

# THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA FROM SHIPS (RATIFICATION) LAWS OF 1989 TO 2005<sup>1</sup>

LAW NO. 57 OF 1989 AS AMENDED  
A LAW TO PROVIDE FOR THE RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS OF 1973, OF ITS PROTOCOL OF 1978 AND ITS AMENDMENTS AND FOR MATTERS CONNECTED THERETO

*Preamble.*

WHEREAS the International Convention for the Prevention of Pollution from Ships was signed at London on the 2nd November 1973, a Protocol in connection with the said Convention was signed also at London on the 17th February 1978 and entered into force internationally on the 2nd October 1983, the Resolution of the 20th Session of the Marine Environment Protection Committee of the International Maritime Organization (IMO), under reference MEPC 14(20) which amends the Protocol and which entered into force internationally on the 7th October 1986, was signed also at London on the 7th September 1984, and on the 5th December 1985 were also signed the Resolutions under references MEPC 16(22) and MEPC 21(22) of the 22nd Session of the Marine Environment Protection Committee of the same said Organization (IMO), which amend Annex II and the Protocol I, as amended by the Protocol of 1978 and which entered into force internationally on the 5th October, 1986.

AND WHEREAS it is envisaged by Article 14 of the Convention that its Annexes III, IV and V preserved by the Protocol are optional.

AND WHEREAS the Government of the Republic by the decision of the Council of Ministers No. 31.072 dated 15.12.1988 decided to accede to the Protocol, with the exception of its Annexes III and IV, and to accept the Resolutions MEPC 14(20), MEPC 16(22) and MEPC 21(22).

NOW THEREFORE, the House of Representatives enacts as follows:

*Short title.*

1. The International Convention for the Prevention of Pollution of the Sea from Ships (Ratification) and for Matters Connected Therewith Laws of 1989, 1995, 2001, 2003, 2004 and 2005 shall be cited as the International Convention for the Prevention of Pollution of the Sea from Ships (Ratification) and for Matters Connected Therewith Laws of 1989 to 2005.

57 of 1989  
11(III) of 1995  
11(III) of 2001  
38(III) of 2003  
46(III) of 2004  
36(III) of 2005.

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<sup>1</sup> Consolidation Note: Includes the latest amendments introduced by Law 36(III)/2005. 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. —(1) In this Law unless the context otherwise requires—

- 2(b) of 11(III)/2001.  
2 of 36(III)/2005. “Annex ” means the Annex III to the Convention , and the present definition applies only (exclusively ) for the purposes of section 3 of the International Convention for the Prevention of the Pollution of the Sea from Ships of 1973, its Protocol of 1978, as Amended by the Resolutions of 1987-1995 (Ratification) and for Matters Connected Therewith (Amendment) Law of 2001.
- 2(b) of 11(III)/2001. “BCH Code” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, adopted by the Committee, at its 22<sup>nd</sup> Session, by Resolution MEPC 20(22) dated 5<sup>th</sup> December 1985 and which became binding for ships that were built before the 1<sup>st</sup> July 1986, under Regulation 13 of the Annex II of MARPOL 73/78, by virtue of the Resolution of the Committee MEPC 16(22) dated 5<sup>th</sup> December 1985;
- 2(b) of 11(III)/2001. “Committee” means the Committee for the Protection of Marine Environment of the International Maritime Organization;
- “Convention” means the International Convention for the Prevention of Pollution from Ships, which was signed at London on the 2nd November 1973 and includes the Protocols, Annexes and Appendices attached thereto;
- “dispersant” means every chemical substance approved by the Director of the Department of Fisheries of the Ministry of Agriculture and Natural Resources as suitable for the elimination of pollution;
- 2(b) of 11(III)/2001. “IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, adopted by the Committee, at its 22<sup>nd</sup> Session, by Resolution MEPC19 (22) dated 5<sup>th</sup> December 1985 and which became binding for ships that were built during or after the 1<sup>st</sup> July 1986, under Regulation 13 of the Annex II of MARPOL 73/78, by virtue of the Resolution of the Committee MEPC 16(22) dated 5<sup>th</sup> December 1985;
- “installation” includes an oil refinery, an oil company, a shipyard, a ships’ repair facility, a floating oil platform, an industry and any kind of enterprise situated near the coast and which when used in any way for its operational needs, has a serious and direct effect on the marine environment;
- 2(b) of 11(III)/2001. “MARPOL 73/78” means the Convention as amended by the Protocol;
- 2 (a) of 38(III)/2003. “Minister” means, subject to the provisions of subsection (8) of section 19, the Minister of Communications and Works;
- “pollution” means the introduction, in any manner, directly or indirectly, of substances or energy into the marine environment, with deleterious effects to it, such as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water and reduction of amenities;
- 2 of 36(III)/2005. “Protocol” means the following :
- (a) the Protocol of 1978 amending the Convention , signed at London on the 17th February 1978, together with the attached Annex to the Protocol ;

(b) The Protocol of 1997, together with the attached Annex to the Protocol ;

*2 of 46(III)/2004.* “ Protocol of 1997 “ means the Protocol of 1997 signed at London on 26 September 1997, which amends the Convention and the Protocol of 1978;

*2 (b) of 38(III)/2003.* “ reception facility ” means a construction of every nature, type and kind whatsoever, which due to its appropriate construction or conversion , is intended or used for the reception and storage of ship-generated waste or cargo residues intended to be transported for treatment, the discharge or leakage of which into the sea, in anyway effected, may cause pollution;

*2 (a) of 11(III)/2001.*  
*2 of 36(III)/2005.* “ Resolutions “ means the following resolutions :

(a) The Resolution under reference MEPC 14(20) adopted by the Committee on the 7<sup>th</sup> September 1984, amending MARPOL 73/78 ;

(b) The Resolutions under reference MEPC 16(22) and MEPC 21(22), respectively, adopted by the Committee on the 5<sup>th</sup> December 1985, amending Annex II and Protocol I of MARPOL 73/78 ;

(c) The Resolutions of 1987 to 1995;

(d) The Resolution under reference MEPC 115 (51) , adopted by the Committee on the 1<sup>st</sup> April 2004 revising Annex IV of MARPOL 73/78 ;

“Resolutions 1987 to 1995” means the following Resolutions:

- (i) The Committee Resolution , at its 25<sup>th</sup> Session ,dated 1<sup>st</sup> December 1987,under reference MEPC 29(25), by which amendments to the Annex of the Protocol are adopted , Annex I of MARPOL 73/78 is amended and the Gulf of Aden area is designated as a Special Area;
- (ii) The Committee Resolution , at its 27<sup>th</sup> Session ,dated 17<sup>th</sup> March 1989,under reference MEPC 32(27), amending the IBC Code;
- (iii) The Committee Resolution , at its 27<sup>th</sup> Session, dated 17<sup>th</sup> March 1989,under reference MEPC 33(27), amending the BCH Code;
- (iv) The Committee Resolution ,at its 27<sup>th</sup> Session, dated 17<sup>th</sup> March 1989,under reference MEPC 34(27), by which amendments to the Annex of the Protocol are adopted and Appendices II and III of Annex II of the MARPOL 73/78 are amended;
- (v) The Committee Resolution , at its 28<sup>th</sup> Session, dated 17<sup>th</sup> October 1989,under reference MEPC 36(28), by which amendments to the Annex of the Protocol are adopted , Annex V of MARPOL 73/78 is amended and the North Sea area is designated as a Special Area ;
- (vi) The Committee Resolution , at its 29<sup>th</sup> Session, dated 16<sup>th</sup> March 1990, under reference MEPC 39(29), by which amendments to the Annex of the Protocol are adopted , Annexes I and II of MARPOL 73/78 are amended and the Harmonized System of Survey and Certification is introduced ;
- (vii) The Committee Resolution , at its 29<sup>th</sup> Session ,dated 16<sup>th</sup> March 1990, under reference MEPC 40(29), by which amendments to the IBC Code are adopted and the Harmonized System of Survey and Certification is introduced ;
- (viii) The Committee Resolution , at its 29<sup>th</sup> Session ,dated 16<sup>th</sup> March 1990, under reference MEPC 41(29), by which amendments to the BCH Code are adopted and the Harmonized System of Survey and Certification is introduced ;
- (ix) The Committee Resolution , at its 30<sup>th</sup> Session ,dated 16<sup>th</sup> November 1990, under reference MEPC 42(30), by which amendments to the Annex of the Protocol are adopted and the Antarctic area is designated as a Special Area ,under Annexes I and V of MARPOL 73/78 ;
- (x) The Committee Resolution ,at its 31st Session , dated 4<sup>th</sup> July 1991, under reference MEPC 47(31) by which amendments to the Annex of the Protocol are adopted , Regulations 15 and 17 of Annex I of MARPOL 73/78 are amended , a new Chapter IV is added in the Annex titled “Prevention of Pollution arising from an Oil Pollution Incident ” in which the new Regulation 26 is included , that refers to the existence on board ships of a Shipboard Oil Pollution Emergency Plan ; the Forms A and B of the Supplements to the International Oil Pollution Prevention Certificate contained in Appendix II of Annex I of MARPOL 73/78 are revised, and Appendix III of Annex I of MARPOL 73/78 regarding the type of the model of the Oil Record Book that ships should have on board is revised ;

- (xi) The Committee Resolution , at its 31<sup>st</sup> Session, dated 4<sup>th</sup> July 1991, under reference MEPC 48(31), by which the Annex of the Protocol is amended and the Wider Caribbean area is designated as a Special Area ,under Annex V of MARPOL 73/78 ;
- (xii) The Committee Resolution , at its 32<sup>nd</sup> Session ,dated 6<sup>th</sup> March 1992, under reference MEPC 51(32), by which amendments to the Annex of the Protocol are adopted and the discharge criteria of Annex I of MARPOL 73/78 are amended ;
- (xiii) The Committee Resolution , at its 32<sup>nd</sup> Session, dated 6<sup>th</sup> March 1992, under reference MEPC 52(32), by which amendments to the Annex of the Protocol are adopted and new Regulations 13F and 13G with relative amendments to Annex I of MARPOL 73/78 are introduced ;
- (xiv) The Committee Resolution , at its 33<sup>rd</sup> Session ,dated 30<sup>th</sup> October 1992, under reference MEPC 55(33), amending to the IBC Code ;
- (xv) The Committee Resolution , at its 33<sup>rd</sup> Session ,dated 30<sup>th</sup> October 1992, under reference MEPC 56(33), amending to the BCH Code ;
- (xvi) The Committee Resolution , at its 33<sup>rd</sup> Session, dated 30<sup>th</sup> October 1992, under reference MEPC 57(33), by which amendments to the Annex of the Protocol are adopted, which amend Annex II of MARPOL 73/78, the Appendices II and III are amended, and the Antarctic area is designated as a Special Area and Lists of Liquid Substances are provided ;
- (xvii) The Committee Resolution , at its 33<sup>rd</sup> Session , dated 30<sup>th</sup> October 1992, under reference MEPC 58(33), by which Annex III of MARPOL 73/78 is replaced ;
- (xviii) The Resolutions 1, 2, and 3 that were annexed to the Final Act of the Conference of Parties to the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto ,that were adopted on the 3<sup>rd</sup> November 1994 and amend MARPOL 73/78, regarding Port State Control on operational requirements, with the insertion of a new Regulation 8A , following the existing Regulation 8 of Annex I , of a new Regulation 15 in Annex III and of a new Regulation 8 in Annex V;
- (xix) The Committee Resolution , at its 37<sup>th</sup> Session dated 14<sup>th</sup> September 1995, under reference MEPC 65(37), which adopted amendments to the Annex of the Protocol, which replace Regulation 2 that refers to the scope of application of Annex V of MARPOL 73/78 and add a new Regulation 9 in this Annex that refers to placards, garbage management plans and garbage record- keeping.

(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) By this Law the Convention, the Protocol, and the Resolutions are ratified.

(2) The texts of the Convention, the Protocol, and the Resolutions in the English original are set out in Part I to the Schedule and in the Greek translation in Part II to the Schedule <sup>2</sup>.

*Schedule.*

*Part I.*

*Part II.*

(3) In case of conflict between the English original text and the text translated in Greek, the English original shall prevail.

*Competent Authority.*

*3 (a) (b) of 38(III)/2003.*

**4. —** (1) Subject to subsection (2), the Competent Authority for the application of the provisions of the Convention, the Protocol, the Resolutions, this Law and the Regulations made there under is the Minister and those persons under the Minister specifically authorized in each particular case, including any public law body corporate, provided that the relevant consent of the body corporate upon whom the powers shall be conferred, has been obtained beforehand.

*3 (c) of 38(III)/2003.*

(2) Particularly in the case of reception facilities, the Competent Authority shall be :

(a) the Minister, in relation to ports;

(b) the Minister of Agriculture, Natural Resources and Environment, in relation to fishing shelters;

(c) the Minister of Commerce, Industry and Tourism, in relation to marinas.

*Application.*

**5.** The provisions of the Convention, the Protocol, the Resolutions, this Law and the Regulations made there under shall apply:

(a) To Cyprus ships;

(b) to ships under foreign flag when they sail into Cyprus ports or when they are within the territorial waters of the Republic;

(c) to installations situated in the Republic at which ships call, to carry out any kind of operations or loading and unloading;

(d) to ships, machinery, apparatuses and to any kind of equipment which are manufactured in the Republic and are intended for ships; and

(e) to ships of any nationality, in case of pollution of the high seas with an imminent risk of extension of the pollution to the territorial waters of the Republic.

*Discharge of pollution substances prohibited.*

*4 of 38(III)/2003.*

*Use of chemical substances prohibited.*

*Duty of masters of ships*

**6.** The discharge from ships into the ports, the coast and the territorial waters of the Republic of any nature of waste, sewage and refuse from which pollution may result is prohibited, including the discharge of any ship-generated waste and cargo residues for which an obligation exists to deliver them to reception facilities by virtue of this Law or any Regulations made there under.

**7.** The use of dispersants or other anti-pollution chemical substances to combat pollution, without the relevant approval of the Director of the Department of Fisheries of the Ministry of Agriculture and Natural Resources is prohibited.

**8.** Every master of a ship within the territorial waters of the Republic and every operator of an aircraft landing on the territory or flying over it within the Flight Information Region (F.I.R.) of the Republic, shall report immediately to the Competent Authority any case of pollution observed by

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<sup>2</sup> 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.

*and  
aircraft  
operators  
to report  
any  
pollution  
incidents .*

*Duty of  
ships and  
tankers.*

them. They are under the same duty in case they observe an incident of pollution outside the above areas when it is obvious that the said incident may cause pollution to the coast of the Republic.<sup>3</sup>

**9.** —(1) All ships sailing into ports of the Republic, to anchorages or installations, shall:

- (a) Deliver the oily mixtures and all kinds of refuse to the reception facilities prescribed by the Competent Authority;
- (b) deliver the residues of poisonous and toxic substances carried by them according to the instructions of the Competent Authority.

(2) Specifically, in the case of tankers, apart from the duties imposed by the previous subsection, they shall, before loading, carry out gas freeing operations . They are exempted from this duty when they intend to load a cargo similar to the previous one or when they secure to this end the approval of the Competent Authority.

(3) The Competent Authority is empowered, after taking into consideration and assessing the special circumstances of each case, to prohibit the sailing of ships and tankers, until they deliver their residues and oil mixtures and also the residues of poisonous and toxic substances and refuse, as provided in this Law.

Provided that, in the case of toxic and poisonous substances and refuse and if their reception is not possible according to this Law, the Competent Authority may allow the sailing on being satisfied of their safe carriage.

*Oil  
transfers.*

**10.** —(1) During the loading and unloading of oil or during oil transfers, with the exception of those white aviation oil products (benzene, naphtha, fusions, fuel of jet- planes, kerosene and light DIESEL), effected at installations or ships, those in charge of such installations or ships have a duty to ensure that:

- (a) a boom of a type approved by the Competent Authority which will be deployed immediately in case of oil discharge, is available , ready for immediate use and to the required extent according to each case, so that the discharge be restricted within the said barrier ;
- (b) a skimmer approved by the Competent Authority and in general any equipment for the collection of any discharge of oil, is available, and ready for immediate use. The capacity and quantity of the said equipment shall be proportionate to the quantity of the carried oil or oil derivatives; and
- (c) a dispersant of an approved type is available for use, at the required quantity for each case, to combat any eventual discharge of oil or oil derivatives .

(2) The duties according to the previous subsection may be assigned by those responsible in law, with the approval of the Competent Authority, to a suitable entity or organization considered by the Competent Authority to be capable for a successful confrontation of the risks arising from the pollution as more specifically prescribed in Regulations.

(3) In case operations under subsection (1) effected in installations or ships, relate to an oil quantity

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<sup>3</sup> **Consolidation Note:** It is recalled that relevant provisions exist also under the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System ) Law of 2004 ( Law 131(I) /2004 )*.

up to one thousand tons, the Competent Authority is empowered to prescribe the measures needed in each case, for the protection of the marine environment, as more specifically prescribed in Regulations.

*Duties of  
masters  
and agents.*

**11.** — (l) The masters of tankers destined for ports or installations of the Republic or their agents shall report to the Competent Authority every damage, wear (deterioration ) or accident which may cause pollution.

(2) The masters of tankers expected to approach ports or installations of the Republic or any other area within the territorial waters of the Republic by reason of force majeure, shall:

(a) Notify the Competent Authority of the impending arrival, the quantity and the type of the carried cargo of oil residues and of any dirty ballast, the port of last call abroad and the reasons that render their approach of the Republic imperative;

(b) remain in the position indicated and inform the Competent Authority of the impending sailing, as soon as the reasons that rendered the approach imperative cease to exist.

(3) The Competent Authority is empowered to prohibit the entry into ports of the Republic and in its territorial waters of tankers that sustained damage, wear (deterioration) or accident, unless they previously comply with the protective measures indicated by the Competent Authority in each particular case.

(4) The masters of tankers that are in ports, roadsteads or installations of the Republic, shall accept the measurement of the content of their tanks, the taking of samples and the application in general of any accepted by the Competent Authority method for the purpose of identifying ship-source pollution .

(5) In case of impending arrival of a ship from abroad into ports of the Republic for the loading or unloading of oil, oil residues and dirty ballast, the master or agent of the ship shall notify the Competent Authority, at least twenty-four hours before the expected arrival, of:

(a) The last port of call of the ship abroad;

(b) the quantity intended to be loaded or unloaded and the type of the cargo; and

(c) any existing quantity of oil residues and dirty ballast for delivery.

(6) The provisions of this section shall apply only to tankers exceeding 150 tons gross tonnage. The provisions of subsection (5) shall apply also to all other ships, exceeding 400 tons gross tonnage. <sup>4</sup>

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<sup>4</sup> Consolidation Note: With regard to various aspects of section 11, it is recalled that relevant provisions exist also under the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System ) Law of 2004 ( Law 131(I) /2004 )*.



*Reception facilities.*

**12.** — (1) Reception facilities operating in the ports of the Republic shall serve the needs of the ships, to be served thereby and shall secure that during their operation, all necessary measures shall be taken to prevent pollution.

(2) The prerequisites in the previous subsection shall also apply to reception facilities operating as a part of an installation within the meaning of section 2 of this Law.

(3) Regulations shall prescribe the terms and prerequisites for the operation of reception facilities, the possibility of granting a right of operation of reception facilities to private enterprises, the control of the said groups and every other relating particular.

*Duties in case of pollution.*

**13.** — (1) In case of pollution, or obvious and imminent risk of causing pollution, the shipowner, the operator of the ship or the master, the owner, the operator of the installation or reception facility or the person in charge of it, shall take all appropriate measures to prevent pollution and restrict its source and shall report immediately the fact to the Competent Authority and to the Department of Fisheries of the Ministry of Agriculture and Natural Resources, giving information to the Competent Authority, in accordance with provisions more specifically prescribed in Regulations.

(2) The Competent Authority and the Department of Fisheries of the Ministry of Agriculture and Natural Resources, as soon as they are informed of the fact, shall take, in accordance with their competency, all appropriate measures to avoid, restrict and eliminate pollution and shall inform to this respect the shipowner or the operator of the ship or the master or, in their absence, the agent or other competent person, and in the case of installations or reception facilities, the owner or the operator of the installation or reception facility or the person in charge of it.

(3) The Competent Authority, in co-operation with the Department of Fisheries of the Ministry of Agriculture and Natural Resources is empowered to assign its duties mentioned in the previous subsection to organizations or private enterprises that possess the necessary equipment and relevant experience in combating pollution incidents and to co-ordinate, supervise and control the operations carried out for this purpose.<sup>5</sup>

*Civil liability.*

**14.** Liability for compensation for damage caused by pollution and for the expenses incurred for its avoidance, restriction or elimination, lies with the person who caused the pollution or the risk of pollution. Jointly liable in whole, who may be sued either jointly or severally with the person who caused the pollution, are the shipowner, the operator of the ship and the master, and in the case of installations and reception facilities the owner, the operator of the installation or reception facility and the person in charge of it.

*Equivalent arrangements.*

**15.** By decision of the Minister published in the Official Gazette of the Republic the approval of equivalent arrangements for which provision is made in Regulation 3 of Chapter I of Annex I of the Protocol shall be permitted.

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<sup>5</sup> **Consolidation Note:** With regard to various aspects of section 13, it is recalled that relevant provisions exist also under the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law of 2004 (Law 131(I)/2004)*.

*Power of  
Competent  
Authority for  
inspection.*

**16.** —(1) The Competent Authority is empowered to board at any time a Cyprus ship, situated anywhere, or a foreign ship calling into a port of the Republic and to inspect her, in order to ascertain if the ship complies with the provisions of the Convention, the Protocol, the Resolutions, this Law and the Regulations made there under.

(2) The Competent Authority is also empowered to inspect installations and reception facilities.

*Prohibition of  
entry or sailing  
of ships.*

**17.** The approach to ports of the Republic or the sailing from ports of the Republic of Cyprus ships or of ships under foreign flag of States, Parties or not to the Convention, the Protocol and the Resolutions, shall be prohibited, for as long as the said ships do not comply with the provisions of the Convention, the Protocol, the Resolutions, this Law and the Regulations made there under.<sup>6</sup>

*Criminal  
offence for  
pollution .*

**18.** — (1) Any person who contravenes or suffers any other person under his authority to contravene the provisions of the Convention, the Protocol, the Resolutions, this Law and the Regulations made there under and, as a result of this, pollution is caused, commits an offence punishable upon conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand pounds (£ 500.000) or to both such sentences.

(2) The Competent Authority is empowered to prohibit the sailing of a ship in respect of which there is reasonable suspicion that an offence has been committed, until a Court order prohibiting its sailing as provided in the following subsection is issued.

(3) The Court order prohibiting the sailing is issued on application of the Competent Authority, submitted within a period of twenty four hours, by any member of the District Court of the district within which the ship involved in the commission of the offence is situated, and may prohibit the sailing of the ship, until the issuing of a final Court judgment for the offence and the payment of the imposed fine or until the deposit in Court of a relevant bank guarantee from a recognized bank for the amount provided in the order, which shall not exceed the highest limit of the fine provided in subsection (1).

*Contraventions  
and sanctions.*

**19.** —(1) Contravention of the provisions of the Convention, of the Protocol, of the Resolutions, of this Law and of the Regulations made there under, shall be punishable, notwithstanding whether a case of criminal or disciplinary liability arises under any other legal provision, with an administrative fine of one hundred (£100) up to five thousand (£5.000) pounds depending on the seriousness of the contravention.

(2) The administrative fine is imposed on the shipowner or the operator of the ship or the master, or in the case of installations or reception facilities, on the owner or the operator or the person in charge of them, by a reasoned decision of the Competent Authority confirming the contravention. The amount of the administrative fine imposed shall be calculated in each case on the basis of indicative directions issued by the Minister where the basic contraventions with the corresponding administrative fines shall be included, 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.

(3) The Competent Authority shall notify the person responsible for the contravention as stated in

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<sup>6</sup> Consolidation Note: It is recalled that relevant provisions exist also under the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law of 2004 ( Law 131(I)/2004 )*.

the previous subsection of its decision imposing the administrative fine and, in case of ships, it shall not allow the lifting of the prohibition of sailing ,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 .

(4) Exceptionally, in the case of ships calling regularly at Cyprus ports, the lifting of the prohibition of sailing may be allowed without the previous payment of the administrative fine imposed or the deposit of a bank guarantee as provided above , with the approval of the Minister, for only one single voyage, if imperative communication or other exceptional reasons justify this and the prompt production of a bank guarantee under the circumstances is practically impossible.

(5) A recourse (hierarchical recourse) may be filed with the Minister against a decision imposing an administrative fine. The recourse with the Minister shall be filed 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, in the case of a contravention confirmed in a foreign port.

(6) The recourse according to the previous subsection shall not stay the execution of the decision.

(7) 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 according to subsection (5) a recourse is filed with the Minister, from the date of the notification of the Minister's dismissing decision .

5 of 38(III)/2003.

(8) For the purposes of this section, the term "Minister" means either the Minister of Agriculture, Natural Resources and Environment or the Minister of Commerce, Industry and Tourism, depending on each case.

*Court proceedings to collect fine under section 19.*

**20.** In case of failure to pay the administrative fine imposed under section 19, the Competent Authority shall institute court proceedings and collect the amount due as a civil debt owed to the Republic.

*Fine, damages, costs to be a charge on the ship.*

**21.** A fine imposed under sections 18 and 19, as well as the amounts due to rectify the damages caused from pollution or incurred for the prevention or elimination of pollution, constitute a charge on the ship in connection with which the offence has been committed, or as the case may be, the contravention was confirmed, which is satisfied in priority against any other creditors, subject to its ranking after the last mortgage.

*Issue of Regulations.*

**22.** — (1) The Council of Ministers may make Regulations for prescribing any matter, which, under this Law is required to be or may be prescribed<sup>7</sup>.

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<sup>7</sup> Consolidation Note: It is recalled that the Regulations presently in force, issued under this section are the following :

- *The Submarine Pipe-Lines for the Transfer of Oil and Other Hydrocarbon Products Regulations, 1995. (Gazette No. 2978, Supplement III(I), dated 2.6.95, P.I. No. 151/95).*

- *The Port Reception Facilities for Ship-generated Waste and Cargo Residues Regulations, 2003. (Gazette No.3758, Supplement III(I), dated 3.10.2003, P.I. 771/2003).*

(2) In particular and without prejudice to the generality of the power under subsection (1) of the Council of Ministers to make Regulations, the Regulations made under this Law may provide for the following matters:

- (a) To provide for the alternative application of the requirements of the Convention, the Protocol and the Resolutions on Cyprus or foreign ships calling into ports of the Republic and not falling within their provisions, so far as such alternative application is possible;
- (b) to regulate the duty under section 10 of this Law of tankers falling within the said provisions for their supply with the necessary means and materials according to law at the required quantity for each case and the provision of the prerequisites for their exemption from this duty, so long as the necessary safety measures are taken;
- (c) to prescribe the terms, prerequisites and requirements for the recognition of reception facilities and the granting of a permit (licence) to the private sector for the construction, organisation and operation of reception facilities, the exercise of control over them and the applicable invoices /fees for the facilities rendered;
- (d) to prescribe the contents of the information to be supplied under section 13(1) of this Law;
- (e) to prescribe the specifications and other terms and particulars of construction, installation and operation of every kind of equipment, the booms/ nets and their accessories required to be carried on board the ships;
- (f) to prescribe the minimum distances of passage of loaded and unloaded tankers from the nearest coast, their compulsory routes and the measures in general relating to their sea traffic, for the prevention of the pollution of areas of greater interest to the economy;
- (g) to prescribe the form and manner of keeping the books and certificates provided by the Convention, the Protocol and the Resolutions;
- (h) to prescribe the form of a manual for the standards, the procedures and the requirements for the discharge into the sea of liquid harmful substances carried by chemical tankers;
- (i) to prescribe specifications of construction of submarine pipe-lines systems for the transfer of oil, the periodical inspection and the certification of their fitness;
- (j) to prescribe the minimum safety measures in connection with the risk of causing pollution before and during the transfer of oil or oil mixtures or dirty ballast or before the ballasting and during the ballasting of tankers;
- (k) to prescribe fees and dues relevant to the operation of reception facilities and also fees and dues relevant to the inspection and issuing of certificates of fitness for submarine

6(a) of 38(III)/2003.

2 of 11(III)/95.

pipe-lines systems for the transfer of oil and other hydrocarbon products.

*6 (b) of 38(III)/2003.*

(1) to prescribe the duties of the masters of ships as to the delivery of ship-generated waste and cargo residues to reception facilities and the exercise of control upon the masters, the implementation of the waste reception and handling plan, the notification of information by the masters of ships and the payment of damages by the Competent Authority in the case of an undue delay in fulfilling any of its duties relating to reception facilities.

(3) Regulations made under this Law may prescribe a sentence of imprisonment not exceeding two years or a fine not exceeding five thousand pounds (£5.000) or both the said sentences for the offences provided in the Regulations.

*4 of 36(III)/ 2005.*

(4) Regulations made under this Law shall be laid before the House of Representatives, which has power to approve or reject them within thirty days of their laying. If the House of Representatives approves the Regulations or the thirty-days period lapses without any action being taken, the Regulations shall be published in the Official Gazette of the Republic and shall come into force, unless otherwise provided therein, as from such publication.

*Entry into force.*

**23.** This Law shall come into force after the lapse of five months from its publication in the Official Gazette of the Republic.

*Repeal.  
8 of 1980.*

**24.** From the coming into force of this Law the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (Ratification) and for Matters Connected Therewith Law, 1980 shall be repealed.

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**Consolidated DMS version  
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