

**THE NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS  
(RATIFICATION) AND FOR MATTERS CONNECTED THEREWITH LAW OF 2015<sup>1</sup>**

**LAW 12(III) OF 2015**

The House of Representatives enacts as follows:

Short title. **1.** This Law shall be cited as the 2007 Nairobi International Convention on the Removal of Wrecks (Ratification) and for Matters Connected Therewith Law of 2015.

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

“Convention” means the Nairobi International Convention on the Removal of Wrecks, done in Nairobi on 18<sup>th</sup> May 2007 the accession to which has been approved by virtue of the Council of Ministers’ Decision No. 77.750 dated 29 October 2014;

“Cyprus ship” means a ship which is registered in the Register of Cyprus ships and flying the Cyprus flag pursuant to the provisions of the Merchant Shipping (Registration, Sales and Mortgages) Laws of 1963 to 2005, as these Laws may be amended or replaced;

45 of 1963  
32 of 1965  
82 of 1968  
62 of 1973  
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.

“Director” means the Director of the Department of Merchant Shipping and includes the Acting Director and an officer who acts with replacement as Director or Acting Director;

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<sup>1</sup> **Editorial Note:** *This Law was published in the Greek language in the Official Gazette of the Republic of Cyprus No. 4207, dated 29.05.2015, Supplement I(III). This is an “unofficial” 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.***

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64(I) of 2014  
97(I) of 2014.

“exclusive economic zone of the Republic” means the exclusive economic zone of the Republic established by virtue of the Exclusive Economic Zone and Continental Shelf Laws of 2004 and 2014, as these Laws may be amended or replaced;

"master" means any person having the command or charge of the ship;

“Minister” means the Minister of Transport, Communications and Works and it includes any generally or specially authorized by the Minister person;

"operator of the ship" means the shipowner or any other organisation or 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 and includes also a legal person;

“Republic” means the Republic of Cyprus;

“shipowner” means a natural or legal person who owns the ship and is the registered owner in the State of the ship’s registry and it includes the operator of the ship;

45 of 1964  
95(I) of 2014.

“territorial sea” means the territorial sea defined by virtue of section 2 of the Territorial Sea Laws of 1964 and 2014, as these Laws may be amended or replaced;

(2) Terms not otherwise defined in this section shall have the meaning attributed to such terms by the Convention and in case there is a discrepancy between this Law and the Convention, the interpretation provided by the Convention shall prevail.

Ratification of  
Convention.

**3.** The Convention, the text of which is set out in the English original in Part I of the Schedule and in translation in Greek in Part II of the Schedule, is hereby ratified<sup>2</sup>.

Schedule.  
Part I  
Part II.

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

<sup>2</sup> Editorial Note: The present translated text does not include the *Schedule*, i.e the full text of the Convention obtainable from the International Maritime Organization (IMO) publications .

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| Competent Authority.   | <b>4.</b> Competent Authority for the implementation of the provisions of the Convention, this Law and the Regulations made there under is the Minister.   |
| Scope of application.  | <p><b>5.</b> The provisions of the Convention, this Law and the Regulations made there under shall apply:</p> <ul style="list-style-type: none"> <li>(a) to wrecks located within the territorial sea and the exclusive economic zone of the Republic;</li> <li>(b) to Cyprus ships constituting wrecks that are located within the territory of a State Party to the Convention;</li> <li>(c) to Cyprus ships;</li> <li>(d) to foreign ships when they call ports of the Republic or otherwise when they are within the territorial waters of the Republic irrespective of whether the countries whose flag they fly, are contracting parties or not to the Convention.</li> </ul>  |
| Obligation to report a wreck.                                  | <p><b>6.</b> -(1) The master and shipowner of a Cyprus ship that has been involved in a maritime casualty resulting in a wreck, have an obligation to report accordingly, without delay, to the competent authorities of the State in whose territory the wreck is located.</p> <p>(2) The master and shipowner of a ship, irrespective of flag, that has been involved in a maritime casualty resulting in a wreck in the territorial sea or exclusive economic zone of the Republic, have an obligation to report accordingly to the competent authority without delay.</p> <p>(3) The obligation to provide information in accordance with subsection (1) and (2) includes at least the information provided in paragraph (2) of Article 5 of the Convention.</p> |
| Determination, location and marking of wrecks posing a hazard. | <p><b>7.</b> -(1) When the competent authority determines, in accordance with Article 6 of the Convention, that a wreck falling within the provisions of this Law poses a hazard, it takes all necessary measures in cooperation with other authorities of the Republic, in order to establish the exact location of the wreck; The shipowner shall be liable for the cost of establishing the precise location of the wreck, in accordance with Article 10 of the Convention, unless the shipowner proves that the maritime casualty that caused the wreck falls into the</p>   |

exceptions provided in paragraph (1) of Article 10 of the Convention or unless paragraph (1) of Article 11 of the Convention applies.

(2) The competent authority ensures, in cooperation with other authorities of the Republic, that all practicable steps are taken to mark a wreck that poses a hazard in accordance with Article 8 of the Convention; The shipowner shall be liable for the cost of marking the wreck, in accordance with Article 10 of the Convention, unless the shipowner proves that the maritime casualty that caused the wreck falls into the exceptions provided in paragraph (1) of Article 10 of the Convention or unless paragraph (1) of Article 11 of the Convention applies.

(3) Irrespective of whether a wreck poses a hazard, the competent authority ensures that mariners are informed of the nature and location of a wreck.

Obligations and powers of the competent authority during the removal of wrecks.

**8.** In case the competent authority determines in accordance with Article 6 of the Convention and section 7 of this Law, that a wreck falling within the provisions of this Law, poses a hazard, then the competent authority-

- (a) immediately informs the State of the ship's registry and the shipowner;
- (b) consults with the State of the ship's registry and other States affected by the wreck regarding measures to be taken in relation to the wreck;
- (c) takes all required measures and proceeds with all required steps, pursuant to paragraph (6) of Article 9 of the Convention, setting a reasonable deadline for the removal of the wreck, taking into account the nature of the hazard, and informing the shipowner in writing of the deadline set; If the shipowner fails to remove or does not succeed in removing the wreck within the deadline set for doing so, the competent authority informs the shipowner in writing that the competent authority shall proceed itself with the removal of the wreck and it may lay down conditions for the removal of the wreck pursuant to paragraph (4) of Article 9 of the Convention.

Obligations of the shipowner for the removal of wrecks.

**9.** The shipowner of a ship that constitutes a wreck posing a hazard and falling within the provisions of this Law and the Convention, has the obligation to -

- (a) remove such wreck, at his/ her own expense, within the deadline set by the competent authority in accordance with subparagraph (a) of paragraph (6) of Article 9 of the Convention, and to conform with any conditions laid

down by the competent authority in accordance with paragraph (4) of Article 9 of the Convention;

- (b) submit the certificate provided for in Article 12 of the Convention;
- (c) remit the costs for the removal of a wreck in case he has failed to remove or has not succeeded in removing the wreck within the deadline set by the competent authority, as a result of which the competent authority has proceeded itself with the removal of the wreck, pursuant to subparagraph (b) of paragraph (6) of Article 9 of the Convention.

Advisory Committee on Wrecks.

**10.** -(1) For the purposes of effective implementation of the provisions of sections 7 and 8 of this Law, the Minister has the power to establish by a decision an *ad hoc* Advisory Committee on Wrecks, to be comprised, depending on the particular facts of each case, by representatives of the Republic's involved authorities, provided that the Minister has consulted such authorities beforehand.

(2) The Minister's decision issued pursuant to subsection (1) determines the composition of the Advisory Committee on Wrecks and its rules of procedure.

Powers of the competent authority in connection with certificates and offences.

**11.** -(1) At any time after the issue of the certificate envisaged in Article 12 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 which influence or may influence the effectiveness of the furnished insurance or other financial security.

(2) Any person who submits, for the issuance of the certificate provided under Article 12 of the Convention, information resulting from fraud, false declaration or concealment of a material fact, commits an offence and if convicted, is subject to imprisonment not exceeding two years or a fine not exceeding ten thousand euro (€10.

000) or to both such sentences.

(3) 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 the registered shipowner of the particular ship.

(4) 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 (3), shall, as soon as informed of this fact, surrender the certificate to the competent authority.

(5) For the issuance of the certificate shall be paid by the interested person a fee to be prescribed from time to time by an Order of the Minister published in the Official Gazette of the Republic.

(6) The procedure and the required documentation for the issuance of the certificate provided under Article 12 of the Convention, may be prescribed by a relevant notification of the Director published in the Official Gazette of the Republic.

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

**12.** -(1) The arrival at, or the departure from, the ports, installations or the territorial waters of the Republic shall be prohibited—

- (a) of a Cyprus ship, or of a ship flying the flag of another contracting State, with a gross tonnage of 300 and above which has an obligation 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 with a gross tonnage of 300 and above, unless it possesses insurance or other cover in accordance with paragraph (1) of Article 12 of the Convention.

(2) Any Cyprus ship with a gross tonnage of 300 and above which, pursuant to the Convention, has a duty to be furnished with a

certificate, shall be prohibited to perform 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.

Criminal offence.

**13.** A person who fails to conform with an obligation laid down in section 9 of this Law is guilty of an offence and upon conviction, is liable to a sentence of imprisonment for a period not exceeding four (4) years or to a fine not exceeding fifty thousand euro (€50,000) or to both such sentences.

Administrative fine.

**14.** -(1) Contravention of the provisions of the Convention, of this Law 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 up to thirty thousand euro (€30,000), depending on the seriousness of the contravention.

(2) The administrative fine is imposed on the shipowner by a reasoned decision of the competent authority confirming the contravention.

(3) The amount of the administrative fine imposed by virtue of subsection (2) above 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 the shipowner of its decision imposing the administrative fine and may not allow the lifting of a prohibition of arrival, sailing, or performance of a voyage order issued under section 12 until the administrative fine has been paid or a bank guarantee issued by a recognised bank of equivalent amount for the benefit of and with terms satisfying the competent authority has been deposited.

Hierarchical  
Recourse.

**15.**-(1) The shipowner may file a hierarchical recourse before the Minister, regarding a decision/ order imposing a prohibition of arrival, sailing, or performance of a voyage within thirty (30) 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 (60) days, in the case of a contravention confirmed in a foreign port.

(2) The recourse, provided for in subsection (1) above, shall not suspend (stay) the execution of the decision.

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

(4) 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 of the challenged decision.

(5) With the issuing of an order imposing a prohibition of arrival, sailing, or performance of a voyage the shipowner is informed of the 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 (75) 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.

Court proceedings to collect administrative fine and other amounts due.

**16.** Where there is a failure to pay:

- (a) the administrative fine imposed under section 14 of this Law; or
- (b) the costs for locating and marking the wreck in accordance with section 7 of this Law; or
- (c) the cost for the removal of a wreck under section 9 of this Law, that are borne by the shipowner,

the competent authority institutes court proceedings and collects the amount due as a civil debt owed to the Republic.

Charge on a ship.

**17.** Notwithstanding the provisions of any other law, the administrative fine imposed under section 14 of this Law 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.

Making of  
Regulations.

**18.**-(1) The Council of Ministers has power to make Regulations to be published in the Official Gazette of the Republic for the better implementation of the provisions of the Convention and this Law.

(2) Regulations issued by virtue of this section may set offences and establish fines, not exceeding the amount of fifty thousand euro (€50.000) and sentences of imprisonment not exceeding four (4) years or both such sentences.

Other relevant  
legislative  
provisions.

**19.** -(1) This Law applies without prejudice to the following provisions:

38 of 1973  
59 of 1977  
28 of 1979  
195 of 1986  
20 of 1987  
62 of 1987  
207 of 1988  
229 of 1989  
59(I) of 1992  
51 (I) of 1993  
2 (I) of 1997  
136 (I) of 2002  
134 (I) of 2004  
164 (I) of 2004  
38 (I) of 2006  
155 (I) of 2007  
86 (I) of 2008  
94 (I) of 2008  
71(I) of 2011.

(a) section 32A of the Cyprus Ports Authority Laws of 1973 to 2011 and Regulation 105 of the Cyprus Ports Authority (Operation of Port Areas) Regulations of 1976 to 2008;

Official Gazette  
Schedule III (I):  
16.1.1976  
31.3.1988  
24.10.2008.

131(I) of 2004  
98(I) of 2010  
92(I) of 2012.

(b) sections 19 and 22A of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Laws of 2004 to 2012;

94(I) of 2012.

(c) section 16 of the Investigation of Marine Casualties and Incidents Law of 2012.

(2) The provisions of this Law and of the Convention with respect to any matter falling within their provisions supersede the provisions of Part II of the Wrecks Law.

Cap. 298.

Entry into force.

**20.** This Law shall enter into force on a date to be prescribed by a

notification of the Council of Ministers published in the Official Gazette of the Republic.

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