



DECREE LAW

Registration of Vessels and Ships

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.

Thus:

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:

CHAPTER I General Provisions

Article 1 Object

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.

Article 2 Scope

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

Article 3 Definitions

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;
- b) "Ship": means a vessel of any type operating in the marine environment, including traditional type vessels, hydrofoil type vessels, vehicles travelling on an air cushion, submersibles, floating vessels and fixed or floating platforms, and used or likely to be used for the transport of persons and goods.
- c) "Ship under bareboat charter": any ship whose possession, use and control, as well as the right to appoint the master and crew, belongs to the charterer, for a fixed period of time, by virtue of a charter contract;
- d) "Recognised Entity": any entity which, under the terms of the law, is considered suitable to carry out inspections and surveys of ships under the direction of the competent authorities;
- e) "Construction": the manufacture of a ship;
- f) "Modification": reconstruction of a ship or alteration of its main characteristics;
- g) "Construction Certificate": the certificate issued by the builder of a ship containing:
 - i. The tonnage;
 - ii. The identification of who requested the construction of the ship;
 - iii. The identity of the person who took delivery of the ship;
 - iv. The date and place of construction.
- h) "GRT": gross registered tonnage, represents the total internal volume of a vessel, expressed in tonnage (100 cubic feet = 2.83 m³).

Article 4 Registration, nationality of vessels and right to fly the Timorese flag

1. The right to fly the flag of Timor-Leste shall be reserved exclusively for vessels and ships of East Timorese nationality.
2. The Timorese nationality of any vessel and ship depends on its registration under the terms of this Decree-Law.
3. Vessels and ships may not be registered if they do not fulfil the safety, navigability and marine environment protection requirements established by law and by the international treaties to which East Timor is bound.
4. Vessels and ships that are registered or authorised in other States or territories or in other registers legally organised in Timor-Leste may not be registered, nor may vessels flying the flag of another State, without prejudice to the provisions on bareboat chartering.

Article 5 Prohibition on flying another flag

Ships flying Timorese flag are prohibited from flying the flag of any State or Territory.

Article 6 Composition and types of registration

1. The register shall consist of two parts, designated "Part A" and "Part B".

2. Part A shall cover ships subject to compulsory registration and Part B ships subject to optional registration, in accordance with Articles 8 and 9 respectively.

Article 7
Compliance with the law

Whether or not they are covered by the obligation to register, all vessels and ships that are in or circulate in waters under Timor-Leste's jurisdiction shall be subject to compliance with the law and international treaties to which the State of Timor-Leste is bound, specifically with regard to safety, habitability, navigability and protection of the marine environment, as well as the inspection and supervisory powers of the competent authorities.

CHAPTER II
Compulsory registration and optional registration

Article 8
Compulsory registration

1. Vessels intended for navigation on the high seas whose owners are natural persons of Timorese nationality or commercial companies based in Timor-Leste whose capital is held, directly or indirectly, more than fifty per cent by Timorese nationals shall be subject to compulsory registration.
2. Ships that are not intended for navigation on the high seas are exempt from registration, except those dedicated to the transport of passengers in numbers of no less than 5 persons.
3. Ships with a length of 24 metres or more are presumed to be intended for navigation on the high seas.
4. In the case of a ship that is the subject of co-ownership or communion, namely hereditary, there is an obligation to register whenever at least fifty per cent of the consignees are Timorese nationals or commercial companies with the capital structure referred to in paragraph 1.
5. The owner of the vessel, or any of the consorts referred to in the previous paragraph, must apply for registration, under the terms of article 13, within 30 days of the occurrence of the event giving rise to the acquisition of ownership or of the co-ownership or community share.

Article 9
Optional registration

The owners and consignees referred to in paragraph 1 of the previous article may request the registration of vessels intended for navigation beyond the limits of the territorial sea of Timor-Leste, regardless of their size or type.

Article 10
Type

1. In terms of their intended use, ships are classified as:

- 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.

CHAPTER III Organisation and Procedure

Article 11 Competence

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.

Article 12 Computerised supports and archives

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.

Article 13 Application

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.

Article 14

Name of vessel

- 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.

Article 15

Entries in the register

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.

Article 16

Prior inspection

- 1. The registration of any ship depends on proof that a survey has been carried out attesting that it fulfils all the requirements and parameters of the laws in force and of the international treaties to which the State of Timor-Leste is bound, specifically in terms of navigability, habitability, safety and protection of the marine environment.

2. It is the responsibility of the administrative body responsible for registration to carry out the survey provided for in the previous paragraph and issue the document that proves it, and it may use the services of recognised entities for this purpose, under the terms of the law.

Article 17

Rejection

Without prejudice to other cases provided for by law, the application for registration shall be rejected when:

- a) The ship does not fully meet the safety, habitability, working conditions, seaworthiness and marine environment protection requirements established by law or international treaties to which the State of Timor-Leste is bound;
- b) There is a well-founded fear that the ship is intended for the practice of illicit activities;
- c) The ship, given its characteristics, is not suitable for the activity for which it is intended.

Article 18

Certificate of Registry

1. The certificate of registry is the document proving the registration and its contents, which must be issued, according to the model in Annex II for this purpose, by the body competent for the registration itself.
2. The registration certificate must contain the elements identified in Annex II.
3. The owner must ensure that the certificate of registry is kept on board the ship at all times.
4. In the event of the registration certificate being lost or rendered unusable, a duplicate shall be issued, subject to cancellation, at the request of the owner.
5. If there is a change in any of the elements of its contents, the owner must request the administrative body responsible for registration to update the certificate of registry accordingly.
6. When the registration is cancelled, the owner must return the registration certificate to the issuing department.

Article 19

Changing the register

1. Whenever there is a change in the elements or information referred to in the entries provided for in article 15, the shipowner must, within a maximum of thirty days, request the corresponding amendment to the register and the updating of the respective certificate, which he must deliver for this purpose.
2. The rules governing the initial registration shall apply to the amendment of the registration, *mutatis mutandis*.

Article 20

Cancel of Registration

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 than three months;
 - h) Failure to request an amendment to the register when 30 days have elapsed after the deadline set out in Article 19;
 - i) The owner's request, based on a circumstance not foreseen in any of the previous paragraphs;
2. The owner must be notified immediately of the cancellation of the registration.
3. Once notified of the decision to cancel the ship's registration, the owner must immediately deliver the Certificate of Registry to the administrative body competent for registration.

Article 21 **Identification and marking of the vessel**

1. The registered ship shall be identified by all of the following information:
 - a) "Timor-Leste" and the abbreviation "TL";
 - b) Name of the ship;
 - c) Registration number;
 - d) Place of registration;
2. The information referred to in the previous paragraph must be entered on the ship itself, under terms to be determined by ministerial decree of the member of the Government responsible for transport.

CHAPTER IV **Bareboat Chartering**

Article 22 **Registration**

1. When the owners are not East Timorese, commercial vessels taken on bareboat charter by East Timorese or commercial companies based in Timor-Leste whose capital is more than fifty per cent owned directly or indirectly by East Timorese may be temporarily registered under the terms and with the effects established in this Decree-Law.
2. Registration may not be valid for longer than the duration of the charter contract.
3. Vessels under bareboat charter, registered under the terms of this statute, may fly the Timorese flag for the duration of the registration.
4. For the duration of the registration, the ship under bareboat charter is, for all intents and purposes, considered to be of Timorese nationality.

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.

Article 23

Registration requirements and terms

1. The application for registration, to be submitted by the charterer, must be accompanied, in addition to those referred to in Article 13, by the following documents:
 - a) Original or certified copy of the ship's bareboat charter, duly translated into the official language;
 - b) A note describing the advantages and interest for the national economy and for the applicant of registering and temporarily flagging the foreign ship in question;
 - c) Declaration by the shipowner expressly authorising the registration of his ship in Timor-Leste;
 - d) Document authorising registration in Timor-Leste, issued by the competent authority in the country where the ship is registered;
 - e) Document proving the content of the registration, issued by the competent authority of the country where the ship is registered,
 - f) Document proving the existence of mortgages or other liens or encumbrances on the ship, issued by the competent authority in the country where the ship is registered,
 - g) A document proving the applicant's nationality or, in the case of a commercial company, an up-to-date certificate of its registration.
2. Registration shall be carried out under the terms of Article 15 et seq, which shall apply mutatis mutandis.
3. The registration certificate must include, in addition to those referred to in article 18, the following information:
 - a) Name of the owner and place of registration of the ship abroad;
 - b) Name of the charterer;
 - c) Duration of the registration.
4. The provisions of this Decree-Law aimed at the owner shall apply to the charterer, with the necessary adaptations.

Article 24

Sub-chartering

Bareboat subchartering of vessels registered under this Decree-Law is prohibited.

Article 25

Cancel of Registration

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

CHAPTER VII Administrative Fees

Article 26 Administrative Fees

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.

CHAPTER VIII Supervision and penalties

Article 27 Supervisory bodies

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.

Article 28 Administrative offences

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.

CHAPTER IX Final Provisions

Article 29
Entry into Force

This statute shall enter into force on the day following the date of its publication.

Approved by the Council of Ministers on ... of ... 2023.

Publish.

The Prime Minister,

Kay Rala Xanana Gusmão

The Minister of Transport and Communications,

Miguel M.G. Manetelu

Promulgated on ... of ... 2023.

po be Published.

The President of the Republic,

José Ramos Horta

ANNEX I
REGISTRATION INFORMATION

- 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;
 - (xiii) depth in metres;
 - xiv) Type of vessel;
 - xv) Material used to build the hull;
 - xvi) Gross tonnage; Net tonnage;
 - xvii) Total engine power in kilowatts;
 - xviii) Engine make and model.
 - c) Registration of a ship under bareboat charter

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.

ANNEX II
CERTIFICATE OF REGISTRATION

	CERTIFICADO DE REGISTO DE NAVIO Nº <i>Ship Registry Certificate No.</i>	
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Nome da embarcação <i>Name of ship</i>	Distintivo da chamada <i>Call Sign</i>	Porto de registo <i>Port of registry</i>	Comprimento <i>Length</i>	Número de registo ou de OMI <i>Registration number or IMO Number</i>

Arqueação Bruta <i>Gross Tonnage</i>	Arqueação líquida <i>Net Tonnage</i>	Ano de construção <i>Year of build</i>	Boca <i>Breadth</i>	Pontal <i>Depth</i>

Meio de propulsão <i>Method of propulsion</i>	Marca e modelo do motor principal <i>Engine make and model</i>	Potência propulsora em kw <i>Engine power in kilowatts</i>

Nome ou designação e domicílio do(s) proprietário(s):

Full name and address of the owner(s):

Certifica-se:

This is to certify:

Que a embarcação foi registada de acordo com as disposições aplicáveis do Decreto-Lei

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

Tipologia:

(Ship type)

Emitido em:

(Local da emissão do certificado)

Issued at:

(Place of issue of the certificate)

Data da emissão:

(dia/mês/ano)

(Date of issue):

(dd/mm/yy)

.....
(Assinatura do funcionário autorizado a emitir o certificado/ Signature of authorized official issuing the certificate)

(Selo da autoridade que emite o certificado/ Seal or stamp of the issuing authority, as appropriate)

AVERBAMENTOS:

Remarks:

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.....

ANEXO III

CERTIFICADO DE REGISTO DE NAVIO SOB FRETAMENTO EM CASCO NU

	CERTIFICADO DE REGISTO DE NAVIO SOB FRETAMENTO EM CASCO NU N° <i>Bareboat Charter Registration no.</i>	
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Nome da embarcação <i>Name of ship</i>	Distintivo da embarcação em números ou letras <i>Distinctive numbers or letters</i>	Porto de registo <i>Port of registry</i>	Comprimento <i>Length</i>	Número de registo ou número OMI <i>Registration number or IMO Number</i>

Nome ou designação e domicílio do afretador em casco nú:

(Name and address of the bare boat charterer).....

.....
.....
.....
.....

Identificação da Embarcação ou Navio no anterior Registo

(Particulars of the vessel in the previous Registry)

Nome e número de registo anteriores <i>Previous name and registry number.</i>	Anterior porto de registo <i>Previous port of registration</i>
Nome do construtor <i>Name of the builder.</i>	Lugar e ano de construção do navio <i>Place of build and year of building of the ship;</i>
Nome ou designação, domicílio e nacionalidade do(s) proprietário(s) <i>Name, address and the nationality of the owner.</i>	Data de suspensão do anterior registo <i>Date of suspension of the previous registration of the ship;</i>

Descrição das hipotecas e outros ónus que recaem sobre o navio em conformidade com a legislação do anterior registo:

(Particulars of any mortgages or other similar charges upon the ship as stipulated by national laws and regulations)

.....
.....
.....

Certifica-se:

(This is to certify)

Que a embarcação de nacionalidade foi registada em Timor-Leste com base num contrato de fretamento a casco nú, válido até, passando a arvorar temporariamente a bandeira de Timor-Leste de acordo com as disposições aplicáveis do Decreto-Lei.

That the ship with the nationality has been registry under a bareboat charter in accordance with the applicable regulations of the Decree Law and temporary is flying of Timor-Leste flag.

Tipologia:

(Ship type:)

O presente certificado é válido até:

(This certificate is valid until)

Emitido em:

(Local da emissão do certificado/Place of issue of the certificate)

Unofficial translation

Data da emissão:

(Date of issue)

.....
(Assinatura do funcionário autorizado a emitir o certificado)

(Signature of authorized official issuing the certificate)

(Selo da autoridade que emite o certificado)

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

AVERBAMENTOS:

Remarks:

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**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