

**THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA
(RATIFICATION) AND FOR MATTERS CONNECTED THEREWITH LAWS OF 1985
TO 2006¹**

LAW NO. 77 OF 1985 AS AMENDED
A LAW TO PROVIDE FOR THE RATIFICATION OF THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA 1974 , OF ITS PROTOCOL OF 1978 AND ITS
AMENDMENTS AND FOR MATTERS CONNECTED THERETO

(11th July 1985)

Preamble.

WHEREAS on the 1st November 1974 the International Convention for the Safety of Life at Sea was signed at London, a Protocol to improve and supplement the provisions of the aforementioned Convention was signed also at London on the 17th February 1978, and on 20th November 1981 were signed, also at London, for the further improvement of the safety standards of ships the Resolutions of the 45th Session of the Maritime Safety Committee of the International Maritime Organization under reference MSC1 (XLV) and MSC2 (XLV) which came into force internationally on the 1st September 1984,

AND WHEREAS in Article IX of the Convention and in Article IV of the Protocol it is provided that States which have not originally signed the Convention and the Protocol will be allowed to accede thereto at any time after the Convention and the Protocol enter into force, by the deposit of an instrument with the International Maritime Organization,

AND WHEREAS the Government of the Republic by a decision of the Council of Ministers No. 25.066 dated 18 October 1984 has decided to accede to the Convention and the Protocol and to accept Resolutions MSC1 (XLV) and MSC2 (XLV),

NOW THEREFORE the House of Representatives enacts as follows:

Short title.

*77 of 1985
32 of 1989
24(III) of 1997
10(III) of 2001
52(III) of 2004
24(III) of 2006.*

1. The International Convention for the Safety of Life at Sea, (Ratification) and for Matters Connected Therewith Laws of 1985, 1989, 1997, 2001 and 2004 shall be cited as the International Convention for the Safety of Life at Sea, (Ratification) and for Matters Connected Therewith Laws of 1985 to 2006.

¹ Consolidation Note : Includes the latest amendments introduced by Law 24(III)/2006. All these Laws were published in the Greek language in the Official Gazette of the Republic of Cyprus. This is an “unofficial” consolidated translation into English prepared by the Department of Merchant Shipping and does not intend to replace any translation prepared by the Law Commissioner’s Office.

*According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is **not the authentic version**. The authentic and therefore legally binding version, is the Greek version of this Law.*

Interpretation.

2. —(l) In this Law—

2 of 24(III)/97. “Amendments” means the amendments to the Annex of the Convention which were adopted on 24th May 1994 in the Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea 1974;

2 of 10(III)/2001. “Committee” means the Maritime Safety Committee of the International Maritime Organization ;

“Convention” means the International Convention for the Safety of Life at Sea which was signed in London on the 1st November 1974 and includes the Annex, Regulations and Appendix attached to the Convention;

2 of 10(III)/2001. “IBC Code ” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk ,that was adopted by the Committee with its Resolution MSC4(48) dated 17th June 1983 , and which became binding under Regulation 10, Chapter VII, Part B, of the Annex of the Convention , by virtue of the Resolution of the Committee MSC6(48) dated 17th June 1983;

2 of 10(III)/2001. “ IGC Code ” means the International Code for the Construction and Equipment of Ships Carrying Liquid Gas in Bulk, adopted by the Committee ,with its Resolution MSC5(48) dated 17th June 1983 , and which became binding under Regulation 13, Chapter VII, Part C of the Annex of the Convention, by virtue of the Resolution of the Committee MSC6(48) dated 17th June 1983;

2 of 52(III)/2004. “ ISPS Code ” means the International Code for the Security of Ships and of Port Facilities adopted by Resolution 2 of 12th December 2002 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea of 1974, as amended, held in London, at the International Maritime Organization headquarters, from the 9th to the 13th of December 2003, which Code was approved by the publishing in the Official Gazette of the Republic of the Council of Ministers decision No. 3812 dated 20 February 2004, issued under section 4 of the Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws of 1973 to 1996.

*Official Gazette
Supplement III(I):
20.02.2004*

73 of 1973

59 of 1975

58 of 1977

12 of 1979

30 of 1982

22(III)of 1993

7(III) of 1996.

“Minister” means the Minister of Communications and Works;

2 of 52(III)/2004. “ port facility” means the location where the ship/port interface takes place and includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate;

2 of 10(III)/2001.

“Protocol” means the Protocol of 1978 and of 1988;

2 of 24(III)/97.

“Protocol of 1988” means the Protocol to the Convention signed at London on the 11th November 1988 and includes the Annexes, Regulations and Appendix attached thereto;

“Republic” means the Republic of Cyprus;

2 of 10(III)/2001.

“Resolutions” means the Resolutions signed in London on 20th November 1981 under reference MSC 1(XLV) and MSC 2(XLV), by which the Convention and the Protocol are amended, the Resolutions signed in London on the 17th June 1983 under reference MSC4(48), MSC5(48) and MSC6(48), by which the Convention is amended, the Resolution dated 24th May 1994, of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea of 1974, by which new Chapters are added in the Annex of the Convention and the “Resolutions of 1987 to 1995” by which the Convention, the Protocol are amended and the Resolutions of 2002 by which the Convention is amended and the ISPS Code is adopted.

2 of 52(III)/2004.

2 of 10(III)/2001.

“Resolutions of 1987 to 1995” means the following Resolutions:

(i) The Committee Resolution, dated 29th April 1987, under reference MSC 10(54), amending the IBC Code;

(ii) The Committee Resolution, dated 21st April 1988, under reference MSC11(55), amending Chapter II-1 of the Annex of the Convention that refers to ro-ro passenger vessels;

(iii) The Committee Resolution, dated 28th October 1988 under reference MSC12(56), amending Chapter II-1 of the Annex of the Convention that refers to residual damage stability for passenger ro-ro ferries;

(iv) The Resolutions 1 and 2 dated 9th November 1988 of the Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea of 1974, held in London, at the International Maritime Organization headquarters, from the 31st October to 11th November 1988, and which refers to the Global Maritime Distress and Safety System (GMDSS);

(v) The Committee Resolution dated 11th April 1989, under reference MSC13(57), amending Chapters II-1, II-2, III, IV, V and VII of the Annex of the Convention;

(vi) The Committee Resolution dated 11th April 1989, under reference MSC14(57), amending the IBC Code;

(vii) The Committee Resolution dated 24th May 1990, under reference MSC16(58) amending the IBC Code;

(viii) The Committee Resolution dated 24th May 1990, under reference MSC17(58) amending the IGC Code ;

(ix) The Committee Resolution dated 25th May 1990 under reference MSC19(58) amending Chapter II-1 of the Annex of the Convention ;

(x) The Committee Resolution dated 23rd May 1991, under reference MSC22(59), amending Chapters II-2, III, V, VI and VII of the Annex of the Convention ;

(xi) The Committee Resolution dated 10th April 1992, under reference MSC24(60), amending Chapter II-2 of the Annex of the Convention ;

(xii) The Committee Resolution dated 10th April 1992, under reference MSC26(60), amending Chapter II-1 of the Annex of the Convention;

(xiii) The Committee Resolution dated 11th December 1992 ,under reference MSC27(61), amending Chapters II-1, II-2, III and IV of the Annex of the Convention ;

(xiv) The Committee Resolution dated 11th December 1992 under reference MSC28(61), amending the IBC Code ;

(xv) The Committee Resolution dated 11th December 1992, under reference MSC28(61), amending the IGC Code;

(xvi) The Committee Resolution dated 23rd May 1994 under reference MSC31(63), amending Chapters V, II-2 of the Annex of the Convention ;

(xvii) The Committee Resolution dated 23rd May 1994, under reference MSC32(63), amending the IGC Code ;

(xviii) The Committee Resolution dated 9th December 1994, under reference MSC42(64), amending Chapters VI and VII of the Annex of the Convention;

(xix) The Committee Resolution dated 16th May 1995 under reference MSC46(65), amending Chapter V of the Annex of the Convention ;

(xx) The Resolution 1 dated 29th November 1995 , of the Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea of 1974 , amending Chapters II-1, II-2, III, IV, V and VI of the Annex of the Convention ; and

(xxi) The Resolution dated 10th November 1988 of the Conference of Parties to the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea of 1974 , on the Global Maritime Distress and Safety System , by which the Protocol is amended.

“ Resolutions of 2002” means the Resolutions 1 and 2 of 12th December 2002 of the

2 of 52(III)/2004.

Conference of Contracting Governments to the International Convention for the Safety of Life at Sea of 1974 held in London, at the International Maritime Organization headquarters, from the 9th to the 13th of December 2003 by which Chapters V and XI of the Convention are amended and the ISPS Code is adopted, respectively.

(2) Expressions used in this Law and not otherwise defined, shall have the meaning assigned to them by the Convention, the Protocol and the Resolutions.

Ratification.

3. — (1) The Convention, Protocol and Resolutions are hereby ratified.

*Schedule
Part I.
Part II*

(2) The texts of the Convention, Protocol and the Resolutions are set out in the English original in Part I of the Schedule and in translation in Greek in Part II of the Schedule ²:

Provided that in case of conflict between the English original text and the text translated in Greek, the English original shall prevail.

*Scope of application
2 of 24(III)/2006*

4. Subject to the provisions of the Convention, its Protocol and the Resolutions, the present Law applies to—

- (a) Cyprus ships irrespective of where they may be;
- (b) Foreign ships, irrespective of the flag they are entitled to fly, whilst they are within the territory of the Republic; and
- (c) Port facilities located within the territory of the Republic.

*Application of
the Protocol 1988
and of the
Amendments.
32 of 1989.*

4A. Sections 4, 5, 7 and 8 of this Law are applied as though reference is made in these and in the Protocol 1988 and in the Amendments, as these are interpreted in this Law and in the International Convention for the Safety of Life at Sea 1974 (Ratification of Amendments) Law 1989.

*4 of 24(III)/97
2 of 24(III)/2006.*

*Competent
Authority.*

5. The Minister and the persons specially authorized by the Minister for each case shall be the Competent Authority for the application of this Law, the Convention, the Protocol and the Resolutions and Regulations made for the implementation thereof, for the grant of the exceptions and exemptions allowed by those provisions, for the ascertainment of contraventions and the imposition of sanctions.

*Setting the
security
level.*

4 of 52(III)/2004.

5A. —(1) The Competent Authority, following consultations within the context of the Advisory Committee on Maritime Security, and taking into account the relevant provisions of the Convention and the guidelines provided in Part B of the ISPS Code, sets the security level in relation to Cyprus ships and port facilities and in relation to other ships, prior to entering a port of the Republic or whilst in such a

² Consolidation Note : The present consolidation does not include the *Schedule*, i.e. the full text of the Convention, the amending Protocols and various Resolutions, obtainable from the International Maritime Organization (IMO) publications.

port, and provides guidance, in order to ensure protection against security incidents.

(2) (a) For the purposes of setting the security level in relation to Cyprus ships, the Advisory Committee on Maritime Security shall be composed by :

- The Director, who acts as the Chairman ;
- an officer of the Department of Merchant Shipping, nominated from time to time by the Director;
- a representative of the Central Intelligence Service of the Ministry of Justice and Public Order.

(b) For the purposes of setting the security level of port facilities of the Republic and for ships prior to entering a port or whilst in a port of the Republic, the Advisory Committee on Maritime Security shall , in addition to its members provided by paragraph (a), comprise a representative of the Cyprus Ports Authority.

(c) The Minister may extend the above composition of the Advisory Committee on Maritime Security where deemed necessary by a security incident.

(d) The Advisory Committee on Maritime Security is convened at the Chairman's request, whenever there is such a need.

(e) The Advisory Committee on Maritime Security is assembled and lawfully decides if there is a quorum at the meeting, and its decisions are reached by a majority vote, provided that in the event of an equal voting, the Chairman has a casting vote .

(f) The Advisory Committee on Maritime Security has the power to call at its meetings any expert witnesses of the public or private sector for the provision of advice or clarifications in the field of their expertise which are deemed necessary for reaching correct decisions.

*Delegation
of duties to
recognized
organizations.
4 of 52(III)/2004.*

*46(I)of 2001
83(I) of 2004.*

Equivalentents.

4 of 32/89.

*Prohibition
of sailing.*

5B. Subject to the provisions of section 4.3 of Part A of the ISPS Code, the Competent Authority may delegate to recognised organisations security- related duties under Chapter XI-2 and Part A of the IPSP Code, according to the provisions of the Merchant Shipping (Recognition and Authorization of Organizations) Laws of 2001 to 2004.

6. The approval of equivalentents as provided by Regulation 5(a) of Part A of Chapter I of the Convention shall be allowed by decision of the Minister published in the Official Gazette of the Republic.

Provided that in the case of unusual and special circumstances , the decision of the Minister referred to hereinabove does not have to be published in the Official Gazette of the Republic.

7. - (1) As from the coming into operation of this Law, the sailing of Cyprus or foreign ships which are subject to the provisions of this Law shall be prohibited as long as the ships do not comply with the conditions specified in the Convention, the

Protocol and the Resolutions and the Regulations made for the implementation thereof.

(2) If during the inspection of a ship the Competent Authority ascertains any contravention of the provisions of this Law, the Convention, the Protocol and the Regulations made in execution thereof, the Competent Authority shall confirm the contravention, make a relevant report, call the master to explain the situation and prohibit the sailing of the ship until the cause affecting her ability for safe sailing is rectified and, provided it is the case, the fine prescribed in the following section is paid.

(3) The expenses that derive from the inspection of the ship for ascertaining her ability thereof for safe sailing burdens the ship and are paid before the lifting of the prohibition of sailing.

*Denial of entry
of a ship into
and expulsion of
a ship from
a port of
the Republic.*

5 of 52(III)/2004.

7A. – (1) If during the exercise of control and compliance measures pursuant to Regulation XI-2/9 of the Convention or of control at a port of the Republic of the security system of a Cyprus ship, the Competent Authority observes any contravention of this Law, of the Convention, its Protocol and of the Regulations made there under, which justifies the denial of entry of the ship into or the expulsion of the ship from, a port of the Republic, it may issue a relevant order to this respect.

(2) In case the Competent Authority issues an order denying the entry of a ship into or expelling a ship from, a port of the Republic under subsection (1), it may consequently allow the entry or reentry of the vessel if it is satisfied that –

- (a) the contraventions justifying the issue of the relevant order have been rectified and the ship is capable to enter a port of the Republic without threatening the security of the ship or of the port facility or the security of other ships located within the port facility or the security of the Republic or of a person situated in the Republic;
- (b) all the expenses arising from the inspection effected for confirming compliance with the provisions of paragraph (a) have been paid; and
- (c) any administrative fine imposed by virtue of this Law has been paid.

(3) Every order of denying the entry of a ship or expelling a ship shall contain information as to the right to file a hierarchical recourse by virtue of this Law.

*Suspension
of operation
of port facilities.*

5 of 52(III)/2004.

7B. – (1) The operation of port facilities for which the provisions of this Law apply is prohibited for as long as these facilities do not comply with the requirements of this Law, of the Convention, its Protocol and the Regulations made there under.

(2) If during the control of port facilities, effected by virtue of this Law and the Convention, the Competent Authority observes any contravention of this Law, of the Convention, its Protocol and the Regulations made there under, the Competent Authority notifies in writing the contravention to the operator of the port facility, calls upon the operator to explain the situation and where the contravention is threatening the security of the port facility or the security of other ships located

3 of 24(III)/2006

within the port facility or the security of the Republic or of a person situated in the Republic, issues an order suspending in whole or partially the operation of the port facility, until it is satisfied that –

- (a) The contraventions justifying the issue of the relevant order have been rectified and /or the operation of the port facility can continue without threatening the security of the port facility or the security of other ships located within the port facility or the security of the Republic or of a person situated in the Republic;
- (b) all the expenses arising from the inspection effected for confirming compliance with the provisions of paragraph (a) have been paid; and
- (c) any administrative fine imposed by virtue of this Law has been paid.

(3) Every order of suspension of the operation of a port facility shall contain information as to the right to file a hierarchical recourse by virtue of this Law.

Administrative fine.

6 of 52(III)/2004.

8. — (1) Contravention of the provisions of this Law, of the Convention, of its Protocol, and of the Regulations made there under, shall be punishable, notwithstanding whether a case of criminal or disciplinary liability arises under this Law or any other law, with an administrative fine not exceeding five thousand (£5.000) pounds depending on the seriousness of the contravention.

(2) The administrative fine is imposed in the case of a ship, on the shipowner or the operator of the ship or the master, and in the case of a port facility, on the owner or the operator of the port facility, by a reasoned decision of the Competent Authority confirming the contravention.

(3) The amount of the administrative fine imposed under subsection (2) shall be calculated in each case on the basis of indicative directions issued by the Minister, without thereby limiting, within the scope of the directions, the discretionary power of the Competent Authority, which confirms the particular contravention, to decide freely on the basis of the actual facts of each case.

(4) The Competent Authority shall notify of its decision imposing the administrative fine :

(a) in case of a ship, the master, and it shall not allow the lifting of the prohibition of sailing imposed under section 7 and of the denial of entry of the ship into and expulsion of the ship from, a port of the Republic imposed under section 7A;

(b) in case of a port facility, the owner or the operator of the port facility, and it shall not allow the lifting of the suspension of operation imposed under section 7C,

until the administrative fine has been paid, or a bank guarantee issued by a recognized bank of equal amount for the benefit of and with terms satisfying the Competent Authority has been deposited.

(5) The Competent Authority informs accordingly the interested persons of their right of recourse to the Supreme Court .

*Hierarchical
recourse.*

*4 of 10(III)/2001.
6 of 52(III)/2004.*

8A. — (1) (a) A hierarchical recourse may be filed with the Minister by the shipowner or the operator of the ship or the master against a decision imposing a prohibition of sailing or a denial of entry of a ship into or expulsion of a ship from, a port of the Republic, or an administrative fine, within thirty days from the date of notification of the decision, in the case of a contravention confirmed in a port of the Republic, or within sixty days, from the date of notification of the decision in the case of a contravention confirmed in a foreign port.

(b) The owner of a port facility or its operator shall have the right to file an hierarchical recourse with the Minister against a decision imposing a suspension of its operation or an administrative fine, within thirty days from the date of notification of the decision.

(2) The recourse according to subsection (1) shall not suspend the execution of the decision.

(3) The Minister shall examine the recourse and shall, after having heard the interested parties or having given them an opportunity to express their views in writing , issue a decision on the recourse pursuant to subsection (4) , not later than ten days.

(4) After examining the recourse under subsection (3), the Minister may decide –

- (a) to confirm the challenged decision ; or
- (b) to declare the challenged decision null and void; or
- (c) to amend the challenged decision ; or
- (d) to issue a new decision in substitution for the challenged decision .

(5) The surveyors of ships shall inform accordingly , depending on each case, the master , the shipowner and the operator of the ship via its master , or the owner of the port facility or its operator for their right to file a recourse under subsection (1).

(6) The amount of the administrative fine or the bank guarantee shall fall and rests definitely to the Republic, if no recourse to the Supreme Court is filed after the lapse of seventy-five days, either from the date of the notification of the decision imposing the administrative fine , or in case where a hierarchical recourse is filed with the Minister, from the date of the notification of the Minister's dismissing decision .

Criminal

9. — (1) (a) The master who attempts to sail or to enter a port of the Republic

*offences
with regard
to ships and
port facilities.
7 of 52(III)/2004.*

in contravention of a prohibition of sailing or in contravention to a denial of entry of a ship into or expulsion of a ship from, a port of the Republic, respectively , imposed on a ship under the provisions of sections 7 and 7A of this Law, commits an offence punishable upon conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding five thousand pounds (£ 5.000), or to both such sentences .

(b) The same offence is committed by the shipowner, the operator of the ship or any other person who knowingly aids and/or assists in the commission of the offence under paragraph (a).

(2)(a) Commits an offence punishable upon conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding five thousand pounds (£ 5.000), or to both such sentences , the owner of a port facility or its operator, who –

- (i) attempts to operate a port facility in contravention of a suspension of the operation of a port facility imposed under the provisions of section 7B of this Law;
- (ii) contravenes or fails to comply, without any reasonable cause, any instructions of the Competent Authority relating to security matters issued pursuant to the provisions of the Convention .

(b) The same offence is committed by any other person who knowingly aids and/or assists in the commission of the offence under paragraph (a) .

*Fine a
charge on
the ship.
5 of 10(III)/2001.*

10. The fine imposed under sections 8 and 9, as well as the expenses that derive from the inspection of the ship as per section 7(3), constitute a charge on the ship in connection with which the offence has been committed, or as the case may be, the contravention was ascertained ,which is satisfied in priority against any other creditors ,subject to its ranking after the last mortgage.

*Issue of
Regulations.*

11. The Council of Ministers has power to make Regulations³:

- (a) to regulate any matter which under this Law, the Convention, the Protocol and the Resolutions is required or may be prescribed;
- (b) to provide for the application, mutatis mutandis, of the provisions of the Convention, the Protocol and the Resolutions, to the Cyprus ships which are not subject to these provisions, to the

³ **Consolidation Note:** It is recalled that the Regulations presently in force, issued under this section are the following :

- *The Coastal and Other Passenger Vessels Regulations, 2002 (Gazette No. 3622, Supplement III(I),dated 19.07.2002 , P.I. No.342/2002) .*

extent that this application can be achieved; and

- (c) to prescribe a sentence of imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds (£ 5.000) or to both such sentences for the offences provided under the Regulations.

*Entry into
force.*

12. This Law shall come into force after the lapse of six months from its publication in the Official Gazette of the Republic.

*Repeal.
30 of 1965
8 of 1982.*

13. From the coming into force of this Law, the Safety of Life at Sea Convention (Ratification) Laws, 1965 to 1982 shall be repealed.

Consolidated DMS Version (Rev)

August 2006