

**THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION
DAMAGE OF 1969 AND OF ITS PROTOCOLS OF 1976 AND 1992 (RATIFICATION) AND
FOR MATTERS CONNECTED THEREWITH LAWS OF 1989 TO 2005¹**

LAW NO. 63 OF 1989 AS AMENDED

A LAW TO PROVIDE FOR THE RATIFICATION OF THE INTERNATIONAL CONVENTION ON
CIVIL LIABILITY FOR OIL POLLUTION DAMAGE OF 1969 AND OF ITS PROTOCOLS OF 1976
AND 1992 AND FOR MATTERS CONNECTED THEREWITH

(19th May, 1989)

Preamble.

WHEREAS on the 29th November 1964 the International Convention on Civil Liability for Oil Pollution Damage was signed at Brussels, which entered into force internationally on the 19th June, 1975;

AND WHEREAS on the 19th November 1976 a Protocol in connection with the said Convention was also signed at London, which entered into force internationally on the 8th April 1981;

AND WHEREAS the Council of Ministers by its Decision No. 31.227 dated 12.1.1989 approved the accession of the Republic of Cyprus to the above Convention and its Protocol;

NOW THEREFORE, the House of Representatives enacts as follows:

Short title.

*63 of 1989
185 of 1991
14(III) of 1997
47(III) of 2005.*

1. This Law shall be cited as the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 to 2005.

Interpretation.

4 of 47(III)/2005.

2. —(1) In this Law unless the context otherwise requires—

“Amendments of 2000” means the amendments to the Protocol of 1992, adopted on the 18th October 2000 at the eighty second session of the Legal Committee of the International Maritime Organization, which entered into

¹ Consolidation Note : Includes the latest amendments introduced by Law 47(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.

Disclaimer: Consolidation entails the integration of basic instruments of Cyprus merchant shipping legislation, their amendments and corrections in single, non-official documents. Each document is intended for use as a documentation tool and the Department of Merchant Shipping of the Republic of Cyprus does not assume any liability for its content.

force internationally on the 1st November 2003.

“Convention” means the Convention of 1969 as amended by its Protocols of 1976 and 1992, the texts of which for the purposes of interpretation and application shall be read as one single instrument.

63 of 1989.

“Convention of 1969” means the International Convention on Civil Liability for Oil Pollution Damage which was signed at Brussels on the 29th November 1969 and ratified by the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocol of 1976 (Ratification) Law of 1969;

“Minister” means the Minister of Communications and Works.

“Protocol” means the Protocols of 1976 and 1992 in connection with the Convention of 1969.

“Protocol of 1976” means the Protocol in connection with the Convention of 1969, signed at London on the 19th November 1976.

“Protocol of 1992” means the Protocol amending the Convention of 1969, signed at London on the 27th November 1992, as amended by the Amendments of 2000.

(2) Expressions contained in this Law and not otherwise defined herein shall have the same meaning assigned to them respectively by the Convention and the Protocol.

*Ratification of
Convention,
Protocol
of 1992, and
Amendments of 2000.
2 of 14(III)/97
3 of 47(III)/2005.*

3. The Convention, the Protocol of 1992 and the Amendments of 2000, the texts of which are set out in the English original in Part I of the Schedule and in translation in Greek in Part II of the Schedule, are hereby ratified².

*Schedule.
Part I
Part II.*

Provided that in case of conflict between the texts in Part I and those in Part II of the Schedule, the texts set out in Part I shall prevail.

*Competent
Authority.*

4. Competent Authority for the application of the provisions of the Convention, the Protocol, this Law and the Regulations made there under is the Minister and the persons specially authorized by the Minister for each case.

² Consolidation Note : The present consolidation does not include the *Schedule*, i.e the full text of the Convention, the Protocols of 1976 and 1992 and the Amendments of 2000, obtainable from the International Maritime Organization (IMO) publications .

Scope
of
application.

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

(a) to Cyprus ships wherever these are ;

5 of 47(III)/2005.

(b) to foreign ships when they sail into Cyprus ports or otherwise when they are within the territorial waters of the Republic and its exclusive economic zone, as the latter is prescribed in the Exclusive Economic Zone Law of 2004 irrespective of whether the countries whose flag they fly are parties or not to the Convention or the Protocol.

64(I) of 2004.

Provisions
in connection
with the
certificate.

6. —(1) At any time after the issue or certification of the certificate envisaged in Article VII of the Convention, the Competent Authority may cancel any certificate issued or certified by it when it is ascertained following a lawful procedure that:

(a) the certificate has been secured by fraud, false declaration or concealment of a material fact; or

(b) the insurance or other equivalent financial security are or have been cancelled during the validity of the certificate; or

(c) emerged during the validity of the certificate any questions or matters in connection with the insurer or the insurers who influence or may influence the effectiveness of the furnished insurance or other financial security.

(2) Irrespective of the date mentioned on the certificate for the expiry of its validity, the validity of the certificate ceases *de jure* from the moment when the person in the name of whom the certificate was issued ceases to be any more the registered ship owner of the particular ship.

(3) Every person, in the possession or the control of whom there is any certificate which was cancelled or ceased to be valid in accordance with subsections (1) and (2), shall, as soon as informed of this fact, return it to the Competent Authority.

(4) For the issue of the certificate shall be paid by the interested person a fee to be prescribed from time to time by Order of the Minister³.

³ Consolidation Note : A relevant fee of £ 20 is now provided by Chapter C of the First Schedule to *the Merchant Shipping (Fees and Taxing Provisions) Laws of 1992 to 2004 (Law 38(I)/1992 as amended)*.

6 of 47(III)/2005.

(5) The procedure and the required documentation for the issue of the certificate provided under Article VII of the Convention, may be prescribed by a relevant notification of the Director of the Department of Merchant Shipping published in the Official Gazette of the Republic.

Prohibition of arrival, sailing or performance of voyage without a certificate.

7. —(1) The arrival at, or the sailing from, the ports, installations or the territorial waters of the Republic —

(a) of a Cyprus ship, or of other contracting State, which has a duty under the Convention to be furnished with a certificate, as long as it has not been issued or there is no in force in connection with the said ship such certificate;

(b) of a ship of a non contracting State, unless she possesses insurance or other covering against oil pollution risk according to provisions more specifically provided in Regulations;

shall be prohibited.

(2) Any Cyprus ship which, pursuant to the Convention, has a duty to be furnished with a certificate, shall be prohibited to carry on a voyage anywhere around the globe as long as it has not been issued or there is not in force in connection with the said ship such certificate.

Contraventions and sanctions.

7 of 47(III)/2005.

8. — (1) Contraventions of the provisions of the Convention, of the Protocol, this Law and 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 up to five thousand pounds (£ 5.000), depending on the seriousness of the confirmed contravention.

(2) The administrative fine is imposed on the offender 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 offender or his agent of its decision imposing the administrative fine and may—

(a) as long as the ship in connection with which the contravention was verified is within the territory of the Republic, prohibit its sailing, unless in the meantime the contravention ceases and the administrative fine imposed is paid or a bank guarantee of equivalent amount is deposited;

(b) as long as this ship is situated anywhere outside the boundaries of the territory of the Republic, take every appropriate measure at its discretion for the ceasing of any contravention and the collection of the imposed administrative fine.

*Hierarchical
Recourse.*

9. —(1) A recourse may be filed with the Minister against the 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.

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

(3) 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 (1) a recourse is filed with the Minister, from the date of the notification of the Minister's dismissing decision.

*Court
proceedings
to collect
administrative
fine.*

10. In case of failure to pay the administrative fine imposed under section 8, the Competent Authority shall institute court proceedings and collect the amount due as a civil debt owed to the Republic.

*Administrative
fine a charge
on the ship.*

11. Notwithstanding the provisions of any other law, the administrative fine imposed under section 8 constitutes a charge on the ship in connection with which the contravention was ascertained, which is satisfied in priority against any other creditors, subject to its ranking after the last mortgage.

*Competent
Court.*

12. The competent court, according to the provisions of Article IX of the Convention, for hearing within the Republic actions for compensation which arise from the Convention or for hearing any matter connected with the apportionment and distribution of the fund constituted pursuant to Article V, shall be the Supreme Court.

*Judgments of
foreign courts.
2 of 185/91.*

13. Judgments of foreign courts adjudicating compensation for pollution damage, are declared enforceable in the Republic of Cyprus, to the extent to which they do not exceed the limit of liability or debt of the shipowner, as prescribed by the Convention and the Protocol.

*Regulations.
2 of 185/91.*

14. —(1) The Council of Ministers has power to make Regulations to be published in the Official Gazette of the Republic for the better application of the provisions of the Convention, the Protocols and this Law.

(2) In particular and without prejudice to the generality of subsection (1) the Regulations may provide for the following matters :

(a) For the procedure of constitution, administration and apportionment of the fund for the limitation of the civil liability of the shipowner for oil pollution damage,

(b) for the requirements for the arrival and departure of ships of non contracting States, to ports, installations or the territorial waters of the Republic.

8 of 47(III)/2005.

(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.

*Entry
into force.*

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

2 of 185/91.

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