

**THE CONVENTION ON THE INTERNATIONAL REGULATIONS FOR
PREVENTING COLLISIONS AT SEA, 1972 (RATIFICATION) AND FOR
MATTERS CONNECTED THEREWITH LAWS OF 1980 TO 2009¹**

LAW NO. 18 OF 1980 AS AMENDED

A LAW TO PROVIDE FOR THE RATIFICATION OF THE CONVENTION ON THE
INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA,
1972 AND FOR MATTERS CONNECTED THEREWITH

(25th April, 1980)

	The House of Representatives enacts as follows:
<i>Short title.</i> 18 of 1980 8 of 1981 66 of 1982 4 of 1989 14(III) of 2009.	1. This Law shall be cited as the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (Ratification) and for Matters Connected Therewith Laws of 1980 to 2009.
<i>Interpretation.</i>	2. In this Law, unless the context otherwise requires—
<i>Schedule</i> <i>Part I</i> <i>Part II.</i>	“Convention” means the Convention on the International Regulations for Preventing Collisions at Sea, which was done at London on the 20 th October 1972, the text of which together with the Regulations attached thereto 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 two texts, the text set out in Part I of the Schedule shall prevail.
2 of 14(III)/2009. 45 of 1963 32 of 1965 82 of 1968 62 of 1973	“Cyprus ship” means a ship registered in the Register of Cyprus Ships, flying the flag of the Republic, pursuant to the provisions of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law, and it includes a vessel registered in the Register of Small Fishing Vessels kept by the Fisheries Department pursuant to the Fishing Vessels (Registration, Sale, Transfer and Mortgage) Law , or a vessel

¹ Consolidation Note: Includes the latest amendments introduced by **Law 14(III)/2009**. 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.**

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

<p>102 of 1973 42 of 1979 25 of 1980 14 of 1982 57 of 1986 64 of 1987 28(I) of 1995 37(I) of 1996 138(I) of 2003 169(I) of 2004 108(I) of 2005.</p> <p>77 of 1971.</p> <p>Gazette Suppl. III 1.12.1955.</p>	<p>registered in the Record Book kept by the Department of Merchant Shipping pursuant to the Emergency Powers (Control of Small Vessels) Regulations;</p>
2 of 14(III)/2009.	“Minister” means the Minister of Communications and Works and any other person generally or specially authorised by him for each case;
2 of 14(III)/2009.	“operator of the ship ” means the shipowner or any other person, such as the manager or the bareboat charterer, who has assumed the responsibility for operating the ship from the shipowner and who, on assuming such responsibility, has agreed to undertake all the duties and responsibilities which are imposed by this Law ;
2 of 14(III)/2009.	“shipowner” means the natural or legal person who owns the ship and is the registered owner in the Register of the flag State of the ship.
<p>Ratification of Convention. 2 of 66/82 3 of 4/89.</p>	<p>3. The Convention together with the Regulations attached thereto, the accession to which by the Republic of Cyprus was decided by virtue of the Council of Ministers Decision No. 18.786 dated 11th February 1980, and its amendments³, are hereby ratified .</p>
<p>Application.</p> <p>2 of 8/81.</p>	<p>4. This Law and the Regulations made there under, the Regulations attached to the Convention and any traffic separation schemes adopted from time to time by the Inter-Governmental Maritime Consultative Organisation (hereinafter referred to as “traffic separation schemes”) shall be complied with compulsorily –</p> <p>(a) by Cyprus ships wherever sailing around the globe, and</p> <p>(b) by ships under the flag of other States, when sailing within the territorial waters of the Republic of Cyprus.</p>
<p>Prohibition of sailing. 3 of 14(III)/2009.</p>	<p>5. —(1) The sailing of ships which are subject to the provisions of this Law shall be prohibited as long as these ships do not comply with the requirements specified in this Law, the Convention and the</p>

³ Consolidation Note: It is recalled that by virtue of Laws 66/82 and 4/89, the Republic of Cyprus ratified IMO Assembly Resolution A. 464(XII) dated 19 November 1981 and Resolution A. 626(15) dated 19 November 1987 , respectively.

	<p>Regulations made for the implementation thereof.</p> <p>(2) If during the inspection of a ship the competent authority ascertains any contravention of the provisions of this Law, the Convention, 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 this is the case, the administrative fine prescribed in section 9 is paid.</p> <p>Provided that in the relevant decision of the Competent Authority imposing a prohibition of sailing, the master of the ship is duly notified of the right of hierarchical recourse as provided in section 9A of this Law.</p> <p>(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.</p>
<i>Competent Authority.</i>	<p>6. —(1) The Minister of Communications and Works, usually acting through the Permanent Secretary of his Ministry, shall be the Competent Authority for the application of this Law, the Regulations made there under, the Regulations attached to the Convention and the traffic separation schemes and this includes any person authorised by him for the purposes of the above instruments and schemes.</p>
	<p>(2) The Competent Authority may authorise any local or foreign natural or legal person to inspect ships in order to ascertain whether the provisions of this Law, the Regulations made there under and the Regulations attached to the Convention are being complied with.</p>
<i>Regulations.</i>	<p>7. – (1) The Council of Ministers has power to make Regulations to be published in the Official Gazette of the Republic for the better carrying out of the provisions of this Law and the Regulations attached to the Convention.</p>
	<p>(2) In particular and without prejudice to the generality of subsection (1), the Regulations may provide for any or all of the following matters:</p> <ul style="list-style-type: none"> (a) For prescribing any matter which under the provisions of this Law and the Regulations attached to the Convention is required or may be prescribed; (b) for the obligations of masters of Cyprus ships, according to the category of their ships and the performed sailings by these; and (c) for the manner of writing and sending the required reports by the masters of Cyprus ships.

	<p>(3) Regulations made under this section shall be laid before the House of Representatives. If after the lapse of thirty days of their laying the House of Representatives does not amend or reject the Regulations wholly or partly, then the Regulations shall be immediately published in the Official Gazette of the Republic and shall come into force as from such publication. In case of an amendment to the Regulations by the House of Representatives, wholly or partly, then the Regulations shall be published in the Official Gazette of the Republic as amended and shall come into force as from such publication.</p>
<p><i>Offences.</i></p> <p>4 of 14(III)/2009.</p>	<p>8. —(1) Any person who contravenes or suffers any person under his authority to contravene the provisions of this Law, the Regulations made there under, the Regulations attached to the Convention and the traffic separation schemes or any person who fails to act or suffers any person under his authority to fail to act, the commission whereof is imposed under the provisions of this Law, the Regulations made there under, the Regulations attached to the Convention and the traffic separation schemes, shall be guilty of an offence punishable upon conviction to imprisonment for a term not exceeding two years or to a fine not exceeding eight thousand five hundred forty three euro (€8.543) or to both such sentences.</p>
<p>14 of 1960 50 of 1962 11 of 1963 8 of 1969 40 of 1970 58 of 1972 1 of 1980.</p>	<p>(2) Notwithstanding the provisions of subsection (1) of section 24 of the Courts of Justice Laws of 1960 to 1980, a President of a District Court, a Senior District Judge or a District Judge shall, upon consent of the Attorney-General of the Republic, have jurisdiction to try any offence which may be committed contrary to the provisions of subsection (1).</p>
	<p>(3) Notwithstanding the provisions of any other Law, the Competent Authority may prohibit the sailing of a ship in respect of which there is reasonable suspicion that an offence under subsection (1) has been committed, until the issue of an order as provided by subsection (4).</p>
	<p>(4) Notwithstanding the provisions of any other Law, every member of a District Court shall, during the police investigation and until the trial and issue of a judgement for an offence under the provisions of subsection (1) and until the payment of a fine imposed, if any, or the deposit of a relevant bank guarantee issued by a recognized bank of equal amount, have jurisdiction to issue an order prohibiting the sailing of a ship in respect of which there is reasonable suspicion that an offence under subsection (1) has been committed.</p>
<p>4 of 14(III)/2009.</p>	<p>(5) [Subsection (5) which related to the fact that a fine imposed constituted a charge on the ship was repealed by section 4 of Amendment Law 14(III)/2009].</p>

<p><i>Administrative fine.</i></p> <p>5 of 14(III)/2009.</p>	<p>9. —(1) Contravention of the provisions of the Convention, this Law and 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 eight thousand five hundred forty three euro (€8.543) depending on the seriousness of the contravention.</p>
	<p>(2) The administrative fine is imposed on the shipowner or the operator of the ship or the master, through a written and reasoned decision of the competent authority confirming the contravention and duly informing the said person of the right of hierarchical recourse provided in section 9A of this Law.</p>
	<p>(3) The amount of the administrative fine imposed in any individual case under subsections (1) and (2) above, shall be calculated 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.</p>
	<p>(4) The Competent Authority shall notify the shipowner or the operator of the ship or the master of its decision to impose the administrative fine and does not allow the lifting of the prohibition of sailing imposed under section 5 , until the administrative fine has been paid, or a bank guarantee issued by a recognized bank for an amount equal to the administrative fine and with such terms satisfying the Competent Authority, has been deposited.</p>
<p><i>Hierarchical recourse.</i></p> <p>6 of 14(III)/2009.</p>	<p>9A. — (1) (a) The shipowner or the operator of the ship or the master have the right to hierarchical recourse before the Minister against a decision imposing a prohibition of sailing or an administrative fine, within thirty days (30) 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 (60), in the case of a contravention confirmed in a foreign port.</p>
	<p>(2) The recourse pursuant to subsection (1) above shall not suspend the execution of the decision.</p>
	<p>(3) The Minister shall examine the recourse and, after having heard the interested parties or having given them an opportunity to express their views in writing, he may issue one of the following decisions, not later than ten (10) days from the day the recourse was filed: –</p> <ul style="list-style-type: none"> (a) confirm the challenged decision; or (b) declare the challenged decision null and void; or (c) amend the challenged decision; or (d) issue a new decision in substitution for the challenged decision.

	(4) The amount of the administrative fine or the bank guarantee shall fall and rest 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.
<i>Court proceedings to collect administrative fine.</i> <i>6 of 14(III)/2009.</i>	9B. In case of failure to pay the administrative fine imposed under section 9, the Competent Authority shall institute court proceedings and collect the amount due as a civil debt owed to the Republic.
<i>Fines a charge on the ship.</i> <i>6 of 14(III)/2009.</i>	9C. Notwithstanding the provisions of any other Law, the fine imposed under section 8 or the administrative fine imposed under section 9, constitutes a charge on the ship in connection with which the contravention was ascertained or, as the case may be, the offence has been committed, which is satisfied in priority against any other creditors, subject to its ranking after the last mortgage.
<i>Repeal.</i> <i>28 of 1966.</i>	10. The International Regulation for the Prevention of Collisions at Sea (Ratification) Law 1966 is hereby repealed.