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**Legislative Decree No. (32) of 2020 on Rules of Registration, Safety and Control of Small Ships;**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution, especially Article (38) thereof;

Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended;

Ship Registration and the Determination of Safety Conditions Law, promulgated by Legislative Decree No. (14) of 1978;

Maritime Law, promulgated by Legislative Decree No. (23) of 1982, as amended;

Legislative Decree No. (13) of 1985 regarding the approval of the accession of the State of Bahrain to international conventions in the matter of maritime navigation;

Legislative Decree No. (20) of 2002 regarding the Regulation of Fishing, Exploitation, and Protection of Marine Wealth, amended by Legislative Decree No. (45) of 2012;

The General Corporation for Sea ports promulgated by Legislative Decree No. (61) of 2006, as amended by Legislative Decree No. (46) of 2012;

And Law No. (2) of 2018 regarding the Registration and Safety Rules for Small Ships, amended by Legislative Decree No. (58) of 2018;

And upon the submission of the First Deputy Prime Minister,

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Chapter One**

**Registration and safety rules**

**Article (1)**

In applying the provisions of this Law, small ships mean any floating marine unit whose total tonnage is less than one hundred and fifty tons, whatever the purpose of its use. The word ship owner, operator and captain also means the meaning contained in the Maritime Law, promulgated by Legislative Decree No. (23) of 1982.

**Article (2)**

Ports and Maritime Affairs at the Ministry of Transportation and Communications is concerned with registering the category of small ships. A special register called (Small Ships Register) is established with it. Its pages are numbered and the registration office stamp is placed on each of them. Each ship is allocated one or more pages in the register in which all its data and the actions it performs are recorded..

In this record, the same procedures prescribed in Articles (3) and (4) of the Ship Registration and the Determination of Safety Conditions Law, promulgated by Legislative Decree No. (14) of 1978, shall be followed.

**Article (3)**

All small Bahraini vessels shall be registered in the Small Vessels Register. As an exception, foreign small vessels registered in another country may be registered in the aforementioned register at the request of their owner, provided that he waives their registration if they are registered in any other foreign country.

With the exception of small boats that form part of the equipment of ships or Vessel, and which can be lifted on the deck of the ship or its vessel.

**Article (4)**

No small ship may sail under the flag of the Kingdom of Bahrain unless it is registered in accordance with the provisions of this law.

An exception is made for ships owned by the Kingdom of Bahrain and designated for public service.

**Article (5)**

The application for registration shall not be accepted unless it is accompanied by an acknowledgement from the ship owner on the form prepared by the Ships Registration Office that the ship required to be registered is equipped with the navigational lights necessary to prevent collisions at sea, and meets the safety conditions specified by a decision of the Minister of Transport and Communications, as the case may be.

The Minister of Transportation and Communications, in coordination with the Ministry of Youth and Sports Affairs, shall issue a decision specifying the marine sports activities in which small ships are used, provided that it includes the safety conditions that must be met by them.

**Article (6)**

The application for registration must be submitted for unregistered vessels owned by Bahrainis currently in existence within one month from the date this law comes into force.

As for other ships, the application for registration must be submitted within fifteen days from the date of transfer of ownership to Bahrainis or from the date of using the ship in Bahraini territorial waters, whichever of the two dates is earlier.

**Article (7)**

Ports and Maritime Affairs at the Ministry of Transportation and Communications, or whomever it delegates from among the marine supervision companies approved by the ports and maritime navigation, inspects the ship to measure its cargo in accordance with the international tonnage measurement rules, and verifies that it is equipped with all that is required by this law and the decisions implementing it. The registration application is marked with the result of the inspection.

The Minister of Transportation and Communications shall issue the necessary decisions regarding the conditions and procedures for approving marine supervision companies.

**Article (8)**

Upon completion of the registration, the Ports and Maritime Affairs Affairs at the Ministry of Transportation and Telecommunications issues a (small vessel registration certificate) to the owner, which includes all the data recorded on the page designated for the vessel in the Small Vessels Register. Its number is on a plate fixed in a visible place on the ship's hull.

In the event of loss or damage to the registration certificate, the registration office will issue a small vessel registration certificate in exchange for it.

**Article (9)**

If the ownership of the registered ship or a share thereof is transferred, the new owner must submit an application to mark the transfer of ownership in the register. The application must include his name, nationality, domicile, the reason for transfer of ownership and the price in case of sale, taking into consideration Articles (5) and (6) of this law.

**Article (10)**

Ships registered in accordance with the provisions of this law may not sail in Bahraini territorial waters except after obtaining a navigation license that is valid for one year and may be renewed annually.

The application for the license or its renewal shall be submitted by the owner of the ship or whoever he authorises to the Ports and Maritime Affairs at the Ministry of Transportation and Communications on the form prepared by it for this purpose, including all data and information and accompanied by documents, including the passengers’ certificate and the safety certificate, according to the cases to be determined by a decision of the Minister of Transportation and Communications.

The Minister of Transport and Communications shall issue the necessary decisions regarding the data included in the license, the conditions that must be met for each type of small vessel, and the licensee's obligations.

**Article (11)**

The owner of the ship or his representative must refrain from sailing on it, in the event of:

1- If any fundamental change is made to the design of the ship that would make it fundamentally different from the descriptions recorded in the Small Ships Register.

2- If the ship is exposed to any defects that adversely affect its operation as required or render it unseaworthy.

Provided that the owner or whomever he authorises informs the Ports and Maritime Affairs at the Ministry of Transportation and Communications and obtains its approval for the continuation of the validity of the license referred to in Article (10) of this law. The notification must be within fifteen days from the date of the change or defect, provided that the communication includes details of this change or defect.

The Ports and Maritime Affairs at the Ministry of Transportation and Communications, in the event that it is notified of the change or defect, must suspend the navigational license, and by itself or whomever it delegates from the approved marine supervision companies to conduct an examination and inspection to ensure that the defect is repaired and that the change does not affect the seaworthiness of the ship.

All procedures are recorded in the Small Vessel Register and this change is noted on the Certificate of Registration.

**Article (12)**

The registration shall be cancelled if the ship sank, burned, perished, or if it was registered in a foreign port, or if a judgement for cancellation was promulgated with the power of the thing to be decided. The owner must notify the registration office within fifteen days from the date of verifying the incident that necessitates the deletion, and attaches to the notification all the supporting documents, and he must also submit the certificate to the registration office to mark it with evidence of deletion.

**Article (13)**

  A-The owner of the ship or the person in charge of operating it must comply with the following:

1-  Preserving the equipment and supplies stipulated in Articles (5) and (15) of this law.

2- Keeping the ship permanently usable.

3- The continued availability of all safety conditions and other conditions specified in this law and the decisions promulgated for its implementation.

4- Installation and operation of the identification device (Transponder) specified by the Coast Guard at the Ministry of Interior.

B- Ports and Maritime Affairs at the Ministry of Transportation and Communications may, at any time, inspect any ship to which this law applies to verify the provisions of the previous paragraph. The owner or the person responsible for its operation shall provide all assistance and facilities to the person in charge of the inspection activities, to enable him to carry out his duties.

**Article (14)**

The owner of the ship subject to the provisions of this law must ensure that it is navigable and manned by one or more seafarers, as well as people capable of driving it and who have obtained the license commensurate with the size of the ship, in the manner to be promulgated by a decision of the Minister of Transport and Communications.

The decision includes the method of obtaining the license, its conditions, the examination system, the authority that grants it, and its validity period.

**Article (15)**

The Ports and Maritime Navigation Affairs at the Ministry of Transportation and Communications may issue from time to time decisions obligating ships to which this law applies to carry rescue and radio equipment and other necessary safety and first aid equipment, and it may specify the number of passengers and the weight of the luggage that the passenger is allowed to take with him in Passengers transport ships according to the size and dimensions of the ship.

**Article (16)**

The Minister of Transportation and Communications, after the approval of the Council of Ministers, shall issue a decision specifying the categories of fees due for issuing, ratifying or extending any certificate or document, and for performing any service or inspection in accordance with the provisions of this law.

**Chapter Two**

**Control and inspection procedures**

**Article (17)**

For the purposes of applying the provisions of this law, the Coast Guard at the Ministry of Interior shall, at all times, have the right to monitor, inspect and preview any ship in the territorial waters of the Kingdom of Bahrain, or if security reasons so require, to discover or prevent a crime in accordance with the laws of the Kingdom. The owner or the person responsible for its operation shall provide all assistance and facilities to the person in charge of the inspection activities, to enable him to carry out his duties.

Monitoring, inspection and preview also include verification of the ship’s registration and its obtainment of the navigation license, safety certificate, safety equipment, passenger certificate and the permit stipulated in Article (14) of this law. The machines and boilers are also verified to be operational and maintained, and the permitted number of passengers is taken into account, and the adequacy of tools is taken into consideration. Survival and rescue, observing the shipping lines and the technical principles for shipping the goods on the ship and on its deck in accordance with the provisions of this law and the decisions promulgated for its implementation.

**Article (18)**

Without prejudice to the administrative measures stipulated in the provisions of Article (19) of this law, the Coast Guard at the Ministry of Interior has the right to prevent any ship from sailing for a period not exceeding one month in the event that it is caught in any violation of the provisions stipulated in this law and the decisions promulgated in its implementation.

In all cases, the Commander of the Coast Guard at the Ministry of Interior issues a decision banning sailing after presenting the matter to him after detecting the violation, and the licensee is notified of the decision immediately upon its issuance by a registered letter with acknowledgement of receipt.

Any interested party may complain in writing to the Minister of Interior, or whomever he authorises, against this decision within seven working days from the date of his knowledge dates.

The grievance shall be decided within seven working days from the date of its submission. Missing this deadline without deciding on grievance is considered as An Implicit rejection

A person whose grievance is rejected may appeal against the rejection decision before the competent court within thirty days from the date of his notification or from the day following the expiry of the time limit for deciding on the grievance without notification. It is not permissible to appeal before the competent court except after a grievance has been filed against the decision and a decision rejecting the grievance is promulgated or the deadline for deciding on the matter has passed without notification.

**Chapter Three**

**Penalties**

**Article (19)**

Ports and Maritime Affairs at the Ministry of Transportation and Communications may suspend the navigation license and prevent the ship from sailing for a period not exceeding six months in any of the following cases:

1- Violation by the licensee of any of the provisions of Articles (5), (9), (10), (11), (13), (14) and (15) of this Law.

2- Violating the regulations and decisions promulgated in implementation of the provisions of this law.

3- Preventing the specialists in port affairs and marine navigation at the Ministry of Transportation and Communications, the Coast Guard at the Ministry of Interior, or the delegated experts from performing their duties in accordance with the provisions of this law and the decisions promulgated to implement its provisions.

In all cases, the Undersecretary for Ports and Maritime Affairs at the Ministry of Transportation and Telecommunications issues the decision to stop and prevent sailing after the matter was presented to him after the violation was detected, and the licensee is notified of the decision upon its issuance by a registered letter with acknowledgement of receipt.

Any interested party may complain in writing to the Minister of Transportation and Communications, or whomever he authorises, against this decision within seven working days from the date of his knowledge.

The grievance shall be decided on within seven working days from the date of its submission. Missing this deadline without deciding on it is considered as An Implicit rejection

A person whose grievance is rejected may appeal against the rejection decision before the competent court within thirty days from the date of his notification or from the day following the expiry of the time limit for deciding on the grievance without notification. It is not permissible to appeal before the competent court except after a grievance has been filed against the decision and a decision has been promulgated rejecting the grievance or the deadline for a decision on it has passed without notification.

**Article (20)**

Any owner of a Bahraini ship who fails to register it in accordance with the provisions of this law shall be punished by imprisonment for a period not exceeding one year and a fine not exceeding two thousand dinars, or by one of these two penalties.

The same penalty stipulated in the previous paragraph shall be imposed on every operator or captain who raises the flag of the Kingdom of Bahrain on a ship that is not registered in it, taking into account the requirements of international custom.

The court may order the confiscation of the ship.

**Article (21)**

Without prejudice to the administrative measures prescribed in accordance with Article (19) of this law or any severer penalty in any other law, a penalty of imprisonment for a period not exceeding one year and a fine not exceeding one thousand five hundred dinars, or one of these two penalties, shall be imposed on each of the following:

1-The owner of the ship who requests its registration after the expiry of the deadlines mentioned in Article (6) of this law.

2-The shipowner who does not notify the change or damage stipulated in Article (11) of this law.

3-The owner of the ship who does not request deregistration in the cases stipulated in Article (12) of this law.

4-  The ship's operator or the captain if the ship sails despite the issuance of a decision banning it from sailing.

5- The owner, operator or captain of the ship if the ship sails without the obligation to install or operate the identification device (Transponder) or if it is disabled.

**Article (22)**

Without prejudice to the administrative measures prescribed in accordance with Article (19) of this law or any severer penalty of this Law or the in any other law, a penalty of imprisonment for a period not exceeding one year and a fine not exceeding two thousand dinars, or one of these two penalties, shall be imposed on in case of the following:

1- Violating the regulations and decisions promulgated in implementation of the provisions of this law.

2- Preventing the specialists in port affairs and marine navigation at the Ministry of Transportation and Communications, the Coast Guard at the Ministry of Interior, or the delegated experts from performing their duties in accordance with the provisions of this law and the decisions promulgated to implement its provisions.

**Article (23)**

The Minister of Transportation and Communications and the Minister of Interior - each within his jurisdiction - shall issue the decisions necessary to implement the provisions of this law, and the decisions currently in force shall continue to be applied in a manner that does not contradict the provisions of this law until the issuance of the necessary decisions to implement its provisions.

**Article (24)**

Law No. (2) of 2018 on Rules of Registration, Safety and Control of Small Ships, shall be repealed.

**Article (25)**

The Prime Minister and the Ministers - each within his jurisdiction- shall implement provisions of this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

**First Deputy of the Prime Minister**

**Salman bin Hamad Al Khalifa**

Issued at Riffa Palace:

On: 13 Safaar 1442 A.H.

**Corresponding to:** 30 September 2020