request of ship owner the certificate shall be issued anew. A fee shall be payable by the owners of vessels for securing such changes of name.

6 Use of Certificate and voluntary closure of registry

- 3.24 The Certificate of Registry shall be used only for the lawful navigation of the vessel.
- 3.25 The Certificate of Registry shall not be subject to detention by reason of any title, lien, charge of interest whatsoever had or claimed by any owner, mortgagee or other person to, on or in the vessel.

- 3.26 Where the Certificate of Registry of a Mongolian ship is mislaid, lost or destroyed, the Director or the Agent shall grant a new certificate of registry in lieu of the original certificate.
- 3.27 Any person may, on payment of the prescribed certified fee, apply for a certified copy of transcript of the ship register.
- 3.28 The owner of a Mongolian ship may make a written application to close its registry if there is no:
- 3.28.1 unsatisfied mortgage entered in its register;
 - 3.28.2 unpaid fees under these Regulations with respect to the ship; and
 - 3.28.3 outstanding claims of the master or seamen of the ship in respect of wages which have been notified to the Director or the Agent.
- 3.29 The application shall specify the name of the ship, the intended port and country of registry (if applicable) or otherwise the reason for the closure. On receipt of the application, and is satisfied of the matters mentioned above, the Director or the Agent shall close the registry of the ship and make an entry thereof in the register.(pharagraph 3.28)
- 3.30 The Director or the Agent may cancel a Mongolian ship's Certificate of Registry or any other Certificates held by the vessel or impose such conditions as may be required on the grounds of failure to comply with the requirements of any international convention applicable to Mongolia.

7. Transfer of vessel

- 3.31 A Mongolian ship or any share therein shall be transferred by a bill of sale.
- 3.32 The bill of sale shall be in the prescribed form and shall contain such description of the vessel as is contained in the Certificate of Registry and shall be executed by the transferor in the presence of and be attested by a witness or witnesses.
- 3.33 Where a Mongolian ship or any share therein has been transferred without a change of flag, that vessel shall be registered anew and the Director or the Agent shall proceed as in the case of first registry and on the delivery up to him of the existing Certificate of Registry and on the other requisites as to registry being duly complied with, shall make such registry anew and grant a new Certificate of Registry thereof.
- 3.34 The owner of a Mongolian ship who wishes to transfer the vessel to a foreign registry may do so if there are no claims outstanding against the vessel in Mongolia and on surrender of the Certificate of Registry to the Director or the Agent. The owner shall submit to the Director or the Agent a written application specifying the name of the vessel, the reasons for the proposed transfer, the name and the nationality of the proposed new owner and the name of the country to whose registry transfer is desired.

- 3.35 Where any court, whether under the preceding Regulation or otherwise, orders the sale of any vessel or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that vessel or share, and that person shall thereupon be entitled to transfer the vessel or share in the same manner and to the extent as if he were the registered owner thereof, and the Director or the Agent shall obey the requisition of the same extent as if such person were the registered owner.
- 3.36 Where the property of a Mongolian ship is transmitted to a person on the bankruptcy or death of any registered owner, or by any lawful means other than by a transfer under this regulation:
- 3.36.1 that person shall authenticate the transmission by making and signing a declaration (referred to in this Chapter as a declaration of transmission) identifying the vessel and containing the several statements hereinbefore required to be contained in a bill of sale, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.
- 3.36.2 if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in court of justice as proof of the title of persons claiming under a bankruptcy, and
- 3.36.3 if the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation or an official extract therefrom.
- 3.37 The provision of this Chapter relating to the transfer of Mongolian ship shall apply mutatis mutandis to the transmission of Mongolian ship and the declaration of transmission shall be deemed to have the same effect as a bill of sale.
- 3.38 The High Court may, if it thinks fit (without prejudice to the exercise of any other power of the Court), on the application of any interested person make an order prohibiting for a specified time any dealing with a vessel or any share therein, and the court may make the order on any terms or conditions it thinks just, or may refuse to make the order or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires, and the Director, without being made a party to the proceeding, shall on being served with the order or an official copy thereof, obey the order.

CHAPTER IV. Mortgages

- 4.1 A Mongolian ship or any share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (referred to in this Chapter as a mortgage) shall be in the prescribed form or as near thereto as circumstances permit, and on production of that instrument the Director or the Agent shall record it in the register book.

- 4.2 Mortgages shall be recorded by the Director or the Agent in the order in time in which they are produced to him for that purpose, and the Director or the Agent shall endorse and sign a memorandum on each mortgage stating the date and time of that record.
- 4.3 Before executing any mortgage to be registered under these Regulations, the mortgagor shall disclose in writing to the mortgagee the existence of any maritime lien, prior mortgage, or other liability in respect of the vessel to be mortgaged, which is known to the mortgagor. Where the mortgagor has failed to comply with these Regulations, the mortgage debt shall at the election of the mortgagee become immediately due and payable, notwithstanding anything to the contrary in the mortgage.
- 4.4 Where a registered mortgage is discharged, the Director or the Agent shall, on production of the mortgage, with a receipt for the mortgage money endorsed thereon duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made, the estate if any, which passed to the mortgagee shall vest in the person in whom (having regard to any intervening acts and circumstances) it would have vested, if the mortgage had not been made.
- 4.5 If there are more mortgages than one registered in respect of the same vessel or share, the mortgages shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date and time of the record of each mortgage in the register book and not according to the date of each mortgage itself.
- 4.6 Except as may be necessary for making a mortgaged vessel or share available as a security for the mortgage debt, the mortgagee shall not, by reason of the mortgage, be deemed to be the owner of the vessel or share, nor shall the mortgagor be deemed to have ceased to be the owner thereof.
- 4.7 Every registered mortgagee shall have power absolutely to dispose of the vessel or share in respect of which he is registered, and to give effectual receipts for the purchase money, but where there are more persons than one registered as mortgages of the same vessel or share, a subsequent mortgagee shall not, except under the order of the High Court, sell the vessel or share without the concurrence of every prior mortgagee. Every registered mortgagee shall be entitled to enforce his mortgage by an action in rem in admiralty whenever any sum secured by the mortgage is unpaid when due or otherwise in accordance with the terms of any deed or instrument collateral to the mortgage.
- 4.8 A registered mortgage of a vessel or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the vessel or share in his possession, order or disposition or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

- 4.9 A registered mortgage of a vessel or share may be transferred to any person and the instrument effecting the transfer shall be in the prescribed form or as near thereto as circumstances permit, and on production of such instrument, the Director or the Agent shall record the transfer by entering in the register book the name of the transferee as mortgagee of the vessel or share and shall endorse and sign on the instrument of transfer a memorandum that the transfer has been recorded by him stating the date and time of that record. The person to whom any registered mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.
- 4.10 Where the interest of a mortgagee in a Mongolian ship or any share therein is transmitted on the death or bankruptcy of the mortgagee, or by any lawful means other than by a transfer under these Regulations, the transmission shall be authenticated by the declaration of the person to whom the interest is transmitted. A declaration made under this Regulation shall contain a statement of the manner in which, and the person to whom, the property has been transmitted, and shall be accompanied by the like evidence as is by these Regulations required in the case of a corresponding transmission of the ownership of a Mongolian ship or share therein. The Director or the Agent, on receipt of the declaration and production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the vessel or share.

CHAPTER V. Survey and safety

- 5.1 The Director of Port Registry may from time to time by Order establish standards of seaworthiness required for the registration of vessels and may appoint Classification Societies or others to determined any questions involved.
- 5.2. Every ship unless exempted shall be surveyed or inspected in the manner provided in these Regulations and its implementing regulations.
- 5.3 No ship, which is registered in Mongolia, shall proceed to sea unless the required safety certificates are carried on board.
- 5.4 The master of every Mongolian ship shall produce to the Port Officer at the port from which a clearance for the ship is sought for an international voyage the certificate required by the foregoing provision to be in force when the ship proceeds to sea. A clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.
- 5.5 The Port of Registry may make regulations for the purposes of authorizing any organization for the survey or inspection of Mongolian ships and the issue of any certificate under these Regulations. In the regulations may:
- 5.5.1 specify the surveys or inspections and the issue of certificates or endorsements;

- 5.5.2 provide for the registration of any person belonging to or acting on behalf of any organization as a surveyor for the purposes of surveying or inspecting Mongolian ships; and
- 5.5.3 prescribe the conditions for the registration of any person and the cancellation of the registration of any person.
- 5.6 The Director or the Agent may cancel any certificate or exemption certificate issued by him in respect of any ship if he has reason to believe that the ship or its equipment or any matter to which the certificate or exemption certificate relates no longer complies with the regulations under which the certificate was issued or the conditions (if any) under which the exemption certificate was issued.
- 5.7 The Port of Registry may make rules requiring ships to be provided with a radio installation other than a radio navigational aid and to maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing such qualifications, as may be so prescribed.
- 5.8 The Port of Registry may make rules with respect to all or any of the following matters, namely:
 - 5.8.1 the number, description, and the mode of construction of the boats, life rafts, line-throwing appliances, life-jackets, and lifebuoys to be carried by ships, according to the classes in which the ships are arranged;
 - 5.8.2 the equipment to be carried by any such boats and rafts and the methods to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather;
 - 5.8.3 the quantity, quality and description of buoyant apparatus to be carried on board ships either in addition to or in substitution for boats, life rafts, life-jackets and lifebuoys;
 - 5.8.4 the marking of the boats, life rafts and buoyant apparatus so as to show their dimensions and the number of persons authorized to be carried by them;
 - 5.8.5 the manning of the lifeboats and the qualifications and certificates of lifeboat men;
 - 5.8.6 the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire;
 - 5.8.7 the provision in ships of plans or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire;
 - 5.8.8 the provision in ships of means of making effective distress-signals by day and by night;

- 5.8.9 the examination and maintenance at intervals to be prescribed by the rules of any appliances or equipment required by the rules to be carried;
 - 5.8.10 the training, qualification, certification and discipline of Masters and seamen;
 - 5.8.11 navigation and safety at sea;
 - 5.8.12 carriage of goods by sea;
 - 5.8.13 liability of shipowners;
 - 5.8.14 wreck and salvage;
 - 5.8.15 matters related to shipping which are not expressly mentioned above.
- 5.9 It shall be the duty of the owner and master of every ship, to which the rules for life-saving appliances apply to see that his ship is provided with such of those appliances as are best adapted for securing the safety of her crew and passengers.
- 5.10 All owners, masters or persons in charge of the navigation of vessels shall obey the collision regulations and shall not carry, exhibit or use any other lights or use any other signals, than such as are required by those regulations.
- 5.11 The Port of Registry may in the regulations make provisions to give effect to the provisions of any international convention or agreement concerning or relating to ships, ships' safety, ships' equipment, property or goods carried in ships or persons employed on ships and to which Mongolia is a party. The owner and the master of any ship shall comply with any regulations made under these Regulations and shall ensure that the ship and its equipment and in respect of any matter that is governed by the regulations comply with any such regulations before the ship goes to sea and at all times when the ship is at sea.
- 5.12 Where a material defect or deficiency affecting safety is discovered in a Mongolian ship or its equipment whether the defect or deficiency is due to wear and tear or to accident or to any other cause, the owner or the master of the ship shall report to the Director or the Agent the nature and extent of the defect or deficiency and the probable cause thereof within seven (7) days of its discovery.
- 5.13 Where any material alteration is made to a Mongolian ship or its equipment or the purpose for which the ship is for the time being used is changed, the owner or the master of the ship shall report the nature and extent of the alteration or change to the Director or the Agent within seven (7) days of the alteration or change.
- 5.14 When a ship:

5.14.1 has sustained or caused any accident occasioning loss of life or any serious injury to any person; or

5.14.2 has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery;

5.14.3 has been in a position of great peril, either from the action of some other ship or from danger of wreck or collision; or

5.14.4 has been stranded or wrecked

the owner or the master of the ship shall, within 24 hours of the happening, report the happening to the Director or the Agent.

15.15 If the owner of a Mongolian ship has reason to believe that the ship has been wholly lost; he shall forthwith give notice in writing to the Director or the Agent stating the name of the ship, its description, official number and shall state to the best of his knowledge, the probable cause of the loss.

15.16 Detention of Unsafe ship:

5.16.1 The Director or the Agent may order any ship, which is an unsafe ship or appears to him to be an unsafe ship, to be provisionally detained.

5.16.2 When any ship has been provisionally detained, a notification of the provisional detention of the ship shall be immediately served on the master of the ship, together with a statement of the grounds of detention.

15.17 The Director or the Agent may appoint a competent person to survey the ship and report to him. On receipt of the report, the Director or the Agent may either finally detain the ship or order its release unconditionally or on such conditions as he thinks fit.

15.18 Before the order for final detention is issued, the master of the ship shall be furnished with a copy of the report and he may appeal to the Director or the Agent.

CHAPTER VI. Other

6.1 The Port of Registry shall prescribe an ensign, which shall be the proper National Colours for registered Mongolian ship.

6.2 A Mongolian ship shall hoist the proper national colours on entering or leaving any port.

6.3 Owners of Mongolian ships shall not be compelled under any circumstances, including the event of war or state of emergency in Mongolia, to surrender their respective vessels to the Government of Mongolia for any purposes or reasons.

The regulations have been approved by the Mongolian Government on 8 January 2003.

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