

Order on the Danish International Register of Shipping

The following shall be laid down pursuant to section 12 of Act no. 408 of 1 July 1988 on the Danish International Register of Shipping:

Part 1

The registration authority and notification for registration

1.-(1) Registration activities concerning the Danish International Register of Shipping shall be carried out by the Registrar of Shipping.

(2) Danish ships, cf. section 1(2) of the Merchant Shipping Act (*søloven*), notified for registration in the Danish International Register of Shipping no later than 30 days after the ship has been completed or - if the ship has been acquired as completed - no later than 30 days after the date of acquisition, shall be exempted from duty of registration in accordance with the Registration of Vessels Act (*lov om skibsregistrering*).

(3) The notification shall be submitted and signed by the owner or owners of the ship; for partnerships and limited partnerships by all liable participants; and for companies and associations which have elected a board of directors by all the board members. However, with regard to companies and associations it will be sufficient that the notification is signed by the persons authorised to sign in the event of sale and mortgage of a ship. Under special circumstances the Registrar of Shipping may further allow that the notification be submitted irrespective of the fact that some signatures are missing.

(4) The Registrar of Shipping may extend the time limit laid down in subsection (2).

2.-(1) Notification of registration of a ship pursuant to the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) shall be submitted to the Register on a special form which can be obtained by contacting the Register. In addition to information about the ship, its name, home port in a Danish port, year of construction, construction number, place of construction, type and operation as well as whether the use and trade of the ship is in accordance with section 4 of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) the notification shall contain information about the owner and be accompanied by the required evidence that the notifier is the owner of the ship cf. section 6.

(2) If the owner is Danish, cf. section 1(2) of the Merchant Shipping Act (*søloven*), for part-owner shipping undertakings the notification shall contain information about the part owners and the size of the shares and election of managing owner. For all companies and associations information shall be given on possible election of board of directors, board of management or corresponding

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**shipowner, and about the rules of the company or association regarding the powers to bind the company in the event of sale or mortgage of ship. With regard to partnerships and limited partnerships the notification shall contain information about the liable participants and about the rules of the partnership regarding the powers to bind the partnership in the event of sale or mortgage of ship. A board of management shall be considered as a corresponding **shipowner, and a separate corresponding **shipowner may therefore not be notified. For limited companies proof shall be provided that they are entered as Danish companies in the register of companies by enclosing a transcript of this register.

(3) In the notification it shall further be stated whether the ship has been notified for registration pursuant to sections 1 and 4 of the Shipping Registration Act (*skibsregistreringsloven*). If this is the case, or if the shipping company is already registered as the owner of a Danish ship, it may be possible to refer in the notification to particulars of the shipping company in previously submitted notification.

(4) If the owner is a foreign company, cf. section 1(2) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*), the notification shall, in addition to information about the owner, contain information about the Danish nationals or companies which meet the condition in section 1(2) of the Merchant Shipping Act, and which have a direct or indirect holding in the foreign company as well as information on the representative appointed by the owner.

(5) The Registrar of Shipping may demand the information stated in the notification to be documented by, for example, submission of transcripts of a public register, minutes of general meetings and board meetings or authorised transcripts of these.

(6) A declaration of nationality criteria may be made on the notification form, cf. section 3.

(7) The name of a ship may only be registered if it is clearly different from other registered Danish ships' names, however a ship which is transferred from or to the Royal Danish Register of Shipping may keep its name. Notification of names may take place when the conditions for registration of ships under construction in the Royal Danish Register of Shipping have been met.

(8) The Registrar of Shipping shall refuse to register ships' names which intrude upon a particular name-giving system used by another shipping company.

3.-(1) Before registration of a ship may take place, it shall also, if the owner is not already registered as the owner of a Danish ship, be proved that the owner or the persons or legal persons who have a direct or indirect holding in the foreign company, cf. section 2(4) meet the nationality criteria stipulated in section 1(2) of the Merchant Shipping Act (*søloven*). This may take place by the said persons, with respect to associations and companies members of the board of directors, contacting the Danish International Register of Shipping and after having presented proof of identity, solemnly signing a declaration of nationality on the notification form or on a special form, and said declaration shall also state the place of birth and date of birth of the signatory. In the event that the person does not appear personally at the Register, the authenticity of the signature and the authority of the signatory shall be confirmed by the Notary Public, by a lawyer or by two attesting

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witnesses. In all circumstances birth certificate or passport of the signatory shall be submitted for presentation.

(2) If there is doubt as to whether the nationality criteria are met, evidence hereof may be required. If the owner has no legal capacity, the consent from the supreme administrative authority (office of the Governor of a county) to the acquisition of the ship or ship's share shall be presented. The Registrar of Shipping may in exceptional circumstances temporarily disregard signatures by some persons on the declarations of nationality, if the other signatories declare that the persons in question meet the criteria referred to in the declaration, and on the basis of the available documentation the criteria are deemed to be met.

(3) If the owner is a foreign company, there shall be proof that Danish nationals or companies deemed to be Danish under the Merchant Shipping Act (*søloven*) have a direct or indirect holding in the foreign company of more than 20 per cent and thus have a significant influence through voting rights or similar, and that they are engaged in shipping as a major activity.

(4) On notification of a managing owner for a part-owner shipping undertaking it shall be proved that the managing owner meets the conditions laid down in section 41(2) of the Merchant Shipping Act (*søloven*), and the managing owner shall, in writing, declare himself willing to undertake the duties and responsibilities.

5.-(1) If the notified Danish owner's place of residence is outside Denmark, the Danish International Register of Shipping may demand that the owner in writing notify to the Register an agent with power of attorney who is a resident in Denmark and who is authorised to act on behalf of the owner in relation to the registration authority and who is responsible for ensuring that the obligations resting with the shipping company under the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) and this Executive Order are met. The agent shall with his signature accept power of attorney. The Registrar of Shipping may demand a similar power of attorney, in cases where it must be presumed that over a longer period of time the registration authority may experience difficulties in contacting the owner due to the owner's position as master or because he has been signed on to the ship.

(2) The representative appointed by the foreign owner, cf. section 2(4), who is to have place of residence in Denmark, shall with his signature accept the duties and responsibilities and shall be responsible for the obligations resting with the shipping company under the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*).

6.-(1) On registration of a newly-built ship, a builder's certificate shall be required from the shipyard which built the ship, containing the necessary data for identification of the ship as well as an attestation that the ship has been built at the cost of the ship owner, and that the property rights to the ship have been transferred to the ship owner.

(2) If a ship has been acquired from outside Denmark, necessary proof of identity that the seller is entitled to have the ship at his disposal shall be required in addition to a document of title for the transferee, normally in the form of a declaration from the foreign registration authority in question that the seller was registered in the foreign shipping register as the owner of said ship, and

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documentation from the foreign registration authority stating that the ship has not been registered in the relevant foreign shipping register or Shipping Construction Register or that it has been or will be deleted on the day it is approved for registration in the shipping registry of another country.

(3) The Registrar of Shipping may, in special circumstances, register a ship even though documentation from the foreign registration authority has been submitted. The registration may only take place, however, provided the country from which the ship has been acquired, or in whose register of shipping or shipping construction register the ship has been registered, has neither acceded to the International Convention of 1967 for the Unification of Certain Rules relating to Maritime Liens and Mortgages nor the International Convention of 1967 relating to Registration of Rights in respect of Vessels under Construction.

(4) If a ship has been acquired from outside Denmark, the liens and mortgages stated in the Certificate of deletion mentioned in subsection (2) or whose existence is confirmed by the mortgagor and which fulfil the conditions in section 259 of the Merchant Shipping Act (*søloven*) shall be transferred to the Danish International Register of Shipping at the same time as the ship is registered. If the ship is transferred from the Royal Danish Register of Shipping, it shall be transferred with all rights and obligations.

(5) If the necessary document of title of the buyer or proof of identity of the seller cannot be obtained, the procedure mentioned in section 59 shall apply under the terms laid down by the provision.

7.-(1) The provisions stipulated in Executive Order no. 318 of 23 December 1957 on registration of funnel marks and office flags for shipping companies shall apply correspondingly for shipping companies registered in the Danish International Register of Shipping.

(2) The shipping companies registered in the Danish International Register of Shipping wishing to use special funnel marks or office flags may notify this to the Registrar of Shipping who shall keep a complete register of notified funnel marks and office flags belonging to the shipping companies registered in Danish registers of shipping.

(3) All the marks and flags registered shall be clearly distinguishable from each other.

(4) When marks and flags have been accepted for registration, the applicant shall have exclusive right to use them.

Part 2

The basis for registration of rights and the performance of registration

8.-(1) The application for registration shall be entered into a log on the same day it is notified to the Danish International Register of Shipping with a brief description of what the notification concerns.

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(2) After the entry in the log, an examination shall be carried out to see whether the ship can be registered and if the information mentioned in sections 2-6 has been submitted.

(3) If the ship cannot be registered according to the information available, the application for registration shall be rejected. If the necessary information has not been submitted, the Registrar of Shipping may stipulate a time limit for rectification.

9. Submission of documents for registration shall take place in the time between 10 am and 2 pm on the days the Register is open. Documents submitted before the deadline for submission shall be entered in the log on the same day, while documents submitted after the deadline for submission shall be entered in the log on the following working day. Documents received after the deadline for submission on a Friday, shall, however, not be entered in the log until the following Monday.

10.-(1) The log shall be kept with consecutive numbers within the calendar year and shall for each day give a list with serial numbers of all documents submitted on the relevant day stating the nature of the document and the ship the document concerns, any amount in the document as well as name and address of the notifier. The log shall also contain a section for remarks.

(2) The registered documents shall be furnished with confirmation of the registration stating the date of registration. The log shall each day be completed at the deadline for submission and signed by the Registrar of Shipping or his proxy.

11.-(1) As a basis for the registration of a right over a ship a document notified for registration shall be required.

(2) Signature and authority of the person issuing the document as well as the correctness of the date shall be confirmed by the Notary Public, by a lawyer or by two attesting witnesses. The occupation and address of the witnesses shall be stated. The signatures shall, if they are not absolutely clear, be repeated in capital letters, by a stamp or typed.

(3) The document shall state the name, home port and call sign of the ship in question. Moreover, the notifier's name and place of residence shall be stated at the top of the first page. On notification of changes to a previously registered document the name and place of residence of the notifier shall be added to the notification. A mortgage document shall state place of residence of the creditor, if this is not generally known, or the place of residence of a proxy who is entitled to accept proclamations and notifications on the behalf of the mortgagee.

(4) The Danish International Register of Shipping may, with binding effect, send all notifications concerning the registration to the notifier.

(5) If more than one right is established on a document, it shall be stated on the document by endorsement, with regard to which rights registration is requested. If this is not the case, the document shall only be registered with regard to the right or rights which the document states as its main right or rights.

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(6) A conditional document may only be registered as a title when the condition is related to specific occurrences of events and facts or to the expiry of a given period of time.

(7) If a conditional conveyance is notified for registration, it shall be expressly stated in the registration endorsement that the conveyance has been registered as conditional. If the seller recognises that the condition is met, it shall, on the registration of this, be stated in the registration endorsement that the conveyance is now final and conclusive.

(8) If it is suspected that a document notified for registration is a forgery or counterfeit, or if otherwise justified, the registered owner of the ship shall be informed hereof immediately.

12.-(1) When a spouse retains possession of an estate, a declaration from the probate court shall be registered stating that the estate has been handed over to the spouse. Similarly, on private administration of an estate the beneficiaries shall be registered as owners of the ship or ship's share of the deceased in accordance with the transcript of the records presented from the probate court. If more than one beneficiary wishes to be registered as owner, or if the beneficiaries wish to take over the ship or ship's share as part owners, either an executor's assent shall be required or a transcript of the records from the probate court with the endorsed declaration of the beneficiaries on the take over of the ship or ship's share, and on the proportion to which they shall be entitled.

(2) In legal proceedings on ships or ship's shares the plaintiff may, when the court before which the case has been brought has made a decision, request a certified copy of the summons. If the case is settled out of court, or if the decision is against the plaintiff and the time limit for appeal is exceeded without appeal, the plaintiff may request the summons to be deleted from the register.

13.-(1) If a ship or a ship's share is sold by forced sale without recourse, and in cases of bankruptcy or public administration involving a ship or ship's share, the probate court or executor shall submit notification of this to the Registrar of Shipping without delay.

(2) The same duty of notification shall rest with the guardian, if a person who owns a ship or a ship's share is declared legally incompetent, or guardianship is ordered, or in the event that a legally incompetent person or a person under guardianship acquires a ship or a ship's share. With regard to a minor, the notification shall also include date of birth.

(3) The notifications mentioned shall be entered in the log and recorded in the remarks section for the section on the ship's page for titles.

(4) For registration of title after forced sale or public administration, a title deed acquired by the purchaser at a forced sale, or a transcript of the bailiff protocol, and an executor's assent shall be required, respectively.

(5) In the event of bankruptcy or public administration involving the Danish nationals or Danish companies referred to in section 1(2) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*), the probate court or the executor shall submit notification of this to the Registrar of Shipping without delay. The same duty of notification shall rest with the bailiff, if the holdings referred to in section 1(2) of this Act are sold by forced sale.

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14.-(1) All documents notified for registration shall be worded in Danish. Builder's certificates, conveyances (bills of sale), mortgages and letters of indemnity shall be worded on the forms approved by the Danish Maritime Authority. The Registrar of Shipping may under exceptional circumstances allow other documents also to be received for registration.

(2) Additions to as well as deletions and corrections in the part of the text for mortgages and letters of indemnity which in the form have been segregated as standard text, may only take place when they have been reproduced under the individual contents of the document.

(3) The notifications mentioned in section 13 from public authorities may be submitted on the forms stipulated in section 13 of Executive Order no. 17 of 26 January 1979 on registration of property.

15.-(1) The Danish International Register of Shipping shall take the necessary duplicates of documents submitted for registration and put them aside in a special file (the ship's file).

(2) Identification papers shall not be registered, however the Registrar of Shipping shall ensure that the necessary identification papers have been presented prior to registration or deletion of the document in the register. It shall be specified on the document and duplicates which identification papers have been presented.

(3) Documents issued by a foreign owner, cf. section 1(2) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*), which are notified for registration shall be enclosed with necessary proof of identity so the signatory will be entitled to sign on behalf of the company.

16.-(1) If a document does not fulfil the conditions laid down in sections 11-15 and 45-48, it shall be rejected from registration and deleted from the log. Rejection may also take place at the notification of the document to the log. The notifier shall be informed about the rejection at the earliest practicable date.

(2) If it is deemed that the deficiency of the document can be rectified, the Registrar of Shipping may, however, stipulate a time limit for rectifying the deficiency or note the deficiency on the document, cf. subsections (3)-(5) and section 49(3).

(3) If a time limit is set for rectifying omissions and deficiencies in a document or the evidence which should follow the document, additions shall be made to the Register proving that the document has been entered in the log. If the omission or deficiency is not rectified before the date set, the addition shall be deleted from the Register and the document shall be deleted from the log. If it is deemed that there has been a violation of the regulations on duty of registration, the required measures to rectify the omission or deficiency shall be enforced, possibly by raising an indictment.

(4) When a document has been registered, this shall be confirmed on the document and the duplicates. If a remark has been notified on a document regarding other documents and the contents of the documents conflict with each other, an addition regarding the remark shall be made in the Register.

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(5) If two conflicting rights to the same ship are notified on the same day, each of the documents shall be registered with a remark on the other document. If both rights notified are documents of title, an addition to the register as mentioned in subsection (3) shall be made as at the same time the title holders are urged to, within a set time limit pursuant to subsection (2), settle their relationship by taking legal proceedings or in some other way. The same shall apply if two conflicting rights to the same ship are notified on the same day to the Danish International Register of Shipping or to the Royal Danish Register of Shipping. If the time limit is exceeded, the addition shall be deleted from the Register, and the documents shall be deleted from the log.

(6) When a document has been registered or rejected, it shall be returned to the notifier who shall also receive requests for rectifying omissions and deficiencies. To extent possible the Registrar of Shipping should already at time of notification verbally urge the notifier to seek for the omission or deficiency to be rectified.

(7) Valid mortgage deeds shall be returned by registered post or in some other way by which the evidence is secured. The same shall apply to notifications which shall be sent to rights holders of a ship pursuant to sections 25(2) and 42(1).

17. In the Danish International Register of Shipping each ship shall have its own page, the ship's page. The pages are arranged alphabetically after the call sign of the ships. In connection to the register an alphabetical file of names shall be kept of the registered ships. The pages in the register shall be divided into three sections for 1) titles, 2) mortgages and 3) rights of use and other rights, and shall include sections for describing the ship and for additions concerning the managing owners of the part-owner shipping undertakings, board of directors of Danish companies and associations, board of management and the provisions regulating the powers to sign on behalf of the company in the event of sale and mortgaging of the ship, the representative of foreign companies and owners of holdings in foreign companies.

18.-(1) In connection with the Danish International Register of Shipping a shipping company register shall be kept where the shipping companies with ships entered in the register are listed with information on which ships each shipping company owns. The ship's page shall be referred to for each ship.

(2) The shipping company register shall be kept as an alphabetical file.

19.-(1) When a section on a ship's page has been filled with writing, an appending page shall be inserted behind the ship's page, and each of the two pages shall clearly refer to the other. If a ship's page has been entirely filled with writing, or if its contents have become unclear, a new page shall be inserted instead, while the page filled with writing shall be filed. On the new page only the registered rights still in force shall be stated, whereas the deleted rights shall be marked by their serial number within the relevant section and with a reference to the old page.

(2) When a ship is deleted from the register, the ship's page shall be removed after it has been given an endorsement on the reason for and the date of deletion from the register and shall be inserted in a special register for deleted ships. After 10 years the pages may be removed from this register and filed in the archives.

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(3) On the ship's page the type of the ship, call sign, measurements and operating power shall be stated as well as a brief presentation of the information mentioned in sections 2, 5 and 6. A document shall be entered on the ship's page with a brief specification of the nature of the document, its issuer and the person to whom it has been issued, the date of entry in the log and, with regard to documents of title, the date of registration. For rights connected to a condition or a time limit, the condition or time limit shall be stated. For leases time conditions shall be stated and for mortgages the amount of the mortgage debt, ranking and place of residence of the mortgage creditors shall be stated. For mortgage deeds rate of interest and terms of repayment shall be stated.

(4) If a ship is transferred from or to another Danish register, the rights and obligations which are still registered shall be transferred to a new page in the same way as the insertion of new pages, cf. subsection (1), and a new call sign shall be allocated.

(5) When deleting a right the data entered on the ship's page shall be crossed out, however in such a way that the contents are still legible.

(6) There shall be made a note of the titles in the remarks section for the 1st section of the ship's page if the title is conditional. Here all documents concerning bankruptcy, legal incapacitation and notifications from the bailiff's court and the probate court on the administration of estates of deceased persons, forced sale and similar shall also be noted.

(7) In the remarks section of the 2nd section of the ship's page changes to or deletion of the document in question shall be noted in addition to remarks.

20. After the registration, a duplicate of the registered document shall be filed in the file created for the ship in question, the ship's file. The files, which are kept in special cabinets in fire-proof rooms, shall have a statement of the ships' call sign and shall be filed in alphabetical order according to the call sign. When an unconditional conveyance has been registered, the duplicate of the conveyance in force hitherto shall be removed from the file and filed in the archives. Duplicates of signed documents shall be filed in the archives as well as duplicates of the receipts. The filed duplicates of documents may be destroyed after five years with the exception of conveyances.

21. If a decision made by the Registrar of Shipping is brought before the Danish High Court pursuant to section 61, an note of this shall be entered in the log and on the ship's page.

Part 3

Changes to registered information

22.-(1) If the owner is Danish, cf. section 2(2), changes within the circle of liable participants of a partnership or a limited partnership, or within the board of directors of a company or association shall be notified in writing to the Register, possibly documented by a partnership agreement, or the minutes of the general meetings, or minutes of meetings of the board of directors, or a authorised transcript this. The notification shall be signed by all participants or members of the board of

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directors, including both departing and incoming participants and members. Furthermore, incoming participants or members of the board of directors shall make a declaration of nationality as referred to in section 3(1). The Registrar of Shipping may in very special circumstances make exemptions from these provisions with regard to some signatures, cf. section 3(2).

(2) Changes within the board of management or regarding the corresponding **shipowner shall be notified by the board of directors of the relevant company or association. The same shall apply to adoption of new provisions regulating the powers to sign on behalf of the company in the event of sale and mortgaging of ship.

(3) If a part-owner shipping undertaking has elected a new managing owner, the part owners shall notify this in writing.

(4) If the owner is a foreign company, the owner shall notify in writing changes in the information which has been notified to the Register pursuant to sections 2(4) and 3(3).

(5) If changes are made regarding type of ship, use, registration measurements, register tonnage or operating power, the shipping company shall notify the change to the Register no later than 30 days after the change took place. The duty of notification shall be considered as completed, provided the change has been notified properly to the Danish Maritime Authority within this time limit.

23.-(1) If a registered ship or ship's share is sold to a Danish buyer, duty of notification of this shall rest with both seller and buyer. The seller shall be obliged to issue a conveyance to the buyer.

(2) If the new owner is not already registered as the owner of a Danish ship or ship's share, a notice of registration shall be given as referred to in section 2, as well as a declaration of nationality as referred to in section 3(1). If this is not the case, the new owner shall, at the same time as submission of the conveyance, state in writing of which Danish ships or ship's shares the owner is already the registered owner.

24.-(1) Any change in the information notified to the Register pursuant to sections 2-5 shall be notified to the Register no later than 30 days after the change has taken effect. The Registrar of Shipping may extend this time limit.

(2) A person who through conditional title acquires rights to the ship shall be deemed the owner in relation to the public.

(3) Transfer to private administration of an estate shall be deemed a change in title. The same shall apply for retention of undivided possession of an estate with regard to ships of which the deceased spouse was the registered owner.

(4) Commencement of bankruptcy proceedings and public administration shall not be deemed changes in title, but the probate court (executor) shall submit notification of this to the Register without delay cf. section 13.

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25.-(1) A new name and home port may not be stated on the ship before the change has been registered and the amendment has been made in the certificate of nationality.

(2) When changing names the Danish International Register of Shipping shall submit notification of this to the holders of mortgages.

Part 4

Public access to registration etc.

26.-(1) The log, the register of ships, the register of shipping companies and the ship's files may not be loaned out, but shall be available to the public under necessary supervision.

(2) The Registrar of Shipping may on request issue authorised transcripts of the ship's pages and of the document duplicates in the ship's files. Entries to the ship's page regarding notified but not yet registered documents concerning the ship shall be stated in the transcripts from the ship's pages.

(3) If rights are stated on the ship's page after a ship's deletion from the register, transcripts from the ship's page shall expressly state that these rights have not lapsed and certificates concerning the deletion may not be issued without giving information about the existence and contents of these rights.

27.-(1) At the beginning and in the middle of each month an announcement of the registrations carried out in the past half month containing information about the registered ships' names, home port, call sign, type etc. shall be inserted in the Danish Official Gazette as well as ownership, changes in the data mentioned and on deletion of ships from the Danish International Register of Shipping. On the publication of ownership change where the title is conditional, a note of this shall be made.

(2) Furthermore, the registered mortgaging of ships or ship's share shall be published with the ship's name, home port and call sign, the size of the mortgaged share, name of debtor and mortgagee and the size of the amount of the mortgage debt.

Part 5

Certificates of nationality

28.-(1) A registered ship or a ship which pursuant to section 1(2), cf. section 2, has been notified for registration may not operate without being furnished with a certificate of nationality.

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(2) When a ship has been registered and the necessary information about the ship's tonnage and operating power is available, a certificate of nationality for the ship shall be issued by the Danish International Register of Shipping. The certificate, which for example shall include the ship's registration measures, gross and net register tonnage or gross and net tonnage, type, name, home port, call sign, operation power, owner, the owner's representative and master, shall be prepared on a form approved by the Danish Maritime Authority. The certificate may be obtained from the Register or sent for delivery through a district customs house or a Danish international representation.

(3) Before a certificate of nationality is delivered, the following shall be ensured:

the call sign given to the ship are marked clearly and indelibly on the ship, either inside the trailing edge of a hatch, or in the machinery casing, or on another conspicuous place within the ship's permanent construction, and

the ship's name and home port are stated on the stern, or if this is not possible, in an appropriate place as close to the stern as possible. The ship's name shall also be placed on each side of the ship. The name shall be painted in Latin letters in a light colour on a dark ground or vice versa and normally with the name above home port. If the name consists of two or more words, there shall be a blank priority between each word of no less than the width of a letter. The letters shall have such size and form that they are easily legible. The height shall be no less than eight cm and the thickness of the line no less than 1.2 cm.

(4) If the ship was furnished with a temporary certificate of nationality, this certificate shall be revoked at the same time as the final certificate of nationality is released.

29.-(1) When a ship has been built or purchased outside Denmark and is taken over in a foreign port, the Danish international representation may issue a temporary certificate of nationality for the ship which entitles the ship, to fly the Danish flag until it arrives at a Danish port, notwithstanding that it has not yet been registered in the Danish International Register of Shipping, however no longer than for an appropriate period determined by the representation and which shall not exceed 1 year from the date of issue. Under very special circumstances the Registrar of Shipping may extend the validity of a temporary certificate of nationality beyond one year from the date of issue.

(2) Before issuing a temporary certificate of nationality the representation shall demand the following to be presented:

- a) confirmation that the transferee either fulfils the nationality conditions stated in section 1(2) of the Merchant Shipping Act (*søloven*) or section 1(2) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) and the transferee's declaration that the use and trade of the ship are in accordance with section 4 of this Act,
- b) the original builder's certificate or conveyance by which the ship was acquired furnished with a certificate from a Notary Public or other similar authority about the correctness of the signature and the authority of the signatory and, if necessary, about the signatory's right to place an obligation on the seller,

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- c) a certificate from relevant foreign registration authority stating that the ship has not been admitted to the foreign register of shipping, or that the ship has been or will be deleted from this register. In the latter case the certificate shall further show that the seller of the ship was properly registered as the owner of the ship, and
- d) if the owner fulfils section 1(2) of the Merchant Shipping Act (*søloven*), documentation that the ship has not been admitted to the Royal Danish Register of Shipping.

(3) If the evidence mentioned in subsection (2), a)-d) cannot be presented, or the representation is doubtful as to whether the existing legal transaction aims at an actual transfer of property, the case shall be presented to the Registrar of Shipping before a temporary certificate of nationality can be issued.

(4) Furthermore before the temporary certificate of nationality may be issued, the representation shall, in writing or telegraphically, obtain information from the Danish International Register of Shipping about which call sign has been allocated to the ship and if the name desired for the ship can be approved.

(5) The representation may be authorised by the Danish International Register of Shipping to issue a temporary certificate of nationality when the ship has been registered or when the evidence required for registration is available in the Register.

(6) The temporary certificate of nationality prepared on one of the forms approved by the Danish Maritime Authority shall, among other things, include information on the type of the ship, name, home port, call sign, tonnages (where possible on the basis of existing certificate of tonnage or measurements already carried out), owner, the owner's representative and master as well as the validity period of the certificate.

(7) After use, the evidence mentioned in subsection (2), a), b) and c) shall be handed over to the owner of the ship or his representative with order to submit the evidence to the Danish International Register of Shipping together with the other necessary registration evidence as soon as possible. As soon as the temporary certificate of nationality has been issued, a duplicate of this and authorised duplicates of the evidence mentioned above shall be submitted by the usual official channels to the Danish International Register of Shipping.

30. A certificate of nationality filled with writing or damaged may, on request, be exchanged with a new certificate. A new certificate of nationality may also be issued when the former certificate is lost according to a declaration from the shipping company. The declaration shall include a statement with detailed description of the circumstances of the disappearance of the certificate of nationality, and the shipping company shall undertake to return the certificate immediately if it should reappear.

31.-(1) If there are changes with regard to the matters relating to a ship which pursuant to section 28(2) shall be stated in the certificate of nationality, the Register shall issue a new certificate if necessary or shall call for the certificate of nationality in force for correction. The Registrar of Shipping may, however, where warranted by exceptional circumstances ask the Danish Maritime Authority or a Danish international representation to carry out individual, less significant

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corrections in a certificate of nationality. The shipping company shall be obliged to submit the certificate or assist where necessary so that the certificate can be submitted.

(2) Exchange of certificates of nationality shall primarily be used in matters regarding change of the ship's name or other significant specifications regarding the ship, if the former certificate of nationality due to the correction will become unclear, or if, for example, due to the ship's trade outside Denmark it would be inappropriate to require the former certificate of nationality submitted for correction. In the latter case, if the Register becomes aware that the ship will arrive at a specific port where Danish international representation is found, the Register may instead instruct this representation in carrying out the necessary changes in the ship's certificate of nationality. The shipping company and the master shall grant the necessary assistance in carrying out the correction of the certificate of nationality.

32.-(1) When a ship is deleted from the Danish International Register of Shipping, its certificate of nationality shall be submitted to the Register or a written statement about the reason why the certificate cannot be submitted. If the ship has been deleted from the Register pursuant to section 39(1), (2) and (4), the call sign showing that the ship is Danish shall be deleted and the Danish customs authorities and Danish ship inspection authority or Danish international representation shall be contacted so the deletion may be recorded and reported to the Register.

(2) If a ship pursuant to sections 6 and 11(3) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) is transferred from or to the Royal Danish Register of Shipping, the ship's former call sign shall be deleted and the Registrar of Shipping shall allocate new call sign.

33.-(1) If, after a review of the evidence received, the Registrar of Shipping finds that the ship must be rejected for registration, or if the shipping company fails to procure evidence necessary for the ship's registration within the time limits stipulated by the Registrar of Shipping, the validity of the temporary certificate of nationality shall cease and be revoked by the Registrar of Shipping. The shipping company shall, at the request of the Registrar of Shipping, be obliged to hand over the certificate.

(2) When the ship has been registered and the necessary information on tonnage and operation power for issuing the final certificate of nationality exists, the temporary certificate of nationality shall be exchanged to the final certificate.

(3) When a ship furnished with a certificate of nationality prepared by the Danish international representation arrives at a Danish port, the relevant district customs house shall revoke the certificate and submit it to the Danish International Register of Shipping. Departure from the port in question may subsequently not take place before the ship has been furnished with the final certificate of nationality or with a temporary certificate of nationality issued by the Registrar of Shipping pursuant to section 35.

34.-(1) All certificates of nationality shall contain information on the master's name and the nature of and the date of the issue of his Certificate of Competency. Endorsement hereof may be granted

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by the Danish International Register of Shipping, the Danish Maritime Authority, a district customs house or a Danish international representation.

(2) The certificate of nationality shall be stored on board and shall be produced at the request of the authorities.

(3) Additions to or endorsements on a certificate of nationality may only be carried out by the Danish authorities mentioned in subsection (1).

35.-(1) A temporary certificate of nationality may be prepared by the Danish International Register of Shipping in the following circumstances:

- a) for a Danish ship not yet registered, when it has been completed at a Danish shipyard, or when, after being purchased outside Denmark and furnished with a temporary certificate of nationality issued by the Danish international representation, it has arrived in a Danish port. It shall be a precondition for the issuance that the ship has been notified for registration, that an estimate of the evidence available presents adequate basis for the ship fulfilling the conditions for registration, and that the circumstance that the ship has not yet been able to be registered is not attributable to gross neglect on the part of shipping company. A temporary certificate of nationality shall be issued for one voyage at a time, and generally only for a Danish port or a nearby foreign port;
- b) for a registered ship when its certificate of nationality is not on board. The temporary certificate of nationality shall be issued for one voyage at a time, generally only for a Danish port or nearby foreign port, or according to the circumstances in a specified shorter period.

Under exceptional circumstances the Registrar of Shipping may in certain cases ask the Danish Maritime Authority to prepare a temporary certificate of nationality on his behalf as stated under a) and b).

(2) The district customs houses may issue a temporary certificate of nationality for a newly built ship at a Danish shipyard for sea trials.

(3) The Registrar of Shipping may revoke temporary certificates of nationality in cases of unauthorised use.

36.-(1) The mandatory marking of ships under section 28 and 29 with name, home port and call sign as well as changes in this shall be carried out as soon as possible after the registration, irrespective of whether the ship is in trade, and shall, no later than 30 days after this, be presented to the authorities. Within the same time limit a statutory certificate on marking shall, on demand, be submitted to the Danish International Register of Shipping. Issuance of the certificate of nationality may not take place until the marking has been approved.

(2) The certificate of nationality provides evidence of the identity of the ship in connection with cutting details into the ship.

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37. The district customs houses or the Danish Maritime Authority shall inspect that the name and home port and that the call sign allocated are marked as directed and maintained properly, and shall report the Danish International Register of Shipping if shortcomings notified are not rectified.

38. The owner of the ship shall ensure that the marking mentioned is maintained properly, and that the marking is not deleted, changed, made unidentifiable or hidden. Moreover, names may not be painted on the ships other than the ones under which they are registered.

Part 6

Deletion of ships from the Danish International Register of Shipping

39.-(1) A ship shall be deleted from the Danish International Register of Shipping if the owner no longer fulfils the nationality conditions in section 1(2) of the Merchant Shipping Act (*søloven*) or if the conditions in section 1(2) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) are no longer met, cf., however, section 42(3) of this Executive Order.

(2) In addition, a ship shall be deleted if the ship is transferred or becomes the property of someone who does not fulfil the nationality conditions stipulated in section 1(2) of the Merchant Shipping Act (*søloven*), cf., however, section 42(3) of this Executive Order, unless the conditions stipulated in section 1(2) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) are fulfilled and the transferee requests in writing that the ship shall continue to be registered.

(3) Ships shall also be deleted which are scrapped, wrecked, lost or declared irreparable by appointed surveyors and valuers, by an approved classification society or in some other way similar to these, cf. however, section 42(3).

(4) Moreover, the Registrar of Shipping may delete ships which do not comply with the conditions concerning area of trade and use in section 4 of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*), cf. however, section 42(3) of this Executive Order. If the owner is Danish, the Registrar of Shipping shall transfer the ship to the Royal Danish Register of Shipping with all rights and obligations.

(5) A ship which is sold by forced sale outside Denmark to someone who cannot be considered a Danish owner pursuant to the Merchant Shipping Act (*søloven*), may only be deleted from the Danish International Register of Shipping if, on the date of the sale, the ship is situated in the state in which the forced sale takes place and on the condition that the sale is in accordance with the legislation of the state in question and the International Convention of 1967 for the Unification of Certain Rules relating to Maritime Liens and Mortgages, cf. however, section 42(3).

40.-(1) The owner of the ship, with regard part-owner shipping undertakings and partnerships and limited partnerships the part owners and liable participants and with regard to companies and

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associations the board of directors, shall be responsible for submitting a written notification to the Register of all circumstances which lead to or may lead to deletion of the ship immediately after the owner becomes acquainted with such circumstances. If a ship is lost, notification for deletion shall be submitted on the date the insurance amount pursuant to section 71 of the Insurance Contract Act (*forsikringsaftaleloven*) is eligible for payment.

(2) On sale of a ship to a foreign buyer the notification shall be submitted on a special form enclosed with the conveyance by which the ship is sold.

(3) Notification pertaining to a sinking of a ship shall be submitted on a special form and shall include a description of the particulars of the sinking. If the notification does not include the necessary information, a transcript of a testimony may be required to supplement the notification.

(4) A notification of scrapping shall be furnished with a certificate from a district customs house or the Danish Maritime Authority or similar foreign authority on completion of the scrapping.

(5) Notification of condemnation shall be accompanied by a transcript of the condemnation activity or other confirmation of the legal performance of the condemnation.

41.-(1) In connection with deletion, the right to allow the ship to sail under Danish flag and the right in the ship's name shall be lost, cf. however, section 2(7) and section 39(4).

(2) The right in the ship's name may, however, at the request of the owner be reserved for a period of three years from the date of deletion, unless the ship is transferred to the Royal Danish Register of Shipping.

(3) The Registrar of Shipping may extend the deletion if the circumstances which may result in deletion, cf. section 39(1), (2), and (4), can be expected to be corrected, or if there are reasonable prospects that the ship may make way be salvaged or repaired before the time limit stipulated by the Registrar of Shipping lapses.

42.-(1) Deletion from the Danish International Register of Shipping shall not take place before notification of this has been sent by the Registrar of Shipping to the holders of the notified rights and a period of 30 days has passed from issue of the notification unless the notified rights holders give written consent to deletion or it has been documented that the rights have lapsed.

(2) Deletion may, however, not take place if there is information that a notified rights holder has taken legal steps to exercise his rights over the ship, unless the legal proceedings do not continue without undue delay or the final decision refuses continuance of prosecution.

(3) Neither may deletion take place if there are registered liens or mortgages on the ship, unless the holders of the registered liens or mortgages provide written consent for deletion. Instead, the circumstances giving rise to deletion shall be noted on the ship's page and after this no rights in the ship may be registered. The right to allow the ship to sail under Danish flag and the right in the ship's name are lost. The ship's certificate of nationality shall be delivered to the Register.

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(4) The provisions in subsections (1), (2), and (3) shall not apply to transfer to the Royal Danish Register of Shipping. On transfer to the Royal Danish Register of Shipping a notification of this shall be sent to the holders of the rights notified. The ship's certificate of nationality shall be delivered to the Register.

(5) If a ship is notified for deletion from the Danish International Register of Shipping in order to be transferred to a foreign register, and if the conditions for deletion of the ship are met, the Register shall, on request, issue a declaration that the ship has been deleted or will be deleted on the same day it is documented that the ship has been registered in the foreign register, however no later than 30 days from the issue of the declaration. If such a declaration is issued, rights may no longer be notified for registration.

(6) If rights are stated on the ship's page in the Register, certification of deletion of the ship shall include information on the contents of these rights.

43. A ship shall not be deleted from the Danish International Register of Shipping if it is remeasured and set at a gross register tonnage of less than 20 tons/a gross tonnage less than 20.

Part 7

Registration of rights

44.-(1) Rights to the ships registered on the Danish International Register of Shipping shall be registered in order to obtain protection for agreements regarding the ship and against legal proceedings.

(2) The right, which is to defeat an unregistered right, shall be registered itself and the transferee under an agreement shall be in good faith.

(3) If the holder of a registered right in a ship is or becomes legally incompetent, this shall be registered in order to make the declaration of legal incompetence apply to agreements concerning the ship which are entered into in good faith with the legally incompetent person. A similar regulation shall apply for guardianship.

45.-(1) In order for a document to be registered, its contents shall involve stipulating, establishing, amending or cancelling a property right, a mortgage, a right of use or a right which restricts the owner's ability to act in one or more specified ways.

(2) When a mortgage deed, which is a negotiable instrument, has been registered, transfer of the mortgage need not be registered.

46. Maritime liens and rights of retention may not be registered and without registration have the legal status stated in the Merchant Shipping Act.

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47. Registration of arrest, execution, judgment or any other public judicial act regarding a ship shall require that the notifier submit a declaration from the authority which has carried out said act or a transcript of its records, and the act shall relate to the person who, according to the Register, is authorised to have charge over the ship or the ship's share.

48.-(1) The contents of a document, which is requested to be registered, shall be final. For letters of indemnity, however, it shall be enough to state a largest amount for the debt.

(2) Any private document regarding a registered ship shall appear as issued by the person who, according to the register, or for mortgages according to assignment, is authorised to have the right, or as issued with said person's consent.

49.-(1) The registration shall be carried out in accordance with the regulations referred to in sections 8-20, 26 and 27, cf. however the following provisions.

(2) If a document does not fulfil the conditions for registration laid down in sections 11-15 and 45-48, it shall be rejected.

(3) If there is an omission, which it is considered can be rectified, the Registrar of Shipping may, however, stipulate a time limit for provision of the necessary evidence required for registration so that the document will only be rejected on the expiry of this time limit.

(4) If a document has not stated the entitled mortgagee's priority position, or if this has been stated in a manner which contradicts the Register, or if there are minor inconsistencies between the contents of the document and the evidence submitted, a remark to this effect shall be notified and the contents of the remark shall be entered in the Register.

50.-(1) Deletion of registered rights may be carried out provided there is written consent from the person who is entered in the Register as so entitled, or provided there is evidence that the right has lapsed according to its contents or by order of the court or other court decision.

(2) Deletion of mortgage deeds, which are negotiable instruments, shall require submission of the mortgage deed duly receipted, proof for cancellation, or cessation according to a decision of the courts. Mortgage deeds to the Treasury and the lending institutions established by the state may, however, at the discretion of the Registrar of Shipping, be deleted against signature by the person entitled according to the Register.

51. Deletion pursuant to section 50 shall be done by crossing out the entry in the Register, however in such a way that the original contents are still legible. The duplicates of the registered documents shall be removed from the ship's file.

52.-(1) In the absence of any other decision, the legal effect of the registration shall be counted from the day the document is notified to the Danish International Register of Shipping.

(2) Documents notified on the same day shall be considered as notified at the same time for registration purposes.

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(3) Rights and obligations which are transferred from a foreign register and from or to the Royal Danish Register of Shipping pursuant to sections 6 and 11(3) of the Act on the Danish International Shipping Register (*lov om dansk internationalt skibsregister*) and section 6(4) of this Executive Order shall retain the legal status they had before the transfer.

53.-(1) When a document has been registered in the Register, no challenge to the document's validity may be made to an acquirer according to registered agreements acting in good faith. The same shall apply for any acquirer according to assignment of a mortgage deed which is a negotiable instrument.

(2) A challenge to such an acquirer acting in good faith that the document is a forgery or counterfeit or that its issue has been procured unlawfully through physical force or threat of immediate use of such, or the issuer of the document was legally incompetent shall, however, be retained.

(3) The regulations in subsections (1) and (2) shall not apply with regard to rights transferred from foreign registers pursuant to the regulation in section 6(4).

Part 8

Mortgages etc.

54.-(1) In the absence of other agreements, a registered right in a ship shall include machinery, boilers, motors, radio equipment, echo sounders, instruments and other accessories which are procured at the cost of the owner for installation on the ship, even in the event they are temporarily detached from the ship.

(2) Special rights may not be established or reserved in the components of a ship or the accessories mentioned.

55.-(1) If a registered mortgage on a ship ceases in part or in full or if it turns out not to have been validly established, notwithstanding any agreement to the contrary with a subordinated mortgagee or others, the owner shall be entitled to possess, either immediately or later, the resulting available priority with a new mortgage unless the owner relinquishes this right when the mortgage lapses or later. If the mortgage is deleted without the owner exploiting his right to possess the available priority with a new mortgage, on request it shall be noted in the Register that the previous mortgage is now accorded to the owner. If the note is not made, the subordinated parties entitled shall move up in the available priority. In the event of a forced sale, available priority shall fall to the other parties holding rights in the ship. The same shall apply if the ship is sold by a bankruptcy or estate in which the heirs disclaim liability, by some other means than a forced sale.

(2) Similar regulations shall apply to priority reserved by the owner to establish mortgages at a later date.

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(3) It shall, however, be possible in a subordinated mortgage deed to decide validly that the mortgage according to this mortgage deed moves up as a priority mortgage is repaid or when this priority mortgage right is completely realised at a specific date stated in advance. In these circumstances, a reduction in the amount to be repaid or any other suspension of repayment of the loan may not be agreed without the consent of the subordinate mortgagee. A postponement of the payment of instalments by the priority mortgagee may not mean that the capital of the subordinate mortgagee becomes due, whereas the subordinate mortgagee may in such case demand that the amount due be paid as repayment of the debt. In the event that more than one subordinate mortgagee applies this right, the repayment shall fall to the mortgagee with the best priority.

56.-(1) If the mortgage deed stipulates that the principal amount and the debt outstanding be adjusted in line with a specific index (index-linked mortgage deeds), notwithstanding section 55(3), 1st clause in a subordinated mortgage deed it may be decided validly that the mortgage according to this move up as the index-linked mortgage is repaid or discharged in accordance with the time schedule stipulated in the mortgage deed.

(2) Section 55(3), 2nd-4th clauses shall apply correspondingly.

57.-(1) If an available priority in the ranking is taken over by an index-linked mortgage deed and if the index adjustments mean that the mortgage exceeds the available priority, the surplus part of the mortgage shall rank after all the subordinated and equal rights holders in the ship at the date the index-linked mortgage deed was established. The owner may, however, reserve another specific available priority to expand the index-linked mortgage.

(2) The subordinated rights holders in subsection (1), 1st clause which pursuant to section 55(3) or section 56 have a right to move up after a previously higher-ranked mortgage shall move up after registration of the index-linked mortgage to the extent they are entitled according to the contents of the previous mortgage. The part of the index-linked mortgage which is then displaced from the higher-ranked mortgage priority shall have the same priority as the surplus parts of the mortgage pursuant to subsection (1).

(3) If an available priority in the ranking is taken over by an index-linked mortgage deed, the subordinated or equal rights holders mentioned in subsection (1), 1st clause who do not receive full cover from the bid given in a forced sale may demand the ship to be sold by open outcry on new terms that the index adjustment shall be disregarded in the future. The index adjustment may not, however, be disregarded to the extent that extension of the index-linked mortgage could fill priorities which are reserved for such extension in priority to the rights holders previously mentioned and which have been covered by the auction bid. The 1st clause shall not apply if the index adjustment stipulated cannot allow the mortgage to exceed the priority available.

(4) Subsections (1)-(3) shall not apply in relation to the subordinated or equal rights holders mentioned in subsection (1), 1st clause who have given consent for the index-linked mortgage deed to take over the available priority.

58.-(1) A mortgagee may not, after giving the debtor an extension of the time for payment of interest or similar, retain his mortgage to these in priority to the subordinated or equal mortgagees

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for more than one year from the due date. If a mortgagee is entitled to a higher interest rate or other special payment in connection with late payment, such entitlement shall also rank behind other mortgagees' rights. These regulations shall not, however, apply to letters of indemnity.

(2) A mortgagee may not, without the consent of those, after him, subordinated or equal rights holders in the ship, enter into an agreement with the debtor for a longer period in which the mortgage may not be terminated by the debtor than was originally agreed when the subordinated or equal rights were established. Neither may a mortgagee enter into an agreement with the debtor on a higher rate of interest than that which applied on this date, without the consent of the previously mentioned rights holders such that the annual rate of interest exceeds six per cent.

(3) Other changes in the terms of the mortgage or its effect need not have the consent of the previously mentioned rights holders. Decisions to the contrary shall be void.

Part 9

Preclusion etc.

59.-(1) If it is claimed that a right in a ship which has been registered in or notified to the Danish International Register of Shipping has been established, amended or cancelled, and said claim can be rendered probable but not proved, the Registrar of Shipping may, possibly against collateralisation, summon the persons who may have an interest in opposing the registration or deletion.

(2) The summons shall be as one insert in the Danish Official Gazette in an edition published on the first working day of a month. Notice shall be no less than four weeks from the announcement. As far as possible, separate notification shall be sent in registered letters to those who, according to the information available, may have an interest in the matter. At the discretion of the Registrar of Shipping, interested parties may also be summoned in a widely read newspaper or by some other appropriate manner. The costs of the summons shall be paid by the party making the request.

(3) In the event that the claim is unopposed, the Registrar of Shipping shall decide the matter in accordance with the claim.

60. If, over a period of ten years, no reports are received on a ship which is registered in the Danish International Register of Shipping, and it is considered that the ship no longer exists, the Registrar of Shipping may decide to delete the ship from the Register, however not until after the summons pursuant to the regulations laid down in section 59.

Part 10

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Legal remedies

61.-(1) Decisions by the Registrar of Shipping pursuant to the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) and this Executive Order, cf. however subsection (4) may be brought before the Danish High Court in the high court jurisdiction in which the shipping company for the ship or its representative is has its place of registration by anyone with a legal interest in the decision within a time limit of 14 days from the day the decision was notified to the person. The Ministry of Justice may, if circumstances so warrant, at a later date, however not after a six-month period, allow decisions by the Registrar of Shipping to be brought before the Danish High Court within 14 days after permission was granted. If specialist knowledge of maritime matters is deemed to be of significance, the court may summon two maritime judges selected from amongst the judges appointed by the Ministry of Justice pursuant to section 6(4) of the Administration of Justice Act (*retsplejeloven*). The relevant regulations on appeals in civil cases shall apply correspondingly, with the necessary relaxations, to bringing the case before, and procedure by the Danish High Court.

(2) The Ministry of Justice may allow that the decision of the Danish High Court be appealed to the Supreme Court under the same conditions applying to the decisions of the Danish High Court on the occasion of appeal against a decision of a lower court.

(3) The Registrar of Shipping may reverse his own decision if new information becomes available or if the original decision was not to allow the request. The decision will therefore not apply retrospectively from the original notification.

(4) Decisions by the Registrar of Shipping pursuant to section 1(4) of the Act on the Danish International Register of Shipping (*lov om dansk internationalt skibsregister*) may be brought before the Minister for Industry.

62.-(1) If a document has been reproduced incorrectly in the Danish International Register of Shipping or in the ship's file, or if it has not been registered in the Register, or if it has been registered with an incorrect date of notification, the person wronged shall have a right to demand correction and compensation from the Treasury for the loss suffered.

(2) If, before the correction has been made, anyone in reliance on the contents of the Register or the ship's file acquires a right in the ship through agreement, the court shall decide whether the right shall be awarded to the wronged party or to the acquirer acting in good faith such that compensation is awarded to the other party. The case shall be brought before the High Court of Eastern Denmark and brought against the Danish International Register of Shipping on behalf of the public.

63.-(1) In addition to the circumstances mentioned in section 62, the Treasury shall provide compensation for losses suffered as a consequence of a right being superseded pursuant to section 53(2), section 59 or section 60.

(2) In addition to this the Treasury shall provide compensation for losses due to negligence by any person who assists in the registration.

*** Throughout the translation the term "shipowner" is used to denote the Danish term "reder" for which there is no directly equivalent English term. The "reder" is the entity that operates the ship for its own account, typically the owner or demise charterer of the ship. Time and voyage charterers are not considered "reder".**

Translation: Only the Danish document has legal validity.

Part 11

Penalties

64.-(1) Any person failing to comply with an order issued pursuant to sections 22, 23, section 24(1), section 28(1), section 29(7), sections 30-32, section 33(1) and (3), section 34(2) and (3), section 36(1), section 38 or section 40 shall be liable to a fine.

(2) The right to have a certificate of nationality or to have a certificate of nationality prepared may be revoked for a period stipulated by the court under the regulations stipulated in sections 78 and 79 of the Criminal Code (*straffeloven*) cf. Consolidated Act no. 607 of 6 September 1986 (for Greenland section 114 of Consolidated Act no. 149 of 13 January 1979).

(3) If a ship flies the Danish flag without being entitled to fly it, the person(s) guilty may be punished pursuant to the regulations in subsection (1).

(4) Where a violation is committed by a public limited company, a private limited company or similar, a fining may be imposed on the company as such.

Part 12

Entry into force

65. This Executive Order shall enter into force on publication in the in the Danish Law Gazette.

Ministry of Industry, 12 July 1988

NILS WILHJELM

/Torben Ginnerup

Official notes

None

* Throughout the translation the term "shipowner" is used to denote the Danish term "reder" for which there is no directly equivalent English term. The "reder" is the entity that operates the ship for its own account, typically the owner or demise charterer of the ship. Time and voyage charterers are not considered "reder".