

New Qatari Law on Small Vessels Registration

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This article highlights some key points introduced by the new law and signposts the new and impending regulations that companies and individuals need to be aware of when registering or operating small vessels.

Vessels subject to the new law

The new law defines a 'Vessel' as 'every floating vehicle operating in maritime navigation or sports or prepared for the same, of which the cargo is less than (200) two hundred tons, even if it does not aim to achieve profit'.

New conditions

In order for a vessel to be registered with the relevant Department in Qatar, the vessel must meet the following conditions:

- to be provided with navigational devices, communication devices, colors, lights, distress signals, equipment and tools necessary to achieve safety and security conditions as determined and issued in the competent Minister's decision;
- to pass the technical inspection necessary; and
- to be insured, the vessel's owner must provide the competent department with an insurance policy issued by a national insurance company guaranteeing third-parties' compensation for damage incurred.

The law permits the competent Minister to add other conditions for the registration or to exclude some vessels from the application of some conditions on a permanent or temporary basis.

If the owner of the vessel is non-Qatari, the owner is required to have a valid residence permit in Qatar. If a vessel is manufactured or is owned by a foreigner, the owner or the importer may be granted a temporary registration certificate to enable him to enter into Qatar and to inspect it, after perusal of the necessary documents.

The registration of the vessel will be cancelled should the vessel perish or is no longer available in any way for its intended use.

The law also prohibits any vessel from operating unless it is registered and has obtained a valid license for its operation. The law further requires the person operating the vessel to hold a valid licence to do so.

Government vessels are exempted from such registration and the competent Minister has authority to exclude scientific research vessels from registration.

Penalties

The law provides for financial and criminal penalties for breach. The breaching person will be subject to imprisonment for a period not exceeding three months and/or a fine not exceeding QR 50,000 if that person uses, deliberately facilitates, or participates in the use of any vessel without registration or operates a vessel without obtaining a valid license. The penalties can double in case of repetition.

The competent Minister may decide the crimes amicably at anytime during the legal procedures so long as there is no final judgment issued on the breach. The competent Minister is empowered to accept in consideration for settlement a financial amount equal to half of the maximum limit of the fine prescribed per breach. In the event of settlement the case would be dismissed.

New Implementing Regulations

The draft implementing the necessary regulations ('Implementing Regulations') for the application of new law is ongoing. The final version is expected to be issued in the next few months. We will comment further on the Implementing Regulations when issued.

Interim Period

Article 29 of the new law gives the owners of the vessels 6 months from the law's effective date to bring their affairs into compliance with the new law. The law would become effective after one month from the date it is issued in the Official Gazette. The competent Minister may extend the 6 months for one or more similar periods.

Next Steps

The new law (once in force) will repeal and replace the old Law No. 19 of 1980. The competent Minister will issue the decisions necessary for the implementation of the provisions of the new law. Until issuance of such decisions, the decisions currently in force remain valid to the extent they do not contradict the provisions of the new Law.

Conclusion

With the numerous new and impending regulations, penalties and conditional changes affecting the owners of the vessels, it is vital that the owners of the vessels make themselves fully aware of the changes introduced by this law. Vessel owners are advised to reconsider the way their vessels are operating and registered in order to bring them in line with the new law.

We also hope that Maritime Law No. 15 of 1980 will be amended soon.