



REPUBLIC OF SAN MARINO

DELEGATED DECREE No. 130 of 8 September 2023

**We Captains Regent
the Most Serene Republic of San Marino**

*Having regard to Article 78 of Law No. 120 of 2 August 2019;
Having regard to the resolution of the Congress of State No. 13 adopted at its meeting of 4 September 2023; Having regard to Article 5, paragraph 3, of Constitutional Law No. 185/2005 and Articles 8 and 10, paragraph 2, of Qualified Law No. 186/2005;
We hereby promulgate and send for publication the following delegated decree:*

AMENDMENTS TO LAW NO. 120 OF 2 AUGUST 2019, AS AMENDED AMENDMENTS - MARITIME NAVIGATION REFORM

Art. 1

(Amendment of Article 9 paragraph 1 of Law No. 120 of 2 August 2019)

1. The following sentence shall be added to paragraph 1 of Article 9 of Law No. 120 of 2 August 2019: "In relation to security rights in ships, the right of the parties to agree on a different law shall not be affected, provided that the relevant security agreement is not contrary to mandatory principles, public order and morality of the State in whose register the ship is registered".

Art. 2

(Amendment to Law No. 120/2019 as amended - Establishment of Temporary Navigation Authorisation)

1. After Article 21 of Law No. 120/2019, the following Article 21-bis is introduced:

"Art. 21-bis

(Temporary navigation authorisation for pleasure boats)

1. The temporary navigation authorisation is issued for navigation in maritime and inland waters, according to the limits resulting from the EC type-approval certificate or class certificate, and not for commercial transport purposes but solely for demonstration purposes, in order to:

- a) check the efficiency of the propulsion and the hull by means of sea trials at different speeds;
- b) present the pleasure boat to the public, with the aim of advertising its characteristics to all those interested in purchasing it;
- c) transfer the pleasure boat from one place to another without guests on board to attend international fairs and exhibitions of any kind, including abroad.

2. The authorisation is valid for one year and may only be issued to shipyards building vessels, marine engine manufacturers, yacht brokers, dealerships and yacht sales companies and any other persons assessed on a case-by-case basis by the Authority.

3. Only those pleasure boats belonging to the persons referred to in Paragraph 2 who so request shall be authorised for temporary navigation in accordance with the purposes set out in Paragraph 1.

4. The Temporary Navigation Authorisation Certificate includes every reference to the holder of the Authorisation, the identification number (Test Plate) preceded by the letter "T" (trial-test), references to the insurance policy covering risks to third parties as well as to transported guests and any provision deemed necessary.

5. The requirements and procedures for issuing the temporary navigation authorisation are specified in a special Policy Letter issued and published by the Authority".

Art. 3

(Amendments to Article 25, paragraph 1, letter a), number 2 bis) of Law No. 120/2019 introduced by Article 10 of Delegated Decree No. 75 of 3 May 2022)

1. Number 2 bis), letter a), of paragraph 1 of Article 25 of Law No. 120/2019, as introduced by Article 10 of Delegated Decree No. 75/2022, is replaced as follows:

"2 bis) Private writing;".

Art. 4

(Amendment of Article 25 of Law No. 120/2019 as amended)

1. After paragraph 1 of Article 25 of Law No. 120/2019 as amended, the following paragraph 1 bis is added:

"1 bis. For a period of ninety days from the date of the first issue of the certificate of registration, the registration of a ship shall be considered provisional pending receipt by the Authority of all technical documentation necessary to ensure that the requirements for admission to navigation are met. The technical documentation is identified through the registration guidelines set out in a special Policy Letter issued and published by the Authority. In order to complete the filing of the technical documentation with the Authority, the owner of the ship may request the Authority to extend the period of provisional registration up to a further ninety days, and thus for a maximum total period of one hundred and eighty days from the date of the first issue of the certificate of registration".

Art. 5

(Amendment of Article 29, paragraph 1, of Law No. 120/2019)

1. After letter d), paragraph 1, of Article 29 of Law No. 120/2019, the following letter b bis) shall be added:

"d bis) in the event of the expiry of the period of provisional registration referred to in Article 25, paragraph 1 bis, without the owner having filed with the Authority the certificate of removal of the ship from the register in which it was previously registered and/or all the technical documentation necessary to ensure compliance with the requirements for the admission of the ship to navigation".

Art. 6

(Amendments to Article 30 of Law No. 120/2019)

1. After paragraph 3 of Article 30 of Law No. 120/2019, the following Paragraph 3 bis shall be added:

"3 bis. Until the fees and/or dues referred to in this Article have been paid, the Director General shall have the power to:

- a) refuse to renew flag certificates;
- b) refuse to perform any other act requested by the shipowner;
- c) suspend the use of the ship;
- d) delete the ship from the register.

These powers may also be exercised cumulatively".

Issued from Our Residence, this 8th of September 2023/1723 since the founding of the Republic

THE CAPTAINS REGENT
Alessandro Scarano – Adele Tonnini

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS *Gian
Nicola Berti*

<https://www.bollettinufficiale.sm/on-line/RicercaBU?operation=getDocBU&id=41feff5e82ee1864aa70cc93c9a9d5474bfff4b>

