



# ST KITTS & NEVIS INTERNATIONAL SHIP REGISTRY



**Department of Maritime Affairs,  
Ministry of Tourism and  
International Transport**

**The Saint Christopher & Nevis  
Merchant Shipping Act Cap. 7.05**

## **SHIP MORTGAGE INFORMATION & PROCEDURE**

Please contact the Ship Registry for further information

+44 (0) 1708 380 400

[mail@stkittsnevisregistry.net](mailto:mail@stkittsnevisregistry.net)

[www.stkittsnevisregistry.net](http://www.stkittsnevisregistry.net)

*Please be aware that neither St Kitts & Nevis International Ship Registry nor its officers or staff can provide legal advice. The way the law applies to any particular case varies according to the circumstances e.g. from ship to ship, therefore if the legal position is uncertain professional legal advice should be sought.*

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## INTRODUCTION

Under the Merchant Shipping Act, Cap 7.05, ships registered in St. Kitts & Nevis may be made a security for the repayment of a loan (mortgage of a ship). This includes yachts and non-propelled vessels and there is no lower size/tonnage/length limit. Refer to sections 77 to 83 inclusive of the Merchant Shipping Act. See pages 3-4 of this booklet.

The Merchant Shipping Act follows the general principal of English Law on ship mortgages. The mortgagee may enforce the mortgage by taking possession of the ship and selling it by private sale or at auction.

It is usual for the mortgagor and the mortgagee to enter into an agreement setting out in detail the relation between them and the terms and conditions under which the mortgagee may enforce its rights under the mortgage. This document is commonly termed as a Deed of Covenant, Mortgage Deed, Loan Agreement or similar such name reflecting its contents and status to the parties.

The mortgagor then records the existence of the mortgage by completing Form A8 (may be downloaded from our website), see pages 7 – 9 of this booklet and submitting same to the offices of the International Registrar of Shipping and Seamen, where the existence of the mortgage is then recorded in the ship's records within the Registry Book. See Mortgage Registration, Transfer and Discharge Procedure, see pages 5 – 6.

The priority of the mortgage is determined by the date and time of its registration in the Registry Book. There are no provisions in the Merchant Shipping Act for the registration of the mortgage in the register of companies as a charge against the shipowning company.

Page 10 provides an *example* of a bill of sale. However an industry standard format is also acceptable.

Page 11 is an *example* of a finance house mortgage affidavit.

For some of the banks who have accepted St Kitts & Nevis Mortgage Legislation and granted mortgages to our ships, see page 12.

For shipowners and financiers guidance regarding the applicability of St. Kitts & Nevis mortgage legislation please refer to the Legal Opinion prepared by Messrs Daniel Brantley & Associates, see pages 13 – 22.

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## Saint Christopher and Nevis Mortgage Legislation

*This extract is taken from the Saint Christopher and Nevis Merchant Shipping Act Cap. 7.05*

### **Mortgages**

77. (1) A registered ship, or a share in that ship, may be made a security for the repayment of a loan or the discharge of any other obligation.

(2) The instrument creating the security (referred to in this Part as a "mortgage") shall be in the form prescribed.

(3) Where a mortgage executed in accordance with p subsection (2) is produced to the Registrar, he shall register the mortgage in the prescribed manner.

(4) Mortgages shall be registered in the order in which they are produced to the Registrar for the purposes of registration and he shall enter and sign on each mortgage a statement to the effect that it has been registered by him, stating the date and time of the registration.

(5) Where it is stated in the mortgage instrument that it is prohibited to create further mortgages over a vessel without the prior written consent of the mortgagee, the Registrar shall make a note in the register to that effect, and the Registrar shall not register any further mortgage unless the consent in writing of the holder of the prior mortgage is produced to him, and any mortgage registered in violation of this provision shall be void.

(6) Where it is stated in the mortgage instrument that it is prohibited to transfer the ownership of a ship or terminate the registration of the ship in the manner provided in section 8(1)(d), without the prior written consent of the mortgagee, the Register shall make a note in the register to that effect, and the Registrar shall not record a transfer of ownership of the strip or terminate the ship's registration, as the case may be, unless the appropriate consent in writing of the holder of the mortgage is produced to him, and any recording in the register of a transfer of ownership or a termination of the ship's registration in the circumstances referred to in this subsection shall be void.

#### Priority of mortgages

78. (1) Where two or more mortgages are registered in respect of the same ship or share, the priority of the mortgagees between themselves shall, subject to subsection (2), be determined by the order in which the mortgages were registered and not by reference to any other matter.

(2) Registration regulations may provide for the giving to the Registrar by intending mortgagees of "priority notices" in a form prescribed by or approved under the regulations, which, when recorded in the register, determine the priority of the interest to which the notice relates.

#### Entry of discharge of mortgage

79. (1) Where a registered mortgage is discharged, the Registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged, and on that entry being made the estate, if any, which passed to the mortgagee shall vest in the person in whom having regard to intervening acts and circumstances, if any, it would have vested if the mortgage had not been made.

(2) If for good reason the registered mortgage cannot be produced to the Registrar, he may, on being satisfied that the mortgage has been properly discharged, record in the register that the mortgage has been discharged.

#### Protection of undischarged mortgage

80. (1) Where the registration of a ship terminates by virtue of any provision of this Act, that termination shall not affect any entry in the register of any undischarged registered mortgage of that ship or any share therein.

(2) Subsection (1) shall not apply to an entry in the register in a case where the Registrar is satisfied that any person appearing on the register to be interested as a mortgagee under the mortgage in question has consented to the entry ceasing to have effect.

Mortgagee not owner and mortgagee's power of sale

81. (1) Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed to be the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.

(2) Subject to subsection (3), every registered mortgagee shall have power, if the mortgage money or any part of it is due, to sell the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money.

(3) Where two or more mortgages are registered in respect of the same ship or share, a subsequent mortgagee shall not, except under an order of a court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

Mortgage not affected by bankruptcy

82. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the registration of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of mortgages and transmission of mortgage interest by death, bankruptcy, etc...

83. (1) A registered mortgage of a ship or share may be transferred to any person and on production of the instrument effecting the transfer the Registrar shall record it by entering in the register the name of the transferee as mortgagee of the ship or share, and shall enter and sign on the instrument of transfer a statement to the effect that it has been registered by him, stating the date and time of the registration.

(2) Where the mortgage interest in a ship or share is transmitted to any person by any lawful means, other than by a transfer under subsection (1) that person shall produce to the Registrar a statement of the manner in which and the person to whom the property has been transmitted and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share

(3) The Registrar on the receipt of the documents, and the production of the evidence referred to in subsection (2), shall enter the name of the person entitled under the transmission in the register as mortgagee of the ship or share.

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## ***Mortgage Registration, Transfer and Discharge Procedure***

### **1. Registration of Mortgages:**

1. Registration of Mortgages is allowed as soon as a vessel is provisionally registered.
2. For a vessel that is Provisionally Registered, the mortgagee (bank, shipyard, finance house etc) is to confirm that they have sighted the original evidence of ownership of title in the ship i.e. bill of sale, sale contract etc... See page 10 – example letter
3. Completed Form A8 "Mortgage Registration, Transfer & Discharge" is to be submitted (can be downloaded from website).
4. An original or certified true copy of Covenant or similar document may also be submitted.
5. Payment of Mortgage Registration fees is to be confirmed.
6. If registration is to be effected at SKANReg Head Office, documents (1.2), (1.3) & (1.4) are to be submitted;
7.
  - a. Form A8 will be endorsed with the date and time of registration of the mortgage.
  - b. The original endorsed Form A8 will be returned to the mortgagee and a copy retained in the ship's records by the International Registrar.
  - c. An entry will be made in the Registry Book, recording the registration of the mortgage.
  - d. If requested, a Transcript of Registry will be issued by the International Registrar.
8. If registration is to be effected at the office of an authorised Maritime Registrar or that of the Department of Maritime Affairs, documents (1.2), (1.3) & (1.4) are to be submitted;
9.
  - a. After confirmation from the International Registrar, Form A8 will be endorsed, by the Maritime Registrar or the Director of Maritime Affairs, with the date and time of registration of the mortgage.
  - b. The original endorsed Form A8 will be returned to the mortgagee and a copy transmitted by fax/email to SKANReg head office.
  - c. An entry will be made in the Registry Book, recording the registration of the mortgage
  - d. If requested, a Transcript of Registry will then be issued by the International Registrar and sent by fax/email to the Maritime Registrar or Department of Maritime Affairs
  - e. Documents (1.2), (1.3 - copy of endorsed document) & (1.4) above) will then be sent by the Maritime Registrar or Department of Maritime Affairs to SKANReg head office by courier.
  - f. On receipt of the original documents, the International Registrar shall release the original Transcript of Registry to the mortgagee via the Maritime Registrar or the Department of Maritime Affairs.
10. **NOTES:**
  - a. If the mortgagee is not a bank or is a company, a recent (issued within previous three-months) **original** Certificate of Good Standing or similar proof of existence will be required to be sighted by the Registrar.
  - b. The signature of the Mortgagor is to be the Ship Owner or in the case of a company, a duly authorised officer of that company. In the case of the Owner allowing their agent or another party to sign on their behalf, such authority is to be supported by a written testimony giving such authority, (e.g. Power of Attorney).

### **2. Transfer of Mortgage:**

1. Transfer of a Registered Mortgage is allowed on any ship, whether provisionally or permanently registered.
2. For a vessel that is Provisionally Registered, the new mortgagee (bank, shipyard, finance house etc) is to confirm that they have sighted the original evidence of ownership of title in the ship i.e. bill of sale, sale contract etc.
3. Completed Form A8 showing the original Mortgage Registration and new Mortgage is to be submitted.
4. An original or certified true copy of any new accompanying Mortgage Deed of Covenant or similar document may also be submitted.
5. Payment of Mortgage Registration fees is to be confirmed.
6. If registration is to be effected at SKANReg Head Office, documents (2.2), (2.3) & (2.4) are to be submitted;
  - a. Form A8 will be endorsed with the date and time of transfer of the mortgage.
  - b. The original newly endorsed Form A8 will be returned to the mortgagee and a copy retained in the ship's records by the International Registrar.
  - c. An entry will be made in the Registry Book, recording the transfer of the mortgage.

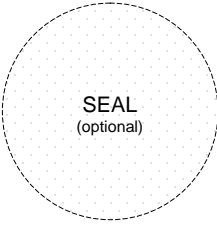
- d. If requested, a Transcript of Registry will be issued by the International Registrar.
- 7. If registration is to be effected at the office of an authorised Maritime Registrar or that of the Department of Maritime Affairs, documents (2.2), (2.3) & (2.4) are to be submitted;
  - a. After confirmation from the International Registrar, Form A8 will be endorsed, by the Maritime Registrar or the Director of Maritime Affairs, with the date and time of the transfer of the mortgage.
  - b. The original endorsed Form A8 will be returned to the mortgagee and a copy transmitted by fax/email to SKANReg head office.
  - c. An entry will be made in the Registry Book, recording the transfer of the mortgage
  - d. If requested, a Transcript of Registry will then be issued by the International Registrar and sent by fax/email to the Maritime Registrar or Department of Maritime Affairs
  - e. Documents (2.2), (2.3 - copy of endorsed document) & (2.4) above will then be sent by the Maritime Registrar or Department of Maritime Affairs to SKANReg head office by courier.
  - f. On receipt of the original documents, the International Registrar shall release the original Transcript of Registry to the mortgagee via the Maritime Registrar or the Department of Maritime Affairs.

### **3. Discharge of Mortgage:**

1. Completed Form A8 showing the original Mortgage Registration and entry for the Discharge is to be submitted.
2. Payment of Mortgage Discharge fees is to be confirmed.
3. If discharge is to be effected at SKANReg Head Office, document (3.1) is to be submitted;
  - a. Form A8 will be endorsed with the date and time of discharge of the mortgage.
  - b. The original endorsed Form A8 will be returned to the mortgagee and a copy retained in the ship's records by the International Registrar.
  - c. An entry will be made in the Registry Book, recording the discharge of the mortgage.
  - d. If requested, A Transcript of Registry will be issued by the International Registrar.
4. If discharge is to be effected at the office of an authorised Maritime Registrar or that of the Department of Maritime Affairs, document (3.1) is to be submitted;
  - a. After confirmation from the International Registrar, Form A8 will be endorsed by the Maritime Registrar or the Director of Maritime Affairs with the date and time of discharge of the mortgage.
  - b. The original endorsed Form A8 will be returned to the mortgagee and a copy transmitted by fax/email to SKANReg head office.
  - c. An entry will be made in the Registry Book, recording the discharge of the mortgage
  - d. If requested, a Transcript of Registry will then be issued by the International Registrar and sent by fax/email to the Maritime Registrar or Department of Maritime Affairs.
  - e. Document 3.1 (copy of endorsed document) will then be sent by the Maritime Registrar or Department of Maritime Affairs to SKANReg head office by courier.
  - f. On receipt of the original document, the International Registrar shall release the original Transcript of Registry to the mortgagee via the Maritime Registrar or the Department of Maritime Affairs.
5. In the event that the original Form A8 is not available, on being satisfied that the mortgage has been properly discharged, the Registrar may record in the Registry Book that the mortgage has been discharged. In such circumstances apply to the office of the International Registrar for examples of acceptable evidence that the mortgage has been properly discharged.

## Mortgage Registration, Transfer And Discharge Application - Form A8

Page 1 of 3

MORTGAGE REGISTRATION, TRANSFER AND DISCHARGE			
Made Pursuant to Sections 77-83 of Section IV of the Merchant Shipping Act No. 24 of 2002 <b style="color: red;">IMPORTANT : Mortgagors and Mortgagees should read the Notes on Page 3 of this document before completion</b>			
REGISTRATION OF MORTGAGE			
Name of Vessel:	Official SKN Number:	IMO Number:	
Full Name and Address of Mortgagor:		Full Name and Address of Mortgagee:	
Tel:	Fax:	Tel:	Fax:
Email:		Email:	
Detail of Mortgage Consideration (enter the details in the box below or on a separate sheet and attach hereto, if space makes this necessary): Enter Details Here.			
Number of Shares in Vessel Mortgaged:		Rate of Interest (optional):	
I/We*, the mortgagor, in consideration of the mortgage consideration specified above, for myself/ourselves* and my/our* successors, hereby covenant with the mortgagee and his assigns, to pay to him the sums for the time being due, whether by way of principal or interest, at the agreed times and manner. For the purpose of better securing to the mortgagee the payment of such sums as aforesaid, I/we* hereby mortgage to the mortgagee, the number of shares in the vessel as specified above, of which I am/we are* the owners, and in its boats and appurtenances. Further, I/we* for myself/ourselves* and my/our* successors, covenant with the mortgagee and his assigns that I/we* have power to mortgage in the manner aforesaid the above-mentioned shares, and that the same are free from encumbrances, save as appears in the Register of the said vessel. *(applicable as appropriate).			
In witness whereof we have affixed our common seal on this day:			
Signed by the *Owner/Director/Company Secretary or Authorised Person (*delete as appropriate):			
Name of Person Signing:			
Signature of Witness:			
Name of Witness:			
REGISTRATION OF MORTGAGE			
FOR OFFICIAL USE ONLY	I hereby certify that the within-written mortgage was recorded in the Registry Book on the following day and time:		
	DATE		TIME
	The International Registrar of Shipping and Seamen		

TRANSFER OF MORTGAGE			
Full Name and Address of Transferor:		Full Name and Address of Transferee:	
Tel:	Fax:	Tel:	Fax:
Email:		Email:	
Detail of Transfer Consideration (insert details on separate sheet and attach hereto, if space makes this necessary):  Enter details here.			

I/We\* the transferor, in consideration of the transfer consideration specified above, hereby transfer to the transferee the benefit of the within-written security.

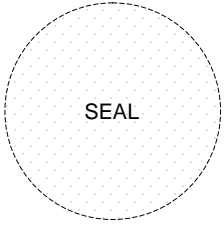
BODY CORPORATE Transferor(s)	In witness whereof we have affixed our common seal on this day: Signed by the Director/Company Secretary*: Signature(s) and Name(s) of Witness(es):  *(delete as appropriate)	
FOR OFFICIAL USE ONLY	TRANSFER OF MORTGAGE	
I hereby certify that the within-written transfer of mortgage was recorded on the following day and time: DATE _____ TIME _____  _____ The International Registrar of Shipping and Seamen		



DISCHARGE OF MORTGAGE			
Full Name and Address of Mortgagor:		Full Name and Address of Mortgagee:	
Tel:	Fax:	Tel:	Fax:
Email:		Email:	
Detail of Discharge Consideration (insert details on separate sheet and attach hereto, if space makes this necessary):			

I/We\* the above-mentioned Mortgagee have received the above-stated amount in discharge of the within-written security.

\*(delete as appropriate).

<b>MORTGAGEE</b>	<p>In witness whereof we have affixed our common seal on this day:</p> <p>Signed by the Director/Company Secretary*:</p> <p>Signature(s) and Name(s) of Witness(es):</p> <p>* (delete as appropriate)</p>	
<b>FOR OFFICIAL USE ONLY</b>	<b>DISCHARGE OF MORTGAGE</b>	
	<p>I hereby certify that the within-written discharge of mortgage was recorded on the following day and time:</p> <p>DATE _____ TIME _____</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">The International Registrar of Shipping and Seamen</p>	

**NOTES:**

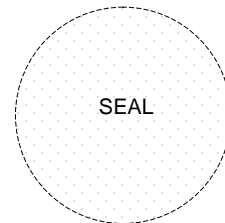
1. Neither the St. Kitts and Nevis International Registry nor the International Registrar of Shipping and Seamen (the Registrar) or his/her deputies, nor any Maritime Registrar shall be responsible for delays in issuing documentation due to incomplete or incorrect information being submitted.
2. Mortgagees are reminded to ensure that the mailing address given by them is valid. If a P.O. Box Number is given, a street address (building/number) must also be given. Registered mortgagees are reminded of the importance of keeping the Registrar informed of any change of address on their part.
3. This Registration Form is to be completed using a typewriter or in writing in CAPITAL LETTERS in BLACK ink. Illegible forms will not be accepted.
4. The signature of the Mortgagor is to be the Ship Owner or in the case of a company, a duly authorised officer of that company. In the case of the Owner allowing their agent or another party to sign on their behalf, such authority is to be supported by a written testimony giving such authority, (e.g. Power of Attorney).
5. If the ship is only provisionally registered with St. Kitts & Nevis International Ship Registry, then the Mortgagee is to confirm that they have sighted the original evidence of ownership of title in the ship.
6. The prompt registration of a Mortgage by submission of this document to the Registrar is essential to the security of the mortgagee.
7. If applying for the registration of more than one Mortgage then a separate mortgage registration is required from each mortgagee.
8. Describe the nature of the Mortgage Consideration by:
  - i. entering the principal sum or stating that there is an account current or line of credit and refer to the collateral loan agreement/deed of covenant and the date the agreement was executed, or;
  - ii. entering the principal sum or stating that there is an account current or line of credit and give details of the interest and method of repayment.
9. No registration will be effected until full payment has been received for the services applied for.
10. "Saint Christopher & Nevis" has the same meaning as "St. Kitts & Nevis", both in National Law of the Federation and within the context of Ship Registration.
11. Any person making a false statement concerning the title to or ownership of, or the interest existing in a ship or any share in a ship or knowingly supplying information which is false when making an application to register a ship or ship mortgage, commits an offence under The Saint Christopher and Nevis Merchant Shipping Act Cap. 7.05, which can result in de-registration of the ship and prosecution under the Laws of St. Kitts & Nevis.

## **BILL OF SALE**

1. SELLER(s) Full Name and Address:		2. BUYER(s) Full Name and Address:	
3. Name of Vessel:	4. Type of Vessel:	5. Port of Registry:	6. Call Sign(s):
7. Gross Tonnage:	8. Net Tonnage:	9. Date of Memorandum of Agreement:	
10. Purchase Sum (in figures and letters):			
11. Details of Shares:			
12. Details of subsisting or outstanding Mortgage(s) or other encumbrances:			
<p>The SELLER(s), named in Section 1 (hereinafter called the "Transferor(s)"), having their principle place of business at the address also contained in Section 1, in consideration of the sum stated in Section 10 paid to us by the BUYER(s) as stated in Section 2 (hereinafter called the "Transferee(s)") the receipt whereof is hereby acknowledged, transfer the amount of shares stated in Section 11 in the ship particularly described above and in her boats and appurtenances, to the said Transferee(s). Further, we, the said Transferor(s) for ourselves and our successors covenant with the said Transferee(s) and his/her/their/its assigns that we have the power to transfer in the manner aforesaid the premises hereinbefore expressed to be transferred and the same are free from encumbrances except in so far as detailed in Section 12.</p>			

In witness whereof we have affixed our common seal on:

\_\_\_\_\_



The Common Seal of the Transferor(s) was affixed hereto in the presence of the following signatories:

Director/Company Secretary/Authorised Signatory (sign):\*

\_\_\_\_\_

Witnessed by (sign):

\_\_\_\_\_

Name of Witness (print name):

\_\_\_\_\_

Address:

\_\_\_\_\_

(\*delete as required)

\_\_\_\_\_

**FINANCE HOUSE MORTGAGE AFFIDAVIT EXAMPLE**

**TO BE COMPLETED ON BANK/FINANCIER/MORTGAGEE HEADED PAPER**

Date

Reference

TO

St. Kitts & Nevis International Ship Registry  
West Wing, York House  
48-50 Western Road  
Romford  
Essex  
RM13LP

Dear Sirs,

Re: (Name of Ship) – Official Number SKN..... IMO Number

We refer to the above vessel and to the mortgage to be executed in our favour over the vessel.

For the avoidance of doubt, we hereby confirm that we are satisfied that (name of owner) has good title to the m.v. (name of ship) and further confirm that we have sighted the originals of the bill of sale whereby the vessel was acquired by their current owners.

Yours Faithfully,

Authorised Signatory of Bank/Financier/Mortgagee.

## **Banks who have granted Mortgages to vessels registered under the St. Kitts & Nevis Flag**

<b><u>Name of Bank</u></b>	<b><u>Location of bank or branch of Bank</u></b>
Akciju Komerbanks "Baltikums"	Latvia
Amsterdam Trade Bank N.V.	The Netherlands
AS Regionala Invest Iciju Banka	Latvia
AS "Akciju Komerbanka Baltikums"	Latvia
Asya Katilim Bankasi AS	Turkey
Bank of India	London
Bank Mandiri (Europe) Ltd	London
Bank of Kuwait and the Middle East	Kuwait
Bank of Scotland	London
BNP Paribas (Suisse) S.A.	Switzerland
Commercial International Bank	Egypt
Commerzbank Aktiengesellschaft	Germany
Compagnie Du Cap Blanc (CCB)	Monaco
Credit Suisse	Switzerland
Federal Bank of the Middle East Ltd	Tanzania
FIMBank Plc	Malta & London
Garantibank International N.V.	The Netherlands
Habbibsons Bank Ltd	London
Indian Overseas Bank	Hong Kong
ING Lease France S.A	France
Invest Bank P.S.C	United Arab Emirates
Joint-Stock Bank "Morskoy"	Ukraine
Joint Stock Company "Norvik Banka"	Latvia
JSC Alliance Bank	Kazakhstan
Mashreq Bank PSC	United Arab Emirates
Mortgage & Land Bank of Latvia	Latvia
National Bank of Fujairah	United Arab Emirates
Nordea Bank Norge ASA	Sweden
Pancretian Co-operative Bank	Greece
Punjab National Bank	Hong Kong & London
Skudenes & Aakra SparBank	Norway
Standard Chartered Bank	United Arab Emirates
State Bank of India	London
Sterling Bank Plc	Nigeria
Sydbank A/S	Denmark
The Economy Bank N.V.	The Netherlands

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