



REPUBLIC OF CYPRUS
**MINISTRY OF
COMMUNICATIONS AND WORKS**



**DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS**

Circular No. 23/2009

30th October 2009

TEN 5.13.09
TEN 12.3.01.22

To all Owners, Managers and Representatives
of Ships under the Cyprus Flag

To all Masters, Owners and Representatives
of foreign ships sailing within the territorial waters of the Republic of Cyprus
(c/o Cyprus Shipping Association)

Subject: The Convention on the International Regulations for Preventing Collisions at Sea, 1972 (Ratification) and for Matters Connected Therewith (Amendment) Law of 2009

1. I wish to inform you of the enactment of the ***Convention on the International Regulations for Preventing Collisions at Sea, 1972 (Ratification) and for Matters Connected Therewith (Amendment) Law of 2009*** (Law No. 14(III) of 2009, published in the Official Gazette of the Republic No. 4122, Supplement I (III), dated 23.10.09).
2. The full text of said 2009 Amendment Law, together with the text of the basic Law 18 of 1980 as amended, have been incorporated into a consolidated version and is now available in English at our website: www.shipping.gov.cy (click on *Legislation and Circulars / Consolidated Cyprus Shipping Legislation / International Instruments (Cyprus Ratification Laws), / The COLREGS Convention Ratification Laws of 1980 to 2009*). Please note that the above mentioned text is an “unofficial” consolidated translation of the Law into English, prepared by our Department.
3. The 2009 Amendment Law effectively aligns Ratification Law 18 of 1980 as amended, with respective provisions existing in other Ratification Laws of International Maritime Conventions adopted by the Republic over the years. In a nutshell:
 - The amendments involve the introduction in **section 2**, of new definitions of the terms of “*Cyprus ship*”, “*operator of the ship*”, “*shipowner*” and “*Minister*”. Further, by adding the definition of the term “*Cyprus ship*”, the scope of application of the Law is precisely clarified, and includes small fishing vessels and small pleasure craft.

- The provisions of **section 5** of the Law on the ***prohibition of sailing*** have also been improved.
 - Most importantly, the power of the Competent Authority to impose an ***administrative fine*** in case of any contravention of the provisions of the COLREGS Convention is now included in the Law (**section 9**), in lieu of what was until recently the power of the Competent Authority to compound the relevant offence by accepting the payment of a certain amount that it considered appropriate. The amount of the administrative fine (up to **€8.543**) will be imposed on the basis of indicative directions issued by the Minister of Communications and Works.
 - New **section 9A** provides for the right of the shipowner, the operator of the ship or the master to file a ***hierarchical recourse*** before the Minister of Communications and Works against a decision imposing a *prohibition of sailing* or an *administrative fine*.
 - New **sections 9B** and **9C** deal with the collection of administrative fines and other relevant matters.
4. The Owners, Managers, Masters and Representatives of all Ships concerned, are advised to strictly abide by the requirements of the COLREGS Convention and its Ratification Law as recently amended .

Serghios S. Serghiou
 Director
 Department of Merchant Shipping

- cc.
- Permanent Secretary, Ministry of Communications and Works
 - Permanent Secretary, Ministry of Foreign Affairs
 - Maritime Offices of the Department of Merchant Shipping abroad
 - Diplomatic Missions and Honorary Consular Officers of the Republic
 - Cyprus Shipping Chamber
 - Cyprus Union of Shipowners
 - Cyprus Shipping Association
 - Cyprus Bar Association

VTC