



**REPUBLIC OF
THE MARSHALL ISLANDS**
MARITIME ADMINISTRATOR

Marine Notice

No. 1-004-3

Jul/2020

TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS AND GRANTORS, MORTGAGORS, AND OTHER RELATED PARTIES TO ANY TRANSACTION REQUIRING RECORDATION OF INSTRUMENTS, NOTARIZATION, OR ACKNOWLEDGMENT

SUBJECT: Modifications to Instrument Recordation, Acknowledgement, and Other Requirements Pursuant to the Republic of the Marshall Islands Maritime Act, §§103-106, §108, and §203(h), in Response to the Coronavirus Disease Pandemic

References: (a) **RMI Maritime Act 1990 ([MI-107](#))**
(b) **RMI Maritime Regulations ([MI-108](#))**

PURPOSE:

This Notice outlines the temporary modifications to the requirements for the recordation and acknowledgement of mortgages, instruments, and other documents under the Republic of the Marshall Islands (RMI) Maritime Act (the “Maritime Act”) as well as the acceptance of electronic copies due to the Coronavirus disease (COVID-19) pandemic. The modifications outlined herein replace the March 2020 revision and will have effect until this Notice is revoked by the RMI Maritime Administrator (the “Administrator”).

APPLICABILITY:

This Notice applies to (a) all transactions that require the recordation or acknowledgement of a mortgage, instrument, or other document, where such recordation or acknowledgment cannot be done in person due to the COVID-19 pandemic and associated restrictions; (b) the requirements to provide an original document; and (c) the acceptance of electronic copies.

BACKGROUND:

Pursuant to §§103-106 and §108 of the Maritime Act, the Administrator has broad authority to administer all matters pertaining to RMI-flagged vessels and to promulgate Rules and Regulations to carry out the provisions therein. Section 203(h) of the Maritime Act provides that the Administrator “may for good cause shown, including but not limited to cases of international, civil, political or military crisis, temporarily suspend or modify the requirements ... for recordation of instruments under Chapter 3, and for good cause shown, ... cause such instruments to be recorded

under Chapter 3.” The Administrator has determined that the COVID-19 pandemic constitutes an *international crisis* and invokes its specific authority under §203(h), in addition to its broad authority under §§103-106 and §108 of the Maritime Act, to ensure the continuity of service.

DEFINITIONS:

An “**electronic copy**” means (a) a scan or facsimile of a document that bears a handwritten or electronic signature or (b) a document that has been converted into a computer file, such as a portable document file (PDF), that bears a handwritten or electronic signature.

An “**electronic signature**” means a legible scan or facsimile of a handwritten signature or an image thereof attached to a document by a person with the intent to sign the document, and does not include digital signatures.

A “**digital signature**” means a signature that is generated by software using a digital certificate issued by a trust service provider (TSP), such as a certificate authority (CA), or similar technology.

MODIFICATIONS:

1.0 Acknowledgement of Mortgages, Instruments, and Other Documents

Where a mortgage, instrument, or other document is required to be acknowledged or notarized under the Maritime Act or RMI Maritime Regulations, this requirement may be satisfied by use of electronic means or processes as approved by the Administrator (see [MG-1-04-1](#) for approved electronic means or processes). Additionally, in certain cases, the requirement for acknowledgements or notarizations may be altered or waived at the discretion of the Administrator pursuant to its general and specific authority stated above.

2.0 Requirement to Provide Original Documents; Electronic Copies

Where the requirement exists for the recordation or submission of an “original” (i.e. hard copy) mortgage, instrument, or other document, the Administrator will accept an electronic copy as the original for recordation or submission. If the document was signed with wet ink and submitted as an electronic copy, the original(s) must be couriered to the Administrator as soon as possible. In the event no hard copy is created, such as where an image of a signature is applied to a document and the electronic copy is submitted for recordation, the required number of copies must be couriered to the Administrator as soon as possible.

3.0 Digital Signatures

Electronic copies with digital signatures will not be accepted as the original for recordation or submission.

4.0 Additional Modifications or Waivers

The Administrator may make additional modifications or waive certain requirements in its discretion invoking its authority under the Maritime Act until this Notice is revoked.

5.0 Contact

All queries regarding information in this Notice should be sent to: legal@register-iri.com.