

THE PROTECTION OF CYPRUS SHIPS AGAINST ACTS OF PIRACY  
AND OTHER UNLAWFUL ACTS LAW OF 2012<sup>1</sup>

(Law 77(I) of 2012)

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<sup>1</sup> The Law has been published in the Official Gazette of the Republic No. 4339, Supplement I(I), of 15 June 2012 and a corrigendum has been published in the Official Gazette of the Republic No. 4355, Supplement I(I), of 21 September 2012. The Law is in force as of 15 June 2012.

*This is an "unofficial" translation into the English language prepared by the Department of Merchant Shipping as an "unofficial aid" to those who are not versed with the Greek language and the Government of the Republic of Cyprus does not assume any responsibility or liability for its contents.*

*Article 3 of the Constitution of the Republic of Cyprus stipulates that the official languages of the Republic of Cyprus are the Greek and Turkish languages. Hence, the present translation into the English language does not constitute either an authentic version of the law or an official translation of the law.*

*Version released: 181012*

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THE PROTECTION OF CYPRUS SHIPS AGAINST ACTS OF PIRACY  
AND OTHER UNLAWFUL ACTS LAW OF 2012

(Law 77(I) of 2012)

PART I

INTRODUCTORY PROVISIONS

- Short title. 1.- This Law shall be cited as the Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012.
- Interpretation. 2.- For the purposes of this Law, unless from the text is construed otherwise<sup>2</sup>:
- “*a ship/port interface*” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, the loading/unloading of cargo or the provision of port services to or from the ship;
- “*apprentice*” means apprentice to the sea service;
- “*cargo*” means the goods which are loaded on board a ship and transported and unloaded from it;
- “*circular*” means a circular issued by the Director;
- “*crew*” or “*member of crew*” includes officers and other seafarers employed or serving on a ship;
- “*customs legislation*” shall have the meaning assigned to that term in section 2 of *the Customs Code Laws*;
- “*Cyprus ship*” or “*Cyprus ships*” means a ship which is registered in the Register of Cyprus ships and flying the Cyprus flag or registered in Special Book of Parallel Registration pursuant to the provisions of *the Merchant Shipping (Registration, Sales and Mortgages) Laws*, but does not include any ship registered in parallel in a foreign register pursuant to the provisions of sections 23N to 23R of the above laws;
- “*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;
- “*domestic voyage*” means a voyage of a ship within the same port or port facility of a State, and the voyage of a ship from a port or a port facility or an offshore installation of one State to another port or another port facility or another offshore installation of the same State, on the understanding that the ports and port facilities are within the territory and the offshore installations are within the jurisdiction of the same State and the voyage does not include passage through the internal waters or the territorial sea of another State or the high seas. Otherwise, the voyage is an international voyage;

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<sup>2</sup> Any reference in this Law to “*he*”, “*his*” or “*him*” includes a reference to “*she*”, “*her*” or “*her*”, respectively.

“fees” means the fees and charges specified by the Director pursuant to the provisions of section 86;

Second Schedule.

“firearm” or “arm” or “arms” means the firearm or firearms specified in the Second Schedule and includes their ammunition and their spare parts and the equipment, instruments, tools and materials used for their maintenance and repair;

“foreign Armed Forces or Security Forces” means the Armed Forces or Security Forces who:

- (a) acting within the framework of the provisions of relevant decisions of the European Union; and/or
- (b) acting under the provisions of relevant decisions of the United Nations or other international or regional intergovernmental organization in which the Republic is a member; and/or
- (c) belong to a State which has requested or offered through diplomatic channels to provide protection or to escort a Cyprus ship for reasons related to the nationality of persons on board or the cargo transported or other interest it has in relation to that ship; and/or
- (d) belong to a State which has requested or offered through diplomatic channels to provide protection or to escort a Cyprus ship because the ship is or is transiting its territorial sea or contiguous zone; and/or
- (e) belong to a State having requested or offered through diplomatic channels to provide protection or escort to a Cyprus ship because the ship is engaged on domestic voyages;

“foreign ship” means any ship flying the flag of another State in accordance with the legislation of that State;

“a ship/port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, the loading/unloading of cargo or the provision of port services to or from the ship;

“high-risk area” means sea areas within the internal waters or the territorial sea of a State and on the high seas where they occur, or there is an increase likelihood or danger that may occur, unlawful acts which endanger the security of a ship, which are defined, in order to safeguard the security of ships, in the First Schedule;

“international voyage” means the voyage of the ship from a port or a port facility or an offshore installation of a State to a port or port facility or offshore installation of another State;

“ISPS Code” means the International Code for the Security of Ships and of Port Facilities of the International Maritime Organization adopted by the Republic by a decision of the Council of Ministers pursuant to the provisions of section 4 of the *Convention of the International Maritime Organization (Ratification) and for Matters Connected Thereto Laws of 1973 to 1996*;

Official Gazette of  
the Republic,  
Third Schedule(I):  
20.2.2004.

“*legal person*” means a person who has that status in accordance with the legislation of the State in which it is incorporated and includes a company or partnership;

“*master*” means every person, except a pilot, having command or charge of the ship;

“*Member State*” means a State which is a Member State of the European Union or another State which is a Contracting Party to the Agreement on the European Economic Area signed in Oporto on 2 May 1992, as may be amended;

“*Minister*” means the Minister of Communications and Works;

“*Notification*” means a Notification issued by the Director and published in the Official Gazette of the Republic;

“*officer*” means the master, a deck or engine room officer or a cadet officer who works or serves on a ship;

“*offshore installation*” means artificial islands, installations or structures intended or used for the exploration or exploitation of resources or for other economic purposes;

“*other legislation*” shall have the meaning assigned to that term in section 2 of *the Custom Code Laws of 2004 to 2011*, as it is in force;

94(I) of 2004  
265(I) of 2004  
9(I) of 2011.

“*owner*” means a person who is registered in the Register of Cyprus Ships as the ship-owner and includes a person who is registered in a Special Book Parallel Registration as the bareboat charterer;

“*persons on board the ship*” means persons who are on board with the authorization or consent of the master of the ship or of the ship’s operator or as a result of the obligation of the master of the ship or of the ship arising from law or international treaty and includes unless expressly stated otherwise in this Law, the ship’s personnel;

“*pilot*” means any licensed person, not belonging to the ship, who assists the master, in particular areas, in the navigation, mooring, moving from one mooring place to another or departure of the ship;

“*piracy*” means:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship, and directed:
  - (i) on the high seas, against another ship, or against persons or property on board such ship;
  - (ii) against a ship, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship with knowledge of facts making it a pirate ship; and

- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b) above;

“*port*” means any specified area of land and sea, with boundaries defined by the competent authority of the relevant State, in which the port is situated, containing works and equipment designed to facilitate commercial maritime transport operations. This includes, unless the competent authority of the relevant State has specified otherwise, areas such as anchorages, awaiting berths and approaches from seaward, as appropriate and facilities for the construction, repair and maintenance of ships, as the case may be;

“*port facility*” means any specified area of land and sea, with boundaries defined by the competent authority of the State, where the ship/port interface takes place. This includes, unless the competent authority of the relevant State has specified otherwise, areas such as anchorages, awaiting berths and approaches from seaward, as appropriate and facilities for the construction, repair and maintenance of ships, as the case may be;

“*private ship security company*” means a legal person which has been approved pursuant to the provisions of this Law and to which a certificate has been issued pursuant to the provisions of section 22(1) and any reference in this Law to a private ship security company includes a reference to the private ship security guards unless from the text is construed otherwise;

“*private ship security guard*” means a person who works for a private ship security company which is referred to on a certificate issued pursuant to the provisions of section 22(1) and any reference in this Law to a private ship security guard includes a reference to the private ship security company unless from the text is construed otherwise;

“*Register of Cyprus Ships*” means the register referred to in the provisions of section 4 of *the Merchant Shipping (Registration, Sales and Mortgages) Laws*;

“*Registrar*” means the officer referred to in the provisions of section 3(1) of *the Merchant Shipping (Registration, Sales and Mortgages) Laws*;

“*Regulation (EC) No 725/2004*” means *Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security*;

Official Journal of  
the European Union:  
L 129, 29.4.2004,  
p. 6.

“*Republic*” means the Republic of Cyprus;

“*risk area*” means sea areas within the internal waters or the territorial sea of a State and on the high seas where they occur, or there is likelihood or danger that may occur, unlawful acts which endanger the security of a ship, which are defined, in order to safeguard the security of ships, in the First Schedule;

First Schedule.

“*seafarer*” means every person, except masters, pilots and apprentices, employed or engaged in any capacity on board any ship;

“*security of the ship*” means the combination of preventive measures taken with a view to protection of the ship, of the persons on board and of the cargo carried from threats of unlawful acts and includes the protection of the ship/port interface or of any ship-to-ship activity;



“*ship’s operator*” means the owner of the ship or any other person such as the manager or the bareboat charterer, who has assumed the responsibility for operating the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and obligations imposed by this Law. Unless otherwise specified by the owner of the ship, the ship’s operator is the legal person which the owner has designated as the company for the purposes of SOLAS chapter XI-2 and the ISPS Code;

“*ship’s personnel*” means the crew, other persons employed or engaged by the ship’s operator in any capacity on board a ship on the business of that ship and the apprentices;

“*ship*” means a Cyprus ship that engages on international and/or domestic voyages;

“*ship-to-ship activity*” means any activity not related to a port or port facility, in which the carriage of cargo or passengers is effected to or from ship;

“*SOLAS chapter XI-2*” means chapter XI-2 of the SOLAS Convention entitled “Special measures to enhance maritime security” which was adopted by resolution 1 dated 12 December 2002, of the Conference of the Contracting Governments to the SOLAS Convention, a resolution which the Republic has ratified pursuant to the provisions of *the International Convention for the Safety of Life at Sea, 1974, (Ratification) and for Matters Connected Therewith (Amendment) Law of 2004*;

52(III) of 2004.

“*SOLAS Convention*” means the International Convention for the Safety of Life at Sea of 1974, which was ratified pursuant to the provisions of *the International Convention for the Safety of Life at Sea, (Ratification) and for Matters Connected Therewith Laws of 1985 to 2009*;

77 of 1985  
32 of 1989  
24(III) of 1997  
10(III) of 2001  
52(III) of 2004  
24(III) of 2006  
9(III) of 2009.

“*Special Book of Parallel Registration*” means the register referred to in the provisions of section 23D of *the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005*;

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.

“*special security equipment*” means any device, apparatus, object or instrument, except firearms, which may be used for the security of the ship;

“*UNCLOS Convention*” means the United Nations Convention on the Law of the Sea of 1982, which was ratified in accordance with the provisions of *the United Nations Convention on the Law of the Sea (Ratification) Law of 1988*;

203 of 1988.

“*unlawful act*” means an act or suspicious act or circumstance which, by its nature or context, threatens the security of the ship or may cause damage to the ship or to the persons on board or to the cargo and includes the commissioning and attempted commissioning of following acts:

- (a) the seizure of the control of the ship, its capture, its immobilization, its detention, its, depredation, its looting, its kidnapping or its hostage-taking and includes acts of piracy; or
- (b) committing an act of violence against any one of the persons on board the ship or causing injury or death to them; or
- (c) the destruction of the ship or causing damage to the ship or to the cargo; or
- (d) the placement on board, in any way and by any means, of a device or substance which may destroy the ship or cause damage to it or to the cargo or cause bodily harm or death to any one of the persons on board; or
- (e) the abduction, detention or hostage-taking of one, some or all of the persons on board; or
- (f) the theft or the transportation out of the ship without prior permission of permanently installed or portable equipment or outfitting, documents, supplies, tools or of parts of the ship or of personal property or money belonging to those on board; or
- (g) the exercise, or the threat, of violence or any other form of blackmail or intimidation for the commissioning or attempted commissioning of any of the acts referred to in subparagraphs (a) to (f) above; or
- (h) the transmission of information that can assist in the commissioning or attempted commissioning of anyone of the acts referred to in subparagraphs (a) to (g) above.

“*unlawful possession*” means an unlawful act that results in the seizure of the control of the ship, its capture, its immobilization, its detention, its depredation, its looting, its kidnapping or its hostage-taking and includes acts of piracy;

“*written private agreement*” means the written private agreement whereby the ship’s operator entrusts, for the security of the ship, a private ship security company, within the framework of the provisions of section 12(1), 12(2) and 12(3), with the implementation of some of the security measures referred to in the provisions of section 4(1) and 4(2) and/or some or all of the additional security measures referred to in the provisions of section 4(3);

“*1976/96 LLMC Convention*” means the Convention on Limitation of Liability for Maritime Claims signed in London on 19 November 1976 as amended by the 1996 Protocol signed in London on 2 May 1996, which was ratified pursuant to the provisions of *the Convention on Limitation of Liability for Maritime Claims of 1976 and of its Protocol of 1996 Amending the Said Convention (Ratification) and for Matters Connected Therewith Law of 2005*;

20(III) of 2005.

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

“1992 CLC Convention” means the on Civil Liability for Oil Pollution Damage, of 1992, which was ratified pursuant to the provisions of *the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocol of 1976 and 1992 (Ratification) and Matters Connected Therewith Laws of 1989 to 2005*;

19(III) of 2004.  
“2001 Bunkers Convention” means the International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001, which was ratified pursuant to the provisions of *the International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Ratification) and for Matters Connected Therewith Law of 2004*.

Competent Authority.

3.-(1) Competent Authority for the implementation of the provisions of this Law, and the regulations, orders and notifications issued thereunder, is the Minister, acting through public officials, generally or specially authorized for that purpose by the Minister.

Provided that, in implementing the provisions of this Law, the Republic and its competent authorities have the obligation to always act in accordance with the provisions of the UNCLOS Convention and in particular with the provisions of articles 101 to 107, 110, and 111 thereof when the matter concerns piracy.

(2)(a) The Minister may assign in writing to any of the following the exercise of any power and the execution of any duty, that this Law or the regulations, orders and notifications issued thereunder provide or assign to the Competent Authority, with the exception of the power of issuing orders:

- (i) the Director;
- (ii) any other person serving at the Department of Merchant Shipping of the Ministry of Communications and Works.

Provided that, in the event of such assignment, the Minister retains the power to exercise such assigned power and to execute such assigned duty as from and during the said assignment.

(b) The Director may assign in writing to any person serving at the Department of Merchant Shipping the exercise of any power and the execution of any duty, that this Law or the regulations, orders and notifications issued thereunder provide or assign to the Director.

Provided that, in the event of such assignment, the Director retains the power to exercise such assigned power and to execute such assigned duty as from and during the said assignment.

(3) A person to whom the exercise of power or the execution of a duty is assigned by virtue of subsection (2) of this section has the duty to exercise the power and execute the duty in accordance with any instructions of the person effecting the assignment.

(4) In case where, by virtue of the provisions of this section, two or more persons simultaneously exercise the same power or execute the same duty, the hierarchically subordinate of said persons takes the appropriate measures so that he will not exercise the power or will not execute the duty in the same real facts with his hierarchically superior, unless the latter so permits and in accordance with the instructions of the latter.

(5) In case where, by virtue of the provisions of this section, a person exercises a power or executes a duty that this Law or the regulations, orders and notifications issued thereunder, respectively provide or assign, to another person, this Law and the regulations, orders and notifications issued thereunder, apply as if the said power was explicitly provided to the person exercising the power and had explicitly assigned said duty to the person executing the duty.

## PART II

### SECURITY AND PROTECTION OF SHIPS - OBLIGATIONS AND RIGHTS

Measures to be taken by the master of the ship and the ship's operator for the ship security.

4.-(1) The master of the ship and the ship's operator each has the obligation to implement the necessary measures, in accordance with the provisions of SOLAS chapter XI-2, the ISPS Code and Regulation (EC) No 725/2004, for ensuring and maintaining the security of the ship and for preventing unlawful acts.

(2) The master of the ship and the ship's operator each has the obligation, when the ship is in a risk or in a high-risk area, to implement the additional measures, specified in a circular as necessary for ensuring and maintaining the security of the ship and for preventing unlawful acts.

(3) The master of the ship and the ship's operator may take, in addition to the measures referred to in the provisions of subsections (1) and (2) of this section, other additional measures for ensuring and maintaining the security of the ship and for preventing unlawful acts, provided that these do not conflict with the provisions of this Law, or of any other law of the Republic, or the provisions of the laws of the State in the internal waters or territorial sea or the contiguous zone of which the ship is located or transits.

Obligations and rights of the ship's master, personnel and of other persons on board.

5.-(1) Subject to the provisions of section 4, the master of the ship and the ship's personnel have the obligation to implement the necessary measures for ensuring and maintaining the security of the ship and to make every effort in order to prevent an unlawful act.

(2) The master of the ship, the ship's personnel and the other persons on board of the ship may, individually or jointly, act in order to prevent an unlawful act.

(3) The master of the ship, the ship's personnel and the other persons on board of the ship, when the ship is in high-risk areas, may, individually or jointly, use every means in order to prevent an unlawful act which may jeopardize the security of the ship, or their physical integrity or lives, or may lead to the kidnapping or the hostage-taking of persons on board the ship.

Obligation to inform the Competent Authority.

6.-(1)(a) The master of the ship and the ship's operator each has the obligation to immediately report to the Competent Authority an unlawful act or an attempt to commit an unlawful act and to provide relevant to the event information together with the information referred to in Part I of the Third Schedule.

Third Schedule.

(b) The master of the ship and the ship's operator each has the obligation to keep the Competent Authority informed concerning any relating thereafter developments and to provide to the Competent Authority with any other relevant to the event information when requested to do so.

(c) The ship's operator:

(i) may provide, to the extent that is necessary or possible in the circumstances, relevant information to the next of kin or the relatives of the persons on board as well as to the authorities of the States the persons on board are nationals; and

(ii) is obliged to inform accordingly the next of kin or the relatives of the persons on board who have been abducted, arrested or taken hostage or who have suffered injury or died or their fate or the fate of their bodies is unknown, due to an unlawful act or an attempted unlawful act, as well as, to keep them informed, to the extent that is necessary or possible in the circumstances, on any subsequent developments.

(2) The master of a ship has the obligation to immediately transmit to the Competent Authority any information brought to its attention relating to an unlawful act or to an attempted unlawful act against another Cyprus or a foreign ship or against the persons or the cargo on board such ships and to provide to the Competent Authority with any other relevant to the event information when requested to do so.

(3) The Competent Authority may, and has the power, in relation to what is referred to in the provisions of subsections (1) and (2) of this section, to give the master of the ship and/or the ship's operator involved or to other ships in, or heading to, the same area any instructions it deems appropriate in the circumstances and to take any action it deems necessary in the circumstances.

(4) The Competent Authority has the obligation, in relation to what is referred to in the provisions of subsection (2) of this section, to inform accordingly and, as soon as possible, the competent authorities of the flag State of the foreign ship that is involved and to take any action it deems necessary in the circumstances.

(5) The Competent Authority may, and has the power, to inform, to the extent necessary or possible in the circumstances, the diplomatic and/or consular missions of the States whose nationals were on board the ship in connection with unlawful act or an attempted unlawful act and to keep them informed on any relevant thereto developments.

Arrest, search, imprisonment, confiscation and detention on the high seas: Powers of the master and crew.

7.-(1) The master of the ship and each member of the crew may, individually or jointly:

(a) when the ship is on the high seas, arrest and search any person found on board which has committed or is committing or attempts to commit an unlawful act against the ship or the persons on board or the cargo transported;

- (b) when the ship is on the high seas, seize any object which may be found during the search of the persons referred to in the provisions of paragraph (a) of this subsection and any weapon, device, apparatus, equipment, instrument or object which was used to commit the unlawful act or for which there was prima facie intend to use it for such purpose;
- (c) arrest and imprison the persons referred to in the provisions of paragraph (a) of this subsection and seize and keep as evidence any of the items referred to in the provisions of paragraph (b) of this subsection, until their delivery to the competent authorities of the Republic or to the competent authorities of another State in accordance with the instructions of the Competent Authority.

(2) Every arrest, search, detention, seizure, impoundment, or custody made by the master and/or crew of the ship pursuant to the provisions of subsection (1) of this section constitutes arrest, search, detention, seizure, impoundment, or custody made within the meaning of the provisions of *the Criminal Procedure Code, Cap. 155 and Laws of 1972 to Law No. 2 of 2012.*

Cap.155.  
93 of 1972  
2 of 1975  
12 of 1975  
41 of 1978  
162 of 1989  
142 of 1991  
9 of 1992  
10(I) of 1996  
89(I) of 1997  
54(I) of 1998  
96(I) of 1998  
14(I) of 2001  
185(I) of 2003  
219(I) of 2004  
57(I) of 2007  
9(I) of 2009  
111(I) of 2011  
165(I) of 2011  
7(I) of 2012  
21(I) of 2012.

(3) The term “*persons on board the ship*” in this Law shall not be construed as including a reference to any persons arrested and/or imprisoned pursuant to the provisions of subsection (1) of this section, unless from the text is expressly provided so.

(4) The reference to “*firearms*” and/or “*special security equipment*” in this Law shall not be construed as including a reference to weapon, device, apparatus, equipment, instrument or object that has been seized or kept as evidence pursuant to the provisions of subsection (1) of this section, unless from the text is expressly provided so.

Arrest, search, imprisonment, confiscation and detention on the high seas: Reporting and information.

8.-(1)(a) The master of the ship has the obligation to immediately report to the Competent Authority any arrest, search, detention, seizure, impoundment, or custody pursuant to the provisions of section 7(1) and to provide relevant to the event information, including the information specified in Parts I and II of the Third Schedule.

(b) The master of the ship has the obligation to provide any other information about the event when requested by the Competent Authority to do so.

(c) The master of the ship has also the obligation, when the ship is at a port or port facility in the territory of a State or at an offshore facility under the jurisdiction of a State, to inform the competent authorities of the said State whatever action has been taken pursuant to the provisions of section 7(1), unless it has been instructed otherwise by the Competent Authority.

(2) The Competent Authority has the duty and the power to give to the master of the ship and to the ship's operator instructions as to the actions that they should have taken or they should take in relation to any persons arrested and/or imprisoned and/or any weapon, device, apparatus, equipment, instrument or object seized and/or kept as evidence pursuant to the provisions of section 7(1), until their delivery to competent authorities and for this matter the Competent Authority shall act following consultation and in cooperation with the other competent authorities of the Republic.

Arrest, search, imprisonment, confiscation and detention on the high seas: Obligations of the master.

**9.-(1)(a)** The master of the ship has the obligation to supervise and monitor the imprisonment and guarding on board, the transfer from, and the disembarkation from, the ship of any person that has been arrested and/or imprisoned pursuant to the provisions of section 7(1).

(b) The master of the ship has the obligation to ensure satisfactory accommodation, food, health care and security for any person that has been arrested and/or imprisoned pursuant to the provisions of section 7(1) until its disembarkation from the ship.

(2)(a) The master of the ship has the obligation to supervise and monitor the storage and keeping on board, the transfer from, and the unloading from, the ship, of any weapon, device, apparatus, equipment, instrument or object seized and/or kept as evidence pursuant to the provisions of section 7(1).

(b) The storage on board the ship of any weapon, device, apparatus, equipment, instrument or object seized and/or kept as evidence pursuant to the provisions of section 7(1) shall be done in such a way which ensures that the persons on board the ship, the persons arrested and/or imprisoned pursuant to the provisions of section 7(1) and any person committing or attempting to commit an unlawful act, will not be able to access them.

Arrest, search, imprisonment, confiscation and detention on the high seas: Obligations and powers of the Competent Authority.

**10.-(1)** The Competent Authority has the obligation and the power to give to the master of the ship instructions regarding the handing of any persons arrested and/or imprisoned and/or any weapon, device, apparatus, equipment, instrument or object seized and/or kept as evidence pursuant to the provisions of section 7(1), to the competent authorities of the Republic or to the competent authorities of another State and for this matter the Competent Authority shall act following consultation and in cooperation with the other competent authorities of the Republic.

(2) The Competent Authority, after consultation with the other competent authorities of the Republic, has the obligation and the power to give to the master of the ship different or additional or supplementary instructions, if it considers that the application of the provisions of this section may endanger the security of the ship or for any other reason it deems so appropriate under the circumstances.

Arrest and/or detention in the territorial sea by the ship's master and/or crew.

11.-(1)(a) The master of the ship and each member of the crew may, individually or jointly, when the ship is in the territorial sea of a State take the following actions:

- (i) to arrest any person found on board which has committed or is committing or is attempting to commit an unlawful act against the ship, or the persons on board, or the cargo transported; and
- (ii) to detain any weapon, device, apparatus, equipment, instrument or object which was used to commit the unlawful act or for which there was prima facie intend to use it for such purpose.

(b) The term "*persons on board the ship*" in this Law shall not be construed as including a reference to any persons arrested pursuant to the provisions of subparagraph (a)(i) of this subsection, unless from the text is expressly provided so.

(c) The reference to "*firearms*" and/or "*special security equipment*" in this Law shall not be construed as including a reference to weapon, device, apparatus, equipment, instrument or object that has been detained pursuant to the provisions of subparagraph (a)(ii) of this subsection, unless from the text is expressly provided so.

(2) The master of the ship has the obligation to immediately report to the competent authorities of the State in whose territory the ship was at the time of occurrence of any action taken pursuant to the provisions of subsection (1)(a) of this section.

(3)(a) The master of the ship has the obligation to immediately report to the Competent Authority any action taken pursuant to the provisions of subsection (1)(a) of this section and to provide relevant to the event information, including the information specified in Parts I and II of the Third Schedule.

Third Schedule.

(b) The master of the ship has the obligation to provide any other information about the event when requested by the Competent Authority to do so.

(4) The master of the ship is required to deliver to the competent authorities of the State in whose territory the ship was, at the time when an action pursuant to the provisions subsection (1)(a) of this section was taken, any persons arrested and any weapon, device, apparatus, equipment, instrument or object that has been detained pursuant to the provisions of subsection (1) of this section and to report to this end to the Competent Authority.

(5) The Competent Authority has the obligation and the power, in the event that the State in whose territory the ship was at the time of an arrest and/or a detention pursuant to the provisions of subsection (1) of this section does not take any action in relation to receiving the arrested persons and/or the detained objects, to give to the master of the ship instructions as to the further actions to be taken as it deems so appropriate under the circumstances and for this matter the Competent Authority shall act following consultation and in cooperation with the other competent authorities of the Republic.



(6) The Competent Authority, after consultation with the other competent authorities of the Republic, has the obligation and the power to give to the master of the ship different or additional or supplementary instructions, if it considers that the application of the provisions of this section may endanger the security of the ship or for any other reason it deems so appropriate under the circumstances.

Use of the services  
of a private ship  
security company.

12.-(1)(a) The ship's operator may entrust to a private ship security company, through a written private agreement, the implementation some of the security measures referred to in the provisions of section 4(1) and 4(2) and/or some or all of the additional security measures referred to in the provisions of section 4(3).

(b) In such a case the master of the ship and the ship's operator are not exempted from their obligations under the provisions of this Law.

(2)(a) The ship's operator may, when the ship is in high-risk areas, permit a private ship security company to use firearms for the protection of the security of the ship.

(b) The use of firearms by the private ship security company constitutes an additional security measure decided by the ship's operator pursuant to the provisions of section 4(3).

(3)(a) The ship's operator may permit a private ship security company and/or the ship's personnel to use special security equipment for the protection of the security of the ship.

(b) The use of special security equipment by the private ship security company and/or the ship's personnel constitutes an additional security measure decided by the ship's operator pursuant to the provisions of section 4(3).

(c) The provisions of this Law concerning the use of special security equipment by a private ship security company apply *mutatis mutandis* in relation to the use of special security equipment by ship's personnel.

(4) The ship's operator is required to submit an application to the Competent Authority for the issue of the certificate referred to in the provisions of section 13(3) before any implementation of the possibilities afforded by the provisions of subsections (1)(a), (2)(a) and (3)(a) of this section.

(5) The private ship security company is not allowed to implement on board the ship the measures referred to in the provisions of subsection (1)(a) of this section; and/or to use firearms as referred to in the provisions of subsection (2)(a) of this section; and/or to use special security equipment as referred to in the provisions of subsection (3)(a) of this section; before the issue of the certificate referred to in the provisions of section 13(3) or after the suspension or cancellation or expiry of the validity of such certificate as provided for in this Law.

(6) A person acting in contravention of the prohibition laid down by the provisions of subsection (5) of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 15 years or to a fine not exceeding €75,000 or to both such sentences.

Procedure for the issue of a certificate allowing the use of a private ship security company.

13.-(1) The application for the issue of the certificate in relation to the use of the services of a private ship security company is submitted to the Competent Authority by the ship's operator or by its representative in the Republic, in an official language of the Republic, or in a language understood by the Competent Authority. The application has to include the information and be accompanied by the documentation referred to in the provisions of subsection (2) of this section.

Fourth Schedule.

(2) The information to be provided in the application and the supporting documentation to accompany it are listed in the Fourth Schedule.

(3) The Competent Authority, if satisfied by the application and the information and data submitted thereto, may, and has the power, to issue to the ship's operator a certificate attesting that, for the protection of the security of the ship, the private ship security company with which the ship's operator has or intends to conclude a written private agreement and which holds a certificate issued to it pursuant to the provisions of section 22(1) which is in force and includes the nature of the security services and the type of ship in question, is allowed to:

- (a) implement on board the measures referred to in the provisions of section 12(1)(a);
- (b) load on, transport by, and unload from, the ship, firearms and/or special security equipment;
- (c) use firearms and/or special security equipment.

(4) The Competent Authority has the obligation to indicate on the certificate:

- (a) the name, type, call sign and the ship's identification number of the ship;
- (b) the name and address of the ship's operator;
- (c) the name and address of the registered office of the private ship security company;
- (d) the name and address of the authorized representative of the private ship security company, in the cases referred to in the provisions of section 20(2)(b) and 20(2)(c);
- (e) the date of issue and the date of commencement and expiry of the validity of the certificate issued to the private ship security company pursuant to the provisions of section 22(1);
- (f) the services which the private ship security company is able to offer to the ship, the ship's voyage or routes and the firearms and/or the special security equipment that may be used;
- (g) the date of signature of the written private agreement, the period of the validity of the agreement and any other related thereto information;
- (h) the date of issue and the date of commencement and expiry of validity of the certificate; and

- (i) any terms or conditions or information that it deems appropriate or necessary.

(5) The ship's operator may submit to the Competent Authority an application requesting to be advised whether it is possible to be issued with the certificate referred to in the provisions of subsection (3) of this section and in such a case the provisions of subsection (2) of this section apply *mutatis mutandis* and with the proviso that the applicant may submit the written private agreement it intends to conclude.

(6) It is prohibited to issue the certificate referred to in the provisions of subsection (3) of this section if:

- (a) the legal person referred to in the application as the private ship security company does not hold a certificate issued to it pursuant to the provisions of section 22(1); or
- (b) the validity of the certificate issued to the private ship security company has expired or suspended or cancelled or will be suspended or cancelled; or
- (c) the private ship security company has not submitted an application for the issue of a new certificate or for the extension of the period of the validity of its existing certificate and the services it will provide include a period ending after the expiry of the validity of its existing certificate; or
- (d) the Competent Authority intends not to issue a new certificate to, or to extend the validity of the existing certificate of, the private ship security company and the services the private ship security company will provide include a period ending after the expiry of the validity of its existing certificate; or
- (e) the Competent Authority has or intends to amend or replace the certificate issued to the private ship security company and thus the private ship security company is not or will not be able to provide its services; or
- (f) the type of ship is not included on the certificate which has been issued to the private ship security company; or
- (g) the private ship security guards which will embark on the ship are not included on the certificate which has been issued to the private ship security company; or
- (h) a copy of the signed by both parties written private agreement has not been submitted.

Conclusion of a written private agreement with a private ship security company.

14.-(1) Subject to the provisions, the ship's operator has the obligation to ensure, when signing a written private agreement:

- (a) that the private ship security company holds a certificate issued to it pursuant to the provisions of section 22(1) which is in force and includes the nature of the security services and the type of ship which are relevant to it;

- (b) that the private ship security company has satisfactory to it insurance for compensation;
- (c) that the private ship security guards, which will embark on the ship for implementation of the written private agreement, are referred to on the certificate issued to the private ship security company pursuant to the provisions of section 22(1);
- (d) that the above private ship security guards are able to communicate, converse and discuss relevant issues with the master of the ship and with the ship's personnel; and
- (e) subject to the provisions of subsection (3) of this section, that the agreement does not contain any provisions that are contrary to or inconsistent with the provisions or any other law of the Republic or regulatory or administrative acts which have been issued or may be issued pursuant to their provisions.

(2)(a) The ship's operator is required to ensure that the written private agreement it signs explicitly states:

- (i) the name, surname, nationality and the number of the identity card or passport or travel document of the private ship security guards which will embark on the ship for implementation of the written private agreement, as well as, their leader and deputy leader;
- (ii) the firearms and/or special security equipment that it allows to be used, if necessary, for the protection of the security of the ship;
- (iii) the conditions or the circumstances under which it permits the use of firearms and/or use of special security equipment for the protection of the security of the ship; and
- (iv) the procedure to be followed for amending what is referred to in the provisions of subparagraph (iii) above.

(b) In cases where the information referred to in the provisions of subparagraphs (a)(i) to (a)(iii) of this subsection will be finalised or determined after the signing of the written private agreement, the ship's operator is required to submit to the Competent Authority an amendment to the written private agreement, signed by both parties thereto, before the issue of a certificate pursuant to the provisions of section 13(3).

(3) The ship's operator is required to obtain an approval from the Competent Authority and the Competent Authority may give conditional relevant to this approvals if the written private agreement contains provisions and/or arrangements which are not identical but may be considered to be equivalent to:

- (i) the provisions of SOLAS chapter XI-2 and/or the ISPS Code and/or Regulation (EC) No 725/2004;
- (ii) the other provisions of the SOLAS Convention;

- (iii) the provisions of this Law concerning the additional security measures set out in a circular as necessary for the protection of the security of the ship and for the prevention of any unlawful act; and
- (iv) the provisions of this Law regarding civil liability issues and/or issues as to the provision of information to the Competent Authority.

Civil liability of the ship's operator.

**15.-(1)** The ship's operator has the obligation to pay compensation to the persons on board the ship for damage they may suffer due to the fault or negligence of the private ship security company or of the private ship security guards or of any of the other persons employed by the private ship security company who were on board with the permission of the master of the ship, where the damage arose due to the concurrent fault or negligence of the ship's operator, or of the master of the ship or of the ship's personnel.

(2)(a) The ship's operator has the obligation to pay compensation to the private ship security company, the private ship security guards and of any one of the other persons who are employed by the private ship security company and who were on board the ship with the permission of the master of the ship, for damage they may suffer due to the fault or negligence of the ship's operator, or of the master of the ship or of the ship's personnel.

(b) The private ship security company may exempt, partially or fully, the ship's operator from its obligation under paragraph (a) of this subsection by including a specific provision in this respect in the written private agreement.

(3) The ship's operator, is entitled to limit, as the ship-owner, its liability under the provisions of subsections (1) and (2)(a) of this section to the limits of liability under the provisions of the 1976/96 LLMC Convention.

Information to be provided to the Competent Authority in relation with the implementation of the written private agreement.

**16.-** The ship's operator has the obligation to immediately report to the Competent Authority in each case:

- (1) the implementation of a written private agreement is completed, together with the name, call sign and ship's identification number of the ship involved and the date and time as from which the implementation of the written private agreement is deemed as completed;
- (2) it agrees, or requests the amendment of, the conditions or the circumstances under which it permits the use of firearms and/or use of special security equipment for the protection of the security of the ship and to provide relevant information thereto, together with the name, call sign and ship's identification number of the ship involved; and
- (3) it receives information in relation to what is referred to in the provisions of section 26(1)(b), together with the name, call sign and ship's identification number of the ship involved.

Obligations of the ship's master and of the ship's operator.

17.-(1) The master of the ship and the ship's operator each have the obligation:

- (a) to monitor, supervise and control the implementation of the written private agreement by the private ship security company and the private ship security guards taking into account the information referred to in the certificate issued pursuant to the provisions of section 13(3);
- (b) to ensure that the private ship security company and any private ship security guards on board the ship do not undertake any action in relation to the security of the ship after:
  - (i) the termination or expiry of the written private agreement or after the cancellation of the validity of a certificate issued pursuant to the provisions of section 13(3); or
  - (ii) the suspension of the validity of a certificate issued pursuant to the provisions of section 13(3), only as regards the grounds on which its validity was suspended; and
- (c) to report promptly to the Competent Authority all actions of the private ship security company and of the private ship security guards which are believed violate the provisions of this Law.

(2) The master of the ship and the ship's operator each have the obligation, in the event of cancellation or suspension of the validity of a certificate issued pursuant to the provisions of section 13(3), or in the case of a unilateral termination without prior notice of the written private agreement by the private ship security company, to promptly take the necessary steps in order to implement the measures referred to in the provisions of section 4(1) and 4(2).

Obligations with regard to loading, storing, transporting and unloading of firearms and of special security equipment.

18.-(1) The master of the ship has the obligation to supervise, monitor and control the loading on, the storage on, the transportation by, and the unloading from, the ship of the firearms and special security equipment for use by a private ship security company within the framework of the provisions of section 12(2)(a) and 12(3)(a).

(2) The storage on the ship of the firearms or special security equipment for use by a private ship security company shall be done in such a way so as to ensure that the persons on board the ship and any person who commits or attempts to commit an unlawful act will not be able to access them.

(3) The storage on the ship of the special security equipment for use by a private ship security company shall be done in such a way so as to ensure that the private ship security company will have access to it only when its use is necessary.

(4) The storage on the ship of the firearms for use by a private ship security company shall be done in such a way so as to ensure that the private ship security company will have access to them only when the ship is in high-risk areas and when their use is necessary.

(5) The firearms and the special security equipment which are loaded on, stored on, and transported by, a ship for use by a private ship security company, within the framework of the provisions of section 12(2)(a) and 12(3)(a), belong to the private ship security company and remain its charge after they have been unloaded from the ship.

Obligations in the case of the use of arms and of special security equipment.

Third Schedule.

**19.**-(1) The master of the ship and the ship's operator each has the obligation to report to the Competent Authority, as soon as possible, whenever use is made of the firearms and/or of the special security equipment and to provide the relevant to the event information, together with the information referred to in Parts I and III of the Third Schedule.

(2) The master of the ship and the ship's operator each has the obligation to provide to the Competent Authority any other relevant to the event information when requested to do so.

Prerequisites for the approval of private ship security companies.

**20.**-(1) Any legal person who wishes to provide services for the protection of the security of ships must submit to the Competent Authority an application for issue of a certificate attesting that it is allowed to implement security measures on ships using the private ship security guards it employs.

(2) The Competent Authority may, and has the power, to issue the certificate referred to in the provisions of subsection(1) of this section to a legal person constituted or registered as legal person:

- (a) in accordance with the laws of the Republic and has its registered office in the Republic; or
- (b) in accordance with the laws of any other Member State and has its registered office, central administration or principal place of business in a Member State, if it establishes and undertakes to maintain, for the duration of the validity of the certificate, an authorized representative in the Republic in accordance with the provisions of section 23; or
- (c) in accordance with the laws of any other State, subject to the Minister's permission, if it establishes and undertakes to maintain, for the duration of the validity of the certificate, an authorized representative in the Republic in accordance with the provisions of section 23.

(3)(a) A certificate shall not be issued to a private ship security company which is owned or controlled by a natural or legal person, or is connected in any way with, or has as a shareholder or partner or executive officer or director or secretary, a natural or legal person, or who employs a person:

- (i) against which there are sanctions under provisions of resolutions adopted by the United Nations Security Council under Chapter VII of the Charter of the United Nations or by its committees or subcommittees, or by an institution of the European Union on the basis of the provisions of Community law; or

- (ii) has been convicted, or against whom an arrest warrant or a case is pending, before the International Criminal Court or another international tribunal established under the provisions of the Charter of the United Nations; or
- Fifth Schedule. (iii) which has been sentenced by a court for any of the offences referred to in the Fifth Schedule and which has not been rehabilitated; or
- Fifth Schedule. (iv) against whom an arrest warrant or a case is pending before a court for any of the offences referred to in the Fifth Schedule; or
- (v) which has been dismissed by the Public or Educational Service or the Police or the Army of the Republic or of another State or by a public corporate body, for a disciplinary offence which involves dishonesty or moral turpitude;
- (vi) who holds a position in the Public or Educational Service of the Republic or of another State or in the Police or the Army of the Republic of another State or is employed by a public corporate body; or
- (vii) which is a user of any narcotic drugs or other psychotropic substances; or
- (viii) who suffers from mental illness, which, in the opinion of the Competent Authority, may prevent him from performing his duties.

Provided that, the Competent Authority may, and has the power to, require the applicant to submit a medical certificate from a government medical officer in relation to the status of the mental health of any of the persons referred to in this subsection; or
- (ix) which, or for which, the Competent Authority has reasons to believe that:
  - (aa) has submitted a request for the establishment and/or operation of and/or for the renewal of the validity of the permit to operate a private security service office; or
  - (bb) has set up and/or operates and/or had founded and/or operated a private security service office regardless of whether the authorization of such office is valid; or
  - (cc) is employed, and/or has been employed, as a personnel and/or as a private guard by a private security service office; or
  - (dd) has, or has had, any other than the above relations with a private security service office and/or has, or has had, any other than the above relations with a legal and/or natural person which had set up and/or operated a private security service office; or



- (ee) has submitted an application for the issue and/or for the renewal of a license to practice the profession of a private guard and/or has been issued with a license to practice the profession of a private guard regardless of whether the license is valid.

Provided that, the Competent Authority may, and has the power to, require the applicant to submit a written confirmation from the Chief of Police stating that he does not fall under the provisions of this subparagraph, and in such case, it shall suspend the examination of the relevant application until the submission of such confirmation.

Provided further that, for the purposes of the above provisions the terms “private security service office”, “personnel”, “guard” and “private guard” have the meaning attributed to them in section 2 of *the Private Security Service Offices Laws of 2007 to 2011*; or

125(l) of 2007  
54(l) of 2009  
101(l) of 2011.

- (x) which, or for which, the Competent Authority has reasons to believe that he has committed an illegal act, or has been involved, or has been provoking, or intentionally facilitate, in an illegal act, or is involved or associated with persons who have committed an illegal act.

(b) The provisions of paragraph (a) of this subsection also apply in the cases referred to in the provisions of subsection (2)(b) and (2)(c) of this section in relation to the authorized representative.

Application and approval process for private ship security companies.

21.-(1) The application for the issue of the certificate is submitted by the legal person or by its authorized representative in the official language of the Republic, or in a language understood by the Competent Authority and shall contain the information and be accompanied by the documentation referred to in the provisions of subsection (2) of this section.

Sixth Schedule.

(2) The information to be provided in the application and the supporting documentation to accompany it are listed in the Sixth Schedule.

Approval: Issue of the relevant certificate.

22.-(1) The Competent Authority, if satisfied by the application and the information and data submitted thereto, may and has the power to issue to the legal person a certificate attesting that it is allowed to implement security measures on ships which have been issued with a certificate pursuant to the provisions of section 13(3).

(2) The Competent Authority has the obligation to indicate on the certificate:

- (a) the name, address of the registered office of the private ship security company and the address of the office from which the company is carrying out its activities;
- (b) the name, surname, nationality and the number of the identity card or passport or travel document of the person responsible for the private ship security company for the purposes of this Law;

- (c) the name and address of the authorized representative, in the cases referred to in the provisions of section 20(2)(b) and 20(2)(c);
- (d) the services that the private ship security company may offer, the types of ships for which the certificate is valid and the types of firearms and/or special security equipment it may use;
- (e) the name, surname, nationality and the number of the identity card or passport or travel document of the private ship security guards which the private ship security company employs and for which the certificate is valid;
- (f) the date of issue and the date of commencement and expiry of the validity of the certificate; and
- (g) any terms or conditions or information that it deems appropriate or necessary.

(3) A legal person may submit to the Competent Authority an application requesting to be advised whether it is possible to be issued with the certificate referred to in subsection (2) of this section. In such cases the provisions of subsection (1) of this section apply *mutatis mutandis* with the proviso that in the cases referred to in section 20(2)(b) and 20(2)(c) the applicant may indicate the name and address of the authorized representative it intends to appoint.

Authorized  
representative.

23.-(1) For the purposes of the provisions of section 20(2)(b) and 20(2)(c), the authorized representative may be:

- (a) a citizen of the Republic or a citizen of another Member State who is resident in the Republic, within the meaning of the provisions of *the Income Tax Laws of 2002 to Law (No. 2) of 2011*; or

118(I) of 2002  
230(I) of 2002  
162(I) of 2003  
195(I) of 2004  
92(I) of 2005  
113(I) of 2006  
80(I) of 2007  
138(I) of 2007  
32(I) of 2009  
45(I) of 2009  
74(I) of 2009  
110(I) of 2009  
41(I) of 2010  
133(I) of 2010  
116(I) of 2011  
197(I) of 2011.

- (b) a partnership established and registered in accordance with the provisions of *the Partnerships and Business Names Law, Cap.116 and Laws of 1977 to 2011* having its place of business in the Republic and which employs permanent personnel in the Republic; or

Cap.116.  
77 of 1977  
54 (I) of 2011  
146(I) of 2011.

- Cap.113.
- 9 of 1968
  - 76 of 1977
  - 17 of 1979
  - 105 of 1985
  - 198 of 1986
  - 19 of 1990
  - 41(I) of 1994
  - 15(I) of 1995
  - 21(I) of 1997
  - 82(I) of 1999
  - 149(I) of 1999
  - 2(I) of 2000
  - 135(I) of 2000
  - 151(I) of 2000
  - 76(I) of 2001
  - 70(I) of 2003
  - 167(I) of 2003
  - 92(I) of 2004
  - 24(I) of 2005
  - 129(I) of 2005
  - 130(I) of 2005
  - 98(I) of 2006
  - 124(I) of 2006
  - 70(I) of 2007
  - 71(I) of 2007
  - 131(I) of 2007
  - 186(I) of 2007
  - 87(I) of 2008
  - 41(I) of 2009
  - 49(I) of 2009
  - 99(I) of 2009
  - 42(I) of 2010
  - 60(I) of 2010
  - 88(I) of 2010
  - 53(I) of 2011
  - 117(I) of 2011
  - 145(I) of 2011
  - 157(I) of 2011
  - 198(I) of 2011.
- (c) a corporation, which is incorporated and registered in accordance with the provisions of *the Companies Law, Cap.113 and Laws of 1968 to 2011* having its place of business in the Republic and which employs permanent personnel in the Republic.

(2) The Competent Authority may, and has the power, to determine, in relation to the authorized representatives, the information and documentation which are required to be submitted.

(3)(a) The particulars of the authorized representative shall be listed on the certificates issued pursuant to the provisions of sections 13(3) and 22(1).

(b) The authorized representative and the private ship security company, each of them have the obligation to notify to the Competent Authority as soon as possible any change in any of the particulars of the authorized representative.

(c) The Competent Authority, in case of changes in the particulars of the authorized representative listed on any certificates it has issues, shall reissue the certificates, which are in force, and, in such case, the private ship security company has the obligation to pay the relevant fees.

(4) Any document required to be served on a private ship security company, which in accordance with the provisions of section 20(2)(b) and 20(2)(c) is required to appoint and maintain an authorized representative, shall be deemed to have been duly served on it, if is:

- (a) delivered by hand to the authorized representative; or

- (b) sent by post or by other means and left to the last address communicated to the Competent Authority as the postal address of the authorized representative; or
- (c) sent by e-mail, telex or facsimile to the last e-mail address or telex or facsimile number communicated to the Competent Authority as the e-mail address, or the telex or the facsimile number of the authorized representative.

(5) For the purposes of this section, the term document includes court orders, notices, commands, letters and anything else that shall be served in any legal, judicial or administrative procedure under the laws of the Republic.

(6) The authorized representative is not responsible for the acts or omissions of the appointing private ship security company.

(7)(a) The authorized representative and the private ship security company each have the obligation to immediately notify the Competent Authority of their intention to mutually or unilaterally terminate the arrangements they have between them for the purposes of this Law.

(b) The termination of the appointment or of the services of the authorized representative is prohibited before the appointment of a new one or before the completion of the implementation of the obligations of the private ship security company under a written private agreement, on the basis of which private ship security guards have already boarded a ship to which a certificate has been issued pursuant to the provisions of section 13(3).

Basic duties and obligations in the case of provision of ship security services.

24.-(1)(a) The private ship security company, to which a certificate has been issued pursuant to the provisions of section 22(1), has the obligation to comply with and to apply and to implement the provisions of the legislation of the Republic and the decisions and instructions of the Competent Authority and of the other, in law, competent authorities of the Republic addressed to it and to the master of the ship or the ship's operator, to the extent to which these relate to the private ship security company.

(b) The private ship security company is subject to, and falls under, the jurisdiction of the Courts of the Republic for matters that may arise in relation to its obligations under the provisions of this Law or of any other law of the Republic.

(c) The private ship security company has the obligation to keep the Competent Authority informed of any change relating to the information and/or documentation required by the provisions of section 22(2) and to promptly submit to the Competent Authority any changes thereto.

Provided that, the Competent Authority may, and has the power, to, if it considers it appropriate in the circumstances, replace, amend, suspend and/or cancel certificates it has issued pursuant the provisions of section 13(3) and/or 22(1).

(2) The private ship security company has the obligation to provide the ship's operator and/or to submit to the Competent Authority the information and documentation, which is required for the issue of the certificate referred to in the provisions of section 13(3).

(3) The private ship security company has the obligation to keep copies of the licences, the approvals, the attestations or the documents which have been issued to it, or which it has obtained, in relation to the loading on, and the unloading from, the ship of the firearms and/or special security equipment for use by it pursuant the provisions of section 12(2)(a) and 12(3)(a) and to submit these to the Competent Authority when requested to do so.

Civil liability of a private ship security company.

**25.-(1)** The private ship security company has the obligation to pay compensation to the persons on board the ship for damages they suffer due to the fault or negligence of it or due to the fault or negligence of the private ship security guards or due to the fault or negligence of any other persons it employs and who were on board the ship with permission of its master.

(2)(a) The private ship security company has the obligation to pay compensation to the ship's operator for damages it suffers due to the fault or negligence of it or due to the fault or negligence of the private ship security guards or due to the fault or negligence of any other persons it employs and who were on board the ship with permission of its master.

(b) The ship's operator may exempt, partially or fully, the private ship security company from its obligation under paragraph (a) of this subsection by including a specific provision in this respect in the written private agreement.

(3) The private ship security company is entitled to limit, as the ship-owner, its liability under the provisions of subsection (1) and (2)(a) of this section to the limits of liability under the provisions of the 1976/96 LLMC Convention.

Duty to inform the Competent Authority and the ship's operator.

**26.-(1)(a)** The private ship security company has the obligation to immediately inform the Competent Authority and shall indicate the name, call sign and ship's identification number of each of the ships that may be involved and the relevant date and time, in each case:

- (i) it decides to suspend or terminate its operation or the provision of services referred to on a certificate issued to it pursuant to the provisions of section 22(1), or in the case of commencement of proceedings for its dissolution or bankruptcy;
- (ii) of suspension or cancellation or non-renewal of its insurance for compensation;
- (iii) of suspension or cancellation or non-renewal of the licence or the certificate or of the conditions relating to the acquisition or possession of firearms and/or special security equipment in its possession;
- (iv) of suspension or cancellation or non-renewal of the contracts of employment of the private ship security guards stated on the certificate issued to it pursuant to the provisions of section 22(1), together with the name, surname, nationality and the number of the identity card or passport or travel document of each of the private ship security guards which are involved;

- (v) is not satisfied with the training or the performance or the accomplishment of the duties of the private ship security guards stated on the certificate issued to it pursuant to the provisions of section 22(1), together with the name, surname, nationality and the number of the identity card or passport or travel document of each of the private ship security guards which are involved;
  - (vi) of possible loss or loss of possession or control, or possible theft or theft, or disposal at sea or destruction, or of seizure or confiscation by State authorities, of firearms and/or special security equipment during loading on, transporting by, or unloading from, a ship or any other craft or means used for their loading on or unloading from a ship; and
  - (vii) it believes, or has found out, that it contravenes, or it may possibly contravene, or it may have contravened any of the provisions which are in effect and apply in relation to it or with respect to issue of the certificate that was issued to it pursuant to the provisions of section 22(1), or the terms or conditions referred to thereon.
- (b) The private ship security company has the obligation to immediately inform the ship's operator of the ships with which it has concluded a written private agreement, the implementation of which has not been completed:
- (i) for what is referred to in paragraph (a) of this subsection to the extent that the concerned is affected, together with the name, call sign and ship's identification number of each of the ships which are involved;
  - (ii) in the event of suspension or cancellation of the validity of the certificate issued to it pursuant to the provisions of section 22(1), together with the name, call sign and ship's identification number of each of the ships involved; and
  - (iii) in the case of forthcoming expiry of the certificate issued to it pursuant to the provisions of section 22(1), if it does not intend to submit an application for the issue of a new certificate or if it has been informed that the Competent Authority does not intend to issue a new certificate to it, together with the name, call sign and ship's identification number of each of the ships involved.
- (2) The private ship security company has the obligation to immediately inform the Competent Authority in each case:
- (a) it enters into a written private agreement, together with the name and address of the ship's operator of the ship involved; the name, call sign and ship's identification number of the ship involved; and the name, surname, nationality and the number of the identity card or passport or travel document of each of the private ship security guards which are expected to board the ship;

- (b) it completes the implementation of a written private agreement, together with the name, call sign and ship's identification number of the ship involved; the name, surname, nationality and the number of the identity card or passport or travel document of each of the private ship security guards which are expected to disembark from the ship; and the date and time as from which it considers that it has completed the discharge of its obligations under the provisions of the written private agreement;
  - (c) an unlawful act is committed or attempted, together with the relevant information and the name, call sign and ship's identification number of the ship involved; the name, surname, nationality and the number of the identity card or passport or travel document of each of the private ship security guards which are on board; the consequences of the event; and the condition of any person which may have been affected;
  - (d) of use of firearms and/or special security equipment, together with the relevant to the event information; the name, call sign and ship's identification number of the ship involved; the name, surname, nationality and the number of the identity card or passport or travel document of each of the private ship security guards which have made use of firearms and/or special security equipment; the name and surname of any other person who has made use of firearms and/or special security equipment; the consequences of the event; and the condition of any person which may have been affected;
  - (e) it intends not to proceed with the implementation of a written private agreement or to unilaterally or mutually terminate a written private agreement before its expiry, together with the relevant information and the name, call sign and ship's identification number of the ship involved; and
  - (f) it agrees or requests amendments of the conditions or the circumstances under which is permitted to use of firearms and/or special security equipment for the security of the ship, together with the relevant information and the name, call sign and ship's identification number of the ship involved.
- (3) The private ship security company has the obligation to provide the Competent Authority with any documents, data or information in relation to the matters referred to in the provisions of subsections (1) and (2) of this section when requested to do so.
- (4)(a) The private ship security company has the obligation to compile and maintain a register, in an electronic format or otherwise, which will record the movements of the firearms and/or special security equipment, which are referred to on any certificate issued to it pursuant to the provisions of section 22(1) and any other relevant information which the Competent Authority may specify.
- (b) The private ship security company has the obligation to provide to the Competent Authority a copy of the above register when so requested to do so.

(5) The private ship security company has the obligation, after the expiry or cancellation or suspension of the validity of any certificate issued to it pursuant to the provisions of section 22(1), to cooperate with, and to provide to, the Competent Authority and any other, in law, competent authorities of the Republic, any documents, data or information which may be requested by them in connection with the services it provided to any ship or in relation to the firearms and/or special security equipment which are referred to on any certificate issued to it pursuant to the provisions of section 22(1).

Obligations of private ship security guards.

27.-(1) The private ship security guards referred to on a certificate issued pursuant to the provisions of section 22(1) have the obligation to comply with and to apply and to implement the provisions of the legislation of the Republic and the decisions and instructions of the Competent Authority and of the other, in law, competent authorities of the Republic addressed to them and to the master of the ship or the ship's operator to the extent to which these relate to them.

(2) The private ship security guards are subject to, and fall under, the jurisdiction of the Courts of the Republic for matters that may arise in relation to their obligations under the provisions of this Law.

(3) The private ship security guards which embarked on a ship, in respect of which a certificate has been issued pursuant to the provisions of section 13(3), with a view to the implementation of the security measures referred to:

- (a) in section 4(1) and/or 4(2), are part of the ship's crew and have the obligation to comply with the provisions of the relevant laws of the Republic which are applicable to the crew of the ship;
- (b) in section 4(3), are not part of the ship's crew and are not considered or counted as passengers, but are considered and counted as persons on board for the purpose of applying the provisions of the laws of the Republic and of the international conventions to which the Republic is a party.

Provided that, the private ship security guards have the obligation to comply with the provisions of the relevant laws of the Republic as persons on board and to obey, abide and execute the instructions and commands of the master of the ship, as if they were members of the crew of the ship.

(4) The private ship security guards have the obligation, after the expiry or cancellation or suspension of the validity of any certificate issued pursuant to the provisions of section 22(1), to cooperate with, and to provide to, the Competent Authority and any other, in law, competent authorities of the Republic, any documents, data or information which may be requested by them in connection with the services they provided to any ship.

#### **PART IV**

#### **RESTRICTIONS AND PROHIBITIONS CONCERNING PRIVATE SHIP SECURITY COMPANIES, PRIVATE SHIP SECURITY GUARDS, ARMS AND SPECIAL SECURITY EQUIPMENT**



Arrangements with regard to the provisions of other laws.

28.-(1) Subject to compliance with the provisions of this Law, the provision of ship security services by a private ship security company, pursuant to the provisions of section 12(1)(a), is not subject to the provisions of *the Private Security Service Offices Laws* or of a regulatory or administrative act which has been issued or may be issued thereunder.

Cap.175A.  
1(l) of 2011.

(2) Subject to compliance with the provisions of this Law, the loading on, the transportation by, and the unloading from, a ship of firearms, ammunition and/or special security equipment, for use within the framework of the provisions of section 12(2)(a) and 12(3)(a), within the internal waters or the territorial sea or the contiguous zone of a State or on the high seas, is not subject to the provisions of *the Supplies and Services (Transitional Powers) (Continuation) Law, Cap.175A* or of *the Import and Export of Controlled Items and the carrying out of Controlled Activities Law of 2011*, or of a regulatory or administrative act which has been issued or may be issued thereunder.

(3) Subject to compliance with the provisions of this Law, the loading on, the transportation by, and the unloading from, a ship of firearms, ammunition and/or special security equipment, for use within the framework of the provisions of section 12(2)(a) and 12(3)(a), in the internal waters or the territorial sea or the contiguous zone of a State, other than the Republic, or on the high seas is not subject to the provisions of the *customs legislation* or of *other related legislation* or of a regulatory or administrative act which has been issued or may be issued thereunder.

113(l) of 2004  
91(l) of 2005  
56(l) of 2007  
32(l) of 2011  
178(l) of 2011.

(4) Subject to compliance with the provisions of this Law, the possession and/or use on a ship of firearms, ammunition and/or special security equipment, within the framework of the provisions of section 12(2)(a) and 12(3)(a), does not fall within the provisions of *the Firearms and Non-Firearms Laws of 2004 to Law No.2 of 2011* or of a regulatory or administrative act which has been issued or may be issued thereunder.

(5) Subject to compliance with the provisions of this Law, the loading on, the transportation by, and the unloading from, a ship of firearms, ammunition and/or special security equipment, for use by a private ship security company within the framework of the provisions of section 12(2)(a) and 12(3)(a), does not constitute a breach of, and/or non-compliance with, the measures required by the provisions of SOLAS chapter XI-2, or of the ISPS Code, or of Regulation (EC) No 725/2004, relating to the prevention of the transfer to the, and/or the transportation by a, ship of prohibited firearms, dangerous substances and devices designed for use against persons, ships or ports.

Prohibitions regarding the use of firearms and special security equipment.

29.-(1) The following prohibitions apply:

- (a) the use of firearms and of special security equipment when the ship is within the internal waters or the territorial sea of a State except if:
  - (i) the competent authorities of the State concerned have allowed this; or

- (ii) the terms or conditions set out on the certificates issued pursuant to the provisions of sections 13(3) and 22(1) allow this;
- (b) the use by the persons on board of firearms and of special security equipment which are carried by the ship as cargo;
- (c) the use by the persons on board of firearms and of special security equipment which are on board the ship for use within the framework of the provisions of section 12(2)(a) and 12(3)(a);
- (d) the use by private ship security guards of firearms and of special security equipment which are on board the ship for use within the framework of the provisions of section 12(2)(a) and 12(3)(a), without the prior authorisation of the master of the ship; and
- (e) the exercise of any form of pressure on, the blackmail of, the intimidation of, and the coercion of, the master of the ship so that he authorizes against his will or judgement, the use by the private ship security guards or by the ship's crew or by the other persons on board, of firearms and/or of special security equipment which are on board for use within the framework of the provisions of section 12(2)(a) and 12(3)(a).

(2)(a) A person acting in contravention of the prohibition laid down in subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 15 years or to a fine not exceeding €75,000 or to both such sentences.

(b) In the event of a prosecution for an offence pursuant to the provisions of paragraph (a) of this subsection, it shall be a defence for the accused if he proves that there was a clear danger and there was no other possibility for preventing injury or death or abduction of persons on board. In such a case, the provisions of section 28(4) apply *mutatis mutandis*.

Movement of private ship security guards, firearms and special security equipment internal waters or in territorial sea or in contiguous zone.

30.-(1) It is prohibited:

- (a) to embark on, to transport by, and to disembark from, a ship private ship security guards or other persons working for a private ship security company within the framework of the provisions of section 12(1)(a);
- (b) to load on, to transport by, and to unload from, a ship firearms and special security equipment for use by a private ship security company within the framework of the provisions of section 12(2)(a) and 12(3)(a);
- (c) to load on, to transport by, and to unload from, a ship special security equipment for use by ship's crew within the framework of the provisions of section 12(3)(a);

- (aa) before the issue of the certificate referred to in the provisions of section 13(3); and
- (bb) without previously obtaining from the competent authorities of the State in whose internal waters or the territorial sea or the contiguous zone the ship will be for the above purposes, the required entry or exit visas, licences, approvals, attestations or documents required by the laws of that State and/or satisfying all relevant requirements of the competent authorities of that State, provided that:
  - (i) with regard to the provisions of paragraphs (a) and (b) above, the private ship security company has the obligation to timely obtain such and to satisfy the requirements set out in subparagraphs (aa) and (bb) above;
  - (ii) with regard to the provisions of paragraph (c) above, the ship's operator has the obligation to timely obtain such and to satisfy the requirements set out in subparagraphs (aa) and (bb) above;
  - (iii) the master of the ship has the obligation to meet the requirements of that State to the extent that they relate to the ship.

Provided that, with respect to firearms and/or special security equipment for use within the framework of the provisions of section 12(2)(a) and 12(3)(a), the issue of a certificate pursuant to the provisions of section 13(3) and/or section 22(1) does not constitute a licence or approval of the competent authorities of the Republic and does not create any condition for the granting of any licence or approval by the competent authorities of the Republic:

- (i) for loading these on, or unloading these from, or for the movement or transportation of these from or to, a ship within the internal waters or territorial sea of the Republic; or
- (ii) for the storage, movement or transportation of these on the land territory of the Republic.

Provided further that, with regard to private ship security guards or other persons working for a private ship security company, the issue of a certificate pursuant to the provisions of section 13(3) and/or section 22(1) does not constitute a licence or approval of the competent authorities of the Republic and does not create any condition for the granting of any licence or approval by the competent authorities of the Republic:

- (i) for the embarkation of them on, and disembarkation of them from, or for the movement or transportation of them from or to, a ship within the internal waters or the territorial sea of the Republic; or
  - (ii) for their entry in, or stay in, or residence in, or for the movement or transportation of them on, or for the departure of them from, the land territory of the Republic.
- (2) It is not prohibited:
- (a) to embark on, to transport by, and to disembark from, a ship private ship security guards or of other persons working for a private ship security company for any other purpose; and
  - (b) to load on, to transport by, and to unload from, a ship firearms and special security equipment as cargo, on condition that the persons on board and any person which commits or attempts to commit an unlawful act would not have direct access to them.

Provided that, the loading is done in accordance with the requirements of the provisions of the laws of the State in the internal waters or the territorial sea or the contiguous zone of which it takes place and in accordance with the provisions of *the Cyprus Ships (Prohibition of Transportation) Laws of 1966 and 1971*.

26 of 1966  
53 of 1971.

(3)(a) It is prohibited to load on, and to unload from, a ship firearms and special security equipment, for use by a private ship security company, within the internal waters, or the territorial sea, or the contiguous zone, of a State for which there is in force an order, issued pursuant to the provision of *the Cyprus Ships (Prohibition of Transportation) Laws*, prohibiting the transportation of such to that State.

- (b) The following are not prohibited:
- (i) the passage of the ship through, or the stay of the ship in, the internal waters or the territorial sea or the contiguous zone;
  - (ii) the arrival, or stay, or departure, of a ship in ports or port facilities located within the territory or offshore installations under the jurisdiction;
  - (iii) the performance of domestic voyages by a ship within the internal waters or the territorial sea or the contiguous zone;

of a State with respect to which there is in force an order referred to in the provisions of paragraph (a) of this subsection, provided that the firearms and the special security equipment are stored so that there is no direct access to them.

(4) A person acting in contravention of the prohibitions laid down in the provisions of this section, or that does not comply with the provisions of this section, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 15 years or to a fine not exceeding €75,000 or to both such sentences.

Movement of private ship security guards, firearms and special security equipment on the high seas.

31.-(1)(a) Subject to compliance with the provisions of section 30(3)(a) and provided that the vessel or craft, irrespective of the flag it is entitled to fly, which transports to a Cyprus ship:

- (i) the private ship security guards or other persons working for a private ship security company which will be embarked on it within the framework of the provisions of section 12(2)(a); and/or
- (ii) the firearms and/or special security equipment which will be loaded on it for use within the framework of the provisions of section 12(2)(a) and 12(3)(a);

has complied and fulfilled, while leaving the internal waters or the territorial sea or the contiguous zone of the State in which the aforesaid boarded it, or the aforesaid were loaded on it, the requirements of the provisions of the laws and of the competent authorities of the relevant State, is not prohibited:

- (aa) to transfer on the high seas from the vessel or craft, and to embark on the high seas on a Cyprus ship, the persons referred to in the provisions of subparagraph (i) above; and/or
- (bb) to transfer on the high seas from the vessel or craft, and to load on the high seas on a Cyprus ship, the items referred to in the provisions of subparagraph (ii) above.

(b) Subject to *mutatis mutandis* compliance with the provisions of paragraph (a) of this subsection, is not prohibited:

- (i) to disembark on the high seas from a Cyprus ship, and to transfer on the high seas to a vessel or craft, irrespective of the flag it is entitled to fly, the persons referred to in the provisions of subparagraph (a)(i) of this subsection; and/or
- (ii) to unload on the high seas from a Cyprus ship, and to transfer to a vessel or craft, irrespective of the flag it is entitled to fly, the items referred to in the provisions of subparagraph (a)(ii) of this subsection;

provided that the vessel or craft, when it arrives at the internal waters or the territorial sea or the contiguous zone of the State in which the above persons would be disembarked from it, or the above items will be unloaded from it, will comply with the requirements of the provisions of the laws and of the competent authorities of the State concerned.

(c) The private ship security company, the ship's operator of the Cyprus ship and the master of the Cyprus ship each have the obligation to ensure that the master of the vessel or craft which will participate in the transshipment, irrespective of the flag it is entitled to fly, provides them, in the case of transshipment:

- (i) to the Cyprus ship, with a written confirmation that it has complied with the requirements of the provisions of paragraph (a) of this subsection; and/or

- (ii) from the Cyprus ship, with a written confirmation and commitment that it undertakes to comply with the requirements of the provisions of paragraph (b) of this subsection;

before the commencement of the transshipment and have the obligation to submit these to the Competent Authority when requested to do so.

(2)(a) The master of the Cyprus ship may and has the obligation:

- (i) to determine the conditions and the circumstances under which any ship-to-ship activity will be conducted;
- (ii) to determine the safety measures and measures for the protection of the environment to be taken before, during and after the completion of the transshipment; and
- (iii) to agree what is stated in subparagraphs (i) and (ii) above with the master of the vessel or craft, irrespective of the flag it is entitled to fly, which will participate in the transshipment;

before the commencement of the transshipment and the obligation to submit the relevant, to what is stated in the above subparagraphs, information and documents to the Competent Authority when requested to do so.

(b) The master of the Cyprus ship may and has the obligation to terminate or to suspend any ship-to-ship activity when it considers it appropriate in the prevailing circumstances.

(c) The master of the Cyprus ship is obliged to enter in the official log-book of the ship all events relating to a ship-to-ship activity.

(3) A person acting in contravention of the prohibitions laid down in the provisions of this section, or that does not comply with the provisions of this section, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 15 years or to a fine not exceeding €75,000 or to both such sentences.

## PART V

### PROVISIONS IN RELATION TO APPLICATIONS AND CERTIFICATES

Interpretation.

**32.-** For the purposes of this Part, unless from the text is construed otherwise:

*“application”* means the application submitted to the Competent Authority pursuant to the provisions of this Law and includes any application submitted for the extension of the validity, replacement, amendment or reissue of a certificate; and

*“certificate”* means the certificate which is to be, or has been, issued pursuant to the provisions of section 13(3) and/or section 22(1).

Examination of applications and issue of certificates.

33.-(1) The Competent Authority may, and has the power, to conduct, in relation to examination of an application, any inspections or investigations it considers to be necessary.

(2) The Competent Authority has the power:

- (a) to require the submission of additional information, documents, evidence and/or declarations;

Provided that, the Competent Authority may, and has the power, to examine an application taking into account valid documents, attestations, declarations or other evidence which have been, or may be, issued by the competent authorities of other States, instead of the declarations required by the provisions of the Sixth Schedule, if it is satisfied that the provisions of the laws pursuant to the provisions of which these have been issued are at least the same or equivalent to the provisions of this Law.

- (b) to require the submission of the original or certified or endorsed by a competent authority copies of the various certificates, documents, evidence and/or declarations referred to in the provisions of section 13(2) and 21(2) and/or which may require pursuant to the provisions of paragraph (a) of this subsection;

- (c) to accept information, documents, evidence or declarations that do not use an official language of the Republic where the language used is understood by it; and

- (d) to conduct written and/or oral examinations and/or interviews of any person it deems to be relevant to the application and record oral information in a language understood by it.

Provided that, the Competent Authority may, and has the power, to determine the place, date and time of commencement of a written and/or oral examination and/or interview; to carry out the written and/or oral examination and/or interview in an official language of the Republic or in any other language understood by it and the involved person; and to define the success criteria for that, with the proviso that it has the obligation to inform in advance for that in writing the person concerned.

(3)(a) The applicant, the ship's operator, the legal person applying for certification pursuant to the provisions of section 22(1), the private ship security company and the authorized representative of each have the obligation to cooperate with and to immediately respond to the requirements of the Competent Authority.

(b) The Competent Authority may, and has the power, to refuse to review an application and to suspend the examination of an application until the submission of all information, documents, evidence and/or declarations that it requires or until the completion of a written and/or oral examination and/or interview.

(4) A person who refuses to cooperate with the Competent Authority, or to provide any information which have been requested pursuant to the provisions of subsections (1) and/or (2) of this section, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding 2 years or to a fine not exceeding €20,000 or to both such sentences.

(5)(a) The criminal offence referred to in the provisions of subsection (4) of this section is also committed by a person which submits to the Competent Authority a false, incomplete, inaccurate or misleading information.

(b) In the event of a prosecution for an offence pursuant to the provisions of paragraph (a) of this subsection, it shall be a defence for the accused if he proves that it provided the information in good faith and without knowledge that the information given was false, incomplete, inaccurate or misleading.

(6) The Competent Authority shall keep as confidential documents the applications and the relating thereto information, documents, evidence or declarations, which have been submitted; any notes relating to any written and/or oral examination and/or interview; as well as the relating correspondence.

(7) The Competent Authority has the obligation to inform in writing by reasoned decision the applicant when:

(a) it refuse to issue a certificate or;

(b) the response to the application submitted is negative.

(8) The Competent Authority may, and has the power, to publish, through a circular, the private ship security companies to which it has issued a certificate pursuant to the provisions of section 22(1) and/or the legal persons to which it has refused to issue a certificate pursuant to the provisions of section 22(1).

Issue of a certificate to a ship's operator.

34.-(1) The Competent Authority shall issue the certificate referred to in the provisions of section 13(3) and any subsequent decisions and instructions pursuant to the provisions of this Law relating thereto to the ship's operator stated thereon.

(2) The Competent Authority has the obligation to communicate any subsequent decisions and instructions addressed to the ship's operator and to the private ship security company referred to on the certificate issued pursuant to the provisions of section 13(3), in so far as these decisions and instructions relate to or affect the company.

(3) The ship's operator has the obligation to send a copy of the certificate referred to in the provisions of section 13(3) and of any subsequent relevant decisions and instructions of the Competent Authority to the master of the ship, who has the obligation to inform accordingly the shipboard personnel and any one of the other persons on board it considers appropriate.

Issue of a certificate to a private ship security company.

35.-(1) The Competent Authority shall issue the certificate referred to in the provisions of section 22(1) and any subsequent decisions and instructions pursuant to the provisions of this Law relating thereto to the private ship security company stated thereon.



(2) The Competent Authority has the obligation to communicate any subsequent decisions and instructions addressed to the private ship security company, to the ship's operators of the ships to which it has issued a certificate pursuant to the provisions of section 13(3), on which certificate the private ship security company is referred to, in so far as these decisions and instructions relate to or affect the ship's operators of the ships.

Extension,  
replacement,  
amendment,  
suspension and  
revocation of a  
certificate.

**36.-(1)(a)** The Competent Authority may, and has the power:

- (i) to extend the period of the validity of a certificate; or
- (ii) to suspend or cancel the validity of a certificate and to specify the scope or the period of the suspension or cancellation; or
- (iii) to replace a certificate with a new one; or
- (iv) to amend the particulars referred to on a certificate; or
- (v) to amend the terms or conditions or the information referred to on a certificate;

and to specify the date or time or time interval from which the decision applies.

(b) In such a case, the Competent Authority has the obligation to inform in writing by reasoned decision the ship's operator, or the private ship security company, to which the certificate was issued.

(2)(a) The Competent Authority has the obligation and the power to suspend and/or cancel the validity a certificate where it finds non-compliance with the provisions of this Law or with the terms or conditions referred to therein; and may determine the date or time or time interval from which the decision applies and the scope or the period of the suspension of the validity of a certificate.

(b) In such a case, the Competent Authority has the obligation to inform in writing by reasoned decision the ship's operator, or the private ship security company, to which the certificate was issued.

(3)(a) From the time of cancellation of the validity of a certificate, unless the Competent Authority specifies otherwise:

- (i) the private ship security guards on board the ship are considered as persons on board the ship with the consent of the master of the ship and/or the ship's operator not employed or engaged in any capacity on board the ship on the business of that ship and as far as they are concerned the provisions of section 5(2) and 5(3) continue to apply; and
- (ii) the firearms and/or special security equipment loaded on board a ship for use by the private ship security company are considered as items carried by the ship, belonging to the private ship security company.

(b) Subject to compliance with the provisions of section 30(1)(a), the private ship security guards which, at the time of cancellation of the validity of a certificate, were on board the ship, may, with the consent of the master of the ship and/or of the ship's operator and after approval by the Competent Authority pursuant to the provisions of subsection (5)(a) of this section, remain on board and continue to be transported by the ship until the first opportunity on which their disembarkation will be possible.

(c) Subject to compliance with the provisions of section 30(1)(b) and 30(1)(c), the firearms and/or special equipment which, at the time of cancellation of the validity of a certificate, were on board the ship, may, with the consent of the master of the ship and/or of the ship's operator and after approval by the Competent Authority pursuant to the provisions of subsection (5)(a) of this section, remain on board the ship until the first opportunity on which their unloading will be possible.

Provided that:

- (i) the private ship security company has the obligation to unload the firearms and/or of the special security equipment not later than the time specified for that purpose by the Competent Authority; and
- (ii) in the case of non-compliance of the private ship security company the firearms and/or the special security equipment may be seized by the Competent Authority as subject to confiscation in accordance with the provisions of section 79.

Provided further that:

- (i) the master of the ship has the obligation to supervise, monitor and control the storage on, the transportation by, and the unloading from, the ship of the firearms and/or special security equipment;
- (ii) the storage on the ship of the firearms and/or of the special security equipment shall be done in such a way as to ensure that the persons on board the ship and any person which commits or attempts to commit an unlawful act would not have access to them; and
- (iii) the storage on the ship of the firearms and/or of the special security equipment shall be done in such a way as to ensure that the private ship security company will only have access to them in connection with their unloading from the ship.

(4) As from the time of suspension of the validity of a certificate, the provisions of subsection (3) of this section apply *mutatis mutandis*, unless the Competent Authority specifies otherwise.

(5)(a) The Competent Authority may, and has the power, in case of cancellation or suspension of the validity of a certificate, to give, taking into account the prevailing facts, to the master of the ship, the ship's operator and the private ship security company instructions it considers under the circumstances, necessary or alternative or supplementary to the provisions of subsections (3) and (4) of this section.

(b) The master of the ship, the ship's operator and the private ship security company, regardless of whether the written private agreement with the ship's operator is in force or not, have each the obligation to comply and implement the instructions of the Competent Authority in so far as it concerns them.

(6) The cancellation and suspension of the validity of a certificate does not suspend the application of the provisions of section 28.

(7)(a) The cancellation of a certificate terminates the framework for the implementation of the provisions of the written private agreement on board the ship, but does not affect in any way its validity or its provisions.

(b) The suspension of a certificate terminates the framework for the implementation of the provisions of the written private agreement on board the ship only as regards the grounds on which the validity of the certificate has been suspended, but does not affect in any way its validity or its provisions.

(c) The cancellation and suspension of the validity of a certificate does not affect in any way the employer-employee relationship between the private ship security company and private ship security guards which are on board the ship.

## **PART VI**

### **LEGAL STATUS OF THE SHIP AND PROVISIONS IN RELATION TO HER UNLAWFUL POSSESSION**

Unlawful possession  
of ship.

**37.-** The unlawful possession of a ship:

- (1) does not constitute a loss of the ship;
- (2) does not constitute a loss of Cyprus nationality and/or of the Cyprus flag as specified in article 104 of the UNCLOS Convention;
- (3) does not render the ship unseaworthy;
- (4) does not constitute a reason for contesting the validity of contracts of employment concluded with the ship's personnel;
- (5) does not constitute a reason for contesting the validity of the bareboat charter party which has been recorded in the Special Book Parallel Registration;
- (6) does not constitute a reason for contesting the approval that was given by the Minister and/or the Registrar to a ship which is registered in the Register of Cyprus Ships to fly the flag of another State; and
- (7) does not constitute a reason for contesting the validity of any other contracts concluded by the owner, the registered bareboat charterer or the ship's operator.

Extension of validity of certificates and other documents of the ship in the event of unlawful possession.

38.-(1) Subject to the provisions of subsections (2) and (3) of this section, the Competent Authority may, and has the power, to extend the period of the validity of certificates and other documents which have been issued:

- (a) to, or in connection with, a ship; and
- (b) to, or in connection with, the ship's personnel;

under the provisions of any law of the Republic or of an international convention which has been ratified by the Republic, that expire during the period that the ship is under unlawful possession and/or during the period of the subsequent voyages, until the arrival of the ship at a port or port facility where it is possible to take the necessary steps in order to verify their validity or to renew them, as is specified by the Competent Authority for this purpose.

(2) The certificates issued to ships pursuant to the provisions:

- (a) of article VII of the 1992 CLC Convention; and
- (b) of article 7 of the 2001 Bunkers Convention;

that expire during the period that the ship is under unlawful possession may be renewed after submitting documentary evidence on the basis of which it can be ascertained that there is in force an insurance cover or other financial security satisfying the requirements of the above international conventions.

(3) The provisions of subsection (1) of this section do not apply in relation to:

- (a) the Provisional Certificate issued to a ship pursuant to the provisions of section 23 of *the Merchant (Registration of Ships, Sales and Mortgages) Laws*;
- (b) the Certificate of Parallel Registration issued to a ship pursuant to the provisions of section 23G of *the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws* or the period for which a ship was allowed to fly the Cyprus flag after a relevant entry in the Special Book of Parallel Registration; and
- (c) the period for which a ship registered in the Register of Cyprus Ships was allowed, pursuant to the provisions of section 23N of *the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws*, to fly the flag of another State.

(4) The expire, during the period that a ship is under unlawful possession, of the period of the validity of the Provisional Certificate or of the Certificate of Parallel Registration does not constitute a reason for contesting the validity of the contracts of employment of the ship's personnel.

Special composition of the ship's crew.

39.- The Competent Authority may, and has the power:

- (1) to allow special composition of the crew for the period between the end of unlawful possession and until the arrival of the ship in a port or port facility where it will be possible to rectify the deficiencies in the composition of the crew; and

- (2) suspend, temporarily or partially, the obligation of the master of the ship or of the ship's personnel to comply with the provisions of the laws of the Republic and/or of the international conventions that have been ratified by the Republic regarding the maximum number of working hours of the crew.

Obligations during an unlawful possession.

40.-(1)(a) During an unlawful possession, the master of the ship is the person who, on the basis of the provisions of the laws of the Republic, is the master of the ship or its substitute.

(b) Any acts, actions or commands of the persons who committed the unlawful possession or who have the control of the ship are not recognized as acts, actions or commands of the master of the ship.

(2) During the above period, the master of the ship and the rest of the ship's personnel have the obligation to perform, to the extent that is possible under the circumstances, their duties on the ship.

(3) During the above period, the master of the ship shall ensure, to the extent that is possible under the circumstances and without endangering the life or health of ship's personnel or of any other persons on board the ship:

- (a) the accommodation, catering and hygiene of the ship's personnel and of any other persons on board the ship;
- (b) the keeping of the deck and engine room watch and observance of the maximum permitted hours of work of the crew;
- (c) the keeping of the official log-book of the ship; and
- (d) compliance with the obligations of the ship arising from the applicable provisions of the laws of the Republic and of those of the international conventions that the Republic has ratified, as well as, from the laws of the State in whose territory the ship may be.

(4) In the case of prosecution of the master of the ship, or of the rest of the ship's personnel, or of any one of the other persons on board, for an offence or contravention of the applicable provisions of the laws of the Republic, and/or of the international conventions that the Republic has ratified, if the offence or contravention did not cause loss of life or injury to a person on board the ship or did not endanger the life or health of the persons on board the ship, it shall constitute a defence for the accused if he proves that compliance with the relevant provisions was, under the circumstances, objectively judging practically impossible.

(5) During unlawful possession, the non-compliance of the master of the ship, or of the ship's personnel, or of any one of the other persons on board the ship, with the applicable provisions of the laws of the Republic, and/or of the international conventions that the Republic has ratified, does not constitute an offence or a contravention, if the act was done after exercise or threat of violence or any other form of blackmail or intimidation and if it did not cause loss of life or injury to a person on board the ship or did not endanger the life or health of the persons on board the ship.

## PART VII

### RIGHTS AND OBLIGATIONS OF THE SHIP-OWNER, THE SHIP'S OPERATOR, THE CREW MANAGER AND THE PERSONNEL OF A SHIP

Application and  
interpretation.

41.-(1) This Part applies irrespective of any other relevant provisions regarding the employment of seafarers on board ships laid down by the legislation of the Republic in force.

(2) For the purposes of this Part, unless from the text is construed otherwise:

“*BIMCO*” means the Baltic and International Maritime Council;

“*contract of employment*” means the individual contract of employment concluded between the ship-owner and the member in question;

“*Crew manager*” means the crew manager who provides crew management services;

“*crew management services*” means, *inter alia*:

- (a) selecting and engaging the ship's crew, including payroll arrangements, and insurances for the crew;
- (b) ensuring that the applicable requirements of the laws of the flag State of the ship as well as any additional requirements imposed by this Law are satisfied in respect of manning levels, rank, qualification and certification of the crew and employment regulations including crew's tax, discipline and other requirements;
- (c) ensuring that all members of the crew have passed a medical examination with a qualified doctor certifying that they are fit for the duties for which they are engaged and are in possession of valid medical certificates issued in accordance with the flag State requirements;
- (d) arranging transportation of the crew, including repatriation;
- (e) training of the crew and supervising their efficiency;

and may include other relevant functions usually performed by the ship manager as defined by the BIMCO Standard Ship Management Agreement, as the aforesaid standard is amended from time to time;

Provided that, any reference to the crew includes a reference to the personnel of a ship.

“*medical examination*” means the medical examination required for the issue of a certificate of medical examination pursuant to the provisions of section 10 of the *Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law of 2000* or of a certificate recognised as equivalent in accordance with the provisions of section 18 of the aforesaid Law;

107(l) of 2000.

“member” or “members” means a member or members of the personnel of a ship;

“member who has been or is justifiably absent” means the member of the personnel of a ship who has been or is absent or away from the ship for any of the reasons specified in section 42(1);

“relevant expenditure” means with regard to repatriation or return to the ship or medical examination, the cost for the repatriation or return to the ship or for the medical examination and includes the expenditures for health care, food, lodging, accommodation and transportation of that member until its repatriation or return to the ship or the completion of the medical examination until its repatriation or return to the ship;

“repatriation” means in relation to the members that are on board the ship, the repatriation of a member from a port or port facility from where this is feasible and includes a port or port facility located in a high-risk area;

“return to the ship” means in relation to the members which have been or are justifiably absent from the ship, the boarding of these members on the ship at a port or port facility where this is feasible and includes a port or port facility or offshore installation located in a high-risk area;

“ship-owner” means the ship-owner and, as the case may be, may include the crew manager;

“validity of the contract of employment” means the period of the validity of the contract of employment of a member as it was mutually agreed upon at the conclusion of the contract of employment or subsequently thereafter before the occurrence of an unlawful act;

(3) Subject to compliance with the provisions of subsection (4) of this section, the provisions of this Part apply, as in each case the Competent Authority determines so, *mutatis mutandis* in relation to persons on board who are not members of the ship's personnel, in compliance with the provisions:

- (a) of any agreement between them or of their employer with the ship-owner or ship's operator in relation to their embarkation on, transportation by, and disembarkation from, the ship; and
- (b) any law and/or international convention, which imposes on the master of the ship and/or the ship the obligation for transporting them.

(4) The provisions of sections 53(1)(a), 53(1)(c), 53(6) to 53(9) and 53(10)(b) apply *mutatis mutandis* in relation to the persons on board who are not members of the ship's personnel, as well as, in relation to any person who is arrested or imprisoned on board the ship pursuant to the provisions of this Law.

Absence of a member of the ship's personnel due to an unlawful act.

42.-(1) Members who were absent from the ship during the period of an unlawful act or are absent following the end of an unlawful act:

- (a) because they were forced by the persons who committed the unlawful act to disembark from the ship; or

- (b) due to the fact that they were being detained and/or are detained outside the ship and/or their return on board was hindered or is hindered; or
- (c) although they were or are left free, or had or have escaped from the control of the persons who forced them to disembark from the ship, or who detained them outside the ship, or who held them back from returning to the ship, and under the circumstances their return to the ship, in the place where the ship was or is located, was not or is not possible; or
- (d) although they had escaped from the ship during an unlawful act, and under the circumstances their return to the ship, in the place where the ship was or is located, was not or is not possible; or
- (e) due to illness or bodily harm, notwithstanding the reasons or the time of illness or bodily harm, and under the circumstances their return to the ship, in the place where the ship was or is located, was not or is not possible; or
- (f) due to a leave of absence, absence and/or because they were outside the ship, and under the circumstances their return to the ship, in the place where the ship was or is located, was not or is not possible;

do not commit an unjustified absence, refusal or failure to return to the ship or desertion or refusal or failure to perform their duties and their contracts of employment remain force.

(2) Subject to compliance with the provisions of sections 47 and 48, notwithstanding the date of expiry of the validity of the contract of employment of the members in question:

- (a) the master of the ship and the ship-owner are not allowed to refuse the return to the ship of those members who are justifiably absent from the ship; and
- (b) members who are justifiably absent, have the obligation to return to the ship on the first opportunity this would be possible under the circumstances.

(3) The master of the ship and the ship-owner are exempted from the obligation arising from the provisions of subsection (2)(a) of this section and the members are exempted from the obligation arising from the provisions of subsection (2)(b) of this section, provided that:

- (a) arrangements have already been made for the repatriation of the members in question or for their return to the ship in another location; and
- (b) the presence of the members in question on board the ship is not required by the Competent Authority, until the arrival of the ship at a port or port facility where it will possible to rectify the deficiencies in the composition of the crew.



Obligation not to abandon members of ship's personnel.

43.-(1) The ship-owner has the obligation to ensure:

- (a) in the case of an unlawful act which has not resulted in the unlawful possession of the ship, the repatriation or return on board the ship of those members who are justifiably absent from the ship, as soon as possible; and
- (b) in the case of an unlawful possession of the ship, the repatriation or return on board the ship in the place where the ship is located, or the transfer to another State for the purpose of repatriation or return on board, from that State, of those members who are justifiably absent from the ship, as soon as possible.

(2)(a) The departure of the ship from the place the ship is located after the end of an unlawful act, which has not resulted in an unlawful possession of the ship, constitutes an abandonment of the members who are justifiably absent from the ship, unless the ship-owner has made, or is possible to make, under the circumstances, arrangements for their repatriation or their return on board the ship in another location and for the cover of the relevant expenditure, provided:

- (i) their boarding on the ship creates risks for their safety or security or for their health or for their life or for that of the other persons on board; or
- (ii) the presence of the members in question on board is not required by the Competent Authority, until the arrival of the ship at a port or port facility where it will be possible to rectify the deficiencies in the composition of the crew.

(b) In the event that the further stay of the ship endangers or may endanger the security or the safety or the health or the life of the other persons on board, or the security or the safety of the ship, the ship may, in the circumstances, depart, as soon as possible, if:

- (i) in the event that such members have escaped in the sea, the master of the ship has informed accordingly the authorities which have the responsibility for the search and rescue of persons in distress at sea for the particular geographical area; and
- (ii) the ship-owner has made or is making the necessary arrangements for the repatriation or the return on board the ship, as soon as possible, of the members who are justifiably absent from the ship, as well as, for covering the relevant expenditure; and
- (iii) the ship-owner informs the Competent Authority in this regard as soon as possible.

(3) The departure of the ship after the end of an unlawful possession, constitutes, if the ship-owner refuses to discharge the obligations arising from the provisions of subsection (1)(b) of this section, an abandonment of the members that are absent from the ship on the grounds that:

- (a) they were detained outside the ship; or

- (b) their return on board, before the departure of the ship, was or is hindered; or
- (c) their transfer to another State was or is hindered;

by those persons who committed the unlawful act or by other persons.

Suspension of the right to terminate contracts of employment.

**44.-(1)** The ship-owner and the master of the ship are not allowed to terminate the contracts of employment of the members during:

- (a) the period of an unlawful act, or after that until the arrival of the ship at a port or port facility from where the repatriation or replacement of the members in question is possible; or
- (b) the period that the member in question was or is justifiably absent from the ship.

(2) The members are not allowed to terminate their contracts of employment during any one of the periods referred to in the provisions of subsection (1) of this section.

(3) Members who have not requested pursuant to the provisions of section 47(1)(a) to be repatriated before the entry of the ship into a high-risk area, are not allowed to terminate their contracts of employment during the ship's transit through, or the staying of the ship in, a high-risk area, or the arrival of the ship at a port or port facility or offshore installation located within a high-risk area, unless there are other reasons not related to the security of the ship.

Extension of validity of contracts of employment.

**45.-(1)** The validity of the contracts of employment of the members expiring when the member in question is on board the ship, during:

- (a) the period of an unlawful act; or
- (b) after such period until the arrival of the ship at a port or port facility from where their repatriation or replacement is possible;

is extended until their repatriation, unless, after the end of the unlawful act, the further extension of the contract of employment of the member in question is mutually agreed.

(2) The validity of the contracts of employment of members that expire during the period that a member was justifiably absent from the ship is extended until its repatriation, unless its return on board the ship is mutually agreed together with the further extension of its contract of employment.

Obligation of the ship's owner for payment of what has been agreed under the contract of employment.

**46.-** The ship-owner has the obligation to pay to the members:

- (1) during an unlawful act and notwithstanding of whether such member was or is justifiably absent from the ship, as appropriate and in accordance with the terms set out in the contract of employment;
- (2) after the end of an unlawful act, if such member was or is justifiably absent from the ship, as appropriate and in accordance with the terms set out in the contract of employment, until its repatriation or return on board the ship.

Entitlement to repatriation.

47.-(1) Members may:

- (a) in case the ship's upcoming voyages will include the ship's passage through or stay within a geographical area located within a high-risk area, or the arrival at a port or port facility or offshore installation located within a geographical area located within a high-risk area, before the entering of the ship in a high risk area; or
- (b) after the end of an unlawful act, if not absent from the ship;

submit an application to the ship-owner requesting their repatriation, notwithstanding the date of expiry of the validity of their contracts of employment.

Provided that:

First Schedule.

- (i) the phrase "*a geographical area located within a high-risk area*" means the geographical areas set out in the First Schedule for the purposes of the provisions of paragraph (a) of this subsection;
- (ii) members have the obligation to promptly exercise the right set out in the provisions of paragraph (a) of this subsection and to inform accordingly the master of the ship and the ship-owner and to give the ship-owner sufficient time so that it can make arrangements for their timely replacement;
- (iii) members may not exercise the right set out in the provisions of paragraph (a) of this subsection, after the entry or during the ship's stay in a high-risk area;
- (iv) the ship-owner, with the approval of the Competent Authority, may, if in the circumstances the timely replacement of a member who exercised its right pursuant to the provisions of paragraph (a) of this subsection is not possible, refuse the repatriation of the member in question.

(2) Members absent from the ship:

- (a) for any of the reasons set out in the provisions of section 42(1)(a) and 42(1)(b), after the end of their detention; or
- (b) for any of the reasons set out in the provisions of section 42(1)(c) to 42(1)(f), where this is possible under the circumstances;

may submit an application to the ship-owner requesting their repatriation, notwithstanding the date of expiry of the validity of the contract of employment of the member in question.

(3)(a) Members who have requested to be repatriated pursuant to the provisions of subsection (1)(b) or (2)(b) of this section are required to undergo a medical examination, as soon as, possible and preferably before their repatriation and the ship-owner has the obligation to cover the relevant expenditure.

(b) In case a member refuses to undergo a medical examination, the Competent Authority may, and has the power, to exempt, wholly or partially, the ship-owner from its obligations, *vis-à-vis* the member in question, arising from the provisions of sections 49(1)(b) and/or 52(3), as from the date of its repatriation. In such a case, the Competent Authority has the obligation to communicate its decision to the member in question.

(c) The Competent Authority, taking into account the specific in each case circumstances and the likelihood of satisfactory, under the local conditions, compliance with the provisions of *the Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law*, may, and has the power to, if it deems it appropriate, determine a deadline for carrying out the medical examination that is different from the deadline established pursuant to the provisions of paragraph (a) of this subsection.

(4) An application made by a member requesting its repatriation pursuant to the provisions of subsections (1) or (2) of this section, does not constitute a termination of the contract of employment by the member in question and is deemed to be a repatriation due to an imminent expiry or due to the expiry of the contract of employment of the member in question, by mutual consent.

(5) The ship-owner has the obligation:

- (a) to arrange the repatriation of the members that have requested it pursuant to the provisions of subsections (1) or (2) of this section as soon as possible and on the first opportunity the member in question is able to travel; and
- (b) to cover the relevant expenditure.

Right to return to the ship.

**48.-(1) Members absent from ship:**

- (a) for any of the reasons set out in the provisions of section 42(1)(a) and 42(1)(b), after the end of their detention; or
- (b) for any of the reasons set out in the provisions of section 42(1)(c) to 41(1)(f), when this is practically possible in the circumstances;

may submit a request to the ship-owner seeking their return on board the ship.

(2)(a) Members who have requested to return on board the ship pursuant to the provisions of subsection (1) of this section are required to undergo a medical examination and to obtain a certificate of medical examination, as soon as possible and preferably before the ship-owner considers their applications for return to the ship and the ship-owner has the obligation to cover the relevant expenditure.

(b) The Competent Authority, if is satisfied that the return to the ship of the members in question does not create risks for their safety or security or for their health or for their life or for that of the other persons on board or for the safety or security of the ship and if it deems it appropriate, taking into account:

- (i) the facts and circumstances in each case; and
- (ii) the likelihood of satisfactory, under the local conditions, compliance with the provisions of *the Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law*;

may, and has the power to, determine a deadline for carrying out the medical examination that is different from the deadline established pursuant to the provisions paragraph (a) of this subsection.

(3) Subject to compliance with the provisions of subsection (4) of this section and subject to the provisions of subsection (6) of this section, the ship-owner has the obligation, if the medical examination pursuant to the provisions of subsection (2)(a) of this section does not dictate otherwise:

- (a) to arrange for the return on board of members who have requested it pursuant to the provisions of subsection (1) of this section, as soon as possible and on the first opportunity the member in question is able to travel; and
- (b) to cover the relevant expenditure.

(4) The ship-owner, when, on the basis of the medical examination carried out pursuant the provisions of subsection (2)(a) of this section, the continuation of the work on board the ship of a member is not deemed to be appropriate and the member in question has asked to return to the ship pursuant to the provisions of subsection (1) of this section, may terminate the contract of employment with all or any of the members in question. In such a case, the ship-owner has the obligation to:

- (a) arrange for the repatriation of that member as soon as possible and on the first opportunity the member in question is able to travel and to cover the relevant expenditure; and
- (b) to pay them compensation equal to two monthly salaries or the amount set out in the contract of employment of the member in question as compensation in the event of termination of the contract of employment by the ship-owner, if that amount is greater.

(5)(a) A member has the obligation, when:

- (i) on the basis of the medical examination carried out pursuant to the provisions of subsection (2)(a) of this section, its return on board the ship is not deemed to be appropriate; or
- (ii) it has returned on board the ship, before being medically examined pursuant to the provisions of subsection (2)(a) of this section, if on the basis of such examination the continuation of its work on board the ship is not deemed to be appropriate; or

- (iii) it refuses to undergo a medical examination pursuant to the provisions of subsection (2)(a) of this section;

to accept its repatriation on the first opportunity is able to travel and, in such a case, the ship-owner has the obligations set out in the provisions of subsection (4) of this section.

(b) In case a member refuses to undergo a medical examination pursuant to the provisions of subsection (2)(a) of this section, the Competent Authority may, and has the power to, exempt, wholly or partially, the ship-owner from its obligations, *vis-à-vis* the member in question, arising from the provisions of section 49(1)(b) and/or 52(3), as from the date of its repatriation. In such a case, the Competent Authority has the obligation to communicate its decision to the member in question.

(6)(a) Notwithstanding the provisions of subsection (3) of this section and subject to compliance with the provisions of subsection (2)(a), (4) and subsection (5)(b) of this section, the ship-owner may submit an application to the Competent Authority requesting to be allowed to terminate the contracts of employment of the members who had requested their return on board the ship pursuant to the provisions of subsection (1) of this section and to proceed with the repatriation of the members in question.

(b) The Competent Authority may, and has the power to, approve the application made by the ship-owner pursuant to the provisions of paragraph (a) of this subsection, if it considers that the presence of the members in question on board the ship:

- (i) is not required until the arrival at a port or port facility where it will be possible to rectify the deficiencies in the composition of the crew; or
- (ii) is not require because the deficiencies in the composition of the crew that were created by their absence have already been rectified; or
- (iii) may create risks to the security or safety or to the health or to the life of the members in question or for the other persons on board.

In such a case, the Competent Authority has the obligation to communicate its decision to the member in question.

Compensation for illness or body injury.

**49.-(1)** In the event of illness or bodily harm suffered by a member during an unlawful act or when the member was justifiably absent from the ship, which entails inability to work, the ship-owner has the obligation:

- (a) to pay the full wage to the member in question for the entire period that it remains on board the ship, or theoretically would remain on board the ship if not justifiably absent, in accordance with the contract of employment; and

(b) from the time of disembarkation of the member in question from the ship, or from the time that theoretically would have disembarked from the ship if that member was not justifiably absent from the ship, to pay all or part of the wages, as provided for in the contract of employment, until such member recovers or until the permanent nature of the disease or of the resulting inability is identified.

(2) The ship-owner may conventionally limit the obligation set out in the provisions of subsection (1)(b) of this section to a period of not less than sixteen weeks from the date of disembarkation of the member in question from the ship or from its repatriation in case its repatriation is subsequent to its disembarkation.

(3) In relation to the members that are justifiably absent from the ship, in the event that the members in question do not return on board the ship, the theoretical time set out in the provisions of subsection(1) of this section is to start from the time of the commencement of the repatriation of the member in question.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, the obligation of the ship-owner for the payment of wages is reduced accordingly in the amount and from the time that the member in question:

(a) becomes entitled to cash benefits or allowances pursuant to the provisions of any existing in the Republic or abroad, government or semi-government compulsory insurance scheme for sickness or accidents or accidents compensation scheme; or

(b) becomes entitled to cash benefits or allowances provided by a recognized private insurance institution.

(5) The ship-owner has the obligation to cover the relevant expenditure for the medical care and for the food, lodging, accommodation and transport of the members referred to in the provisions of subsection (1) of this section:

(a) until their repatriation; or

(b) until their return on board the ship in case they go or are transferred outside the ship for medical care and they do not request repatriation.

(6) In case the member in question requests repatriation, the provisions of sections 47(3) to 47(5) and 52(2) to 52(4) apply *mutatis mutandis*, provided that the medical examination may be carried out immediately after the repatriation of the member in question.

(7) In case the member in question does not request repatriation, the provisions of section 48(2) to 48(6) apply *mutatis mutandis*, provided the medical examination takes place after the end of any health care that may need to be provided.

Compensation for injury or body injury by firearm or special security equipment.

50.- In the event of injury or bodily harm suffered by a member, at any time, by a firearm or special security equipment that was on board the ship within the framework of the provisions of section 4(3) and/or section 12(2)(a) and/or 12(3)(a), which entails, for that member, inability to work, the provisions of section 49 apply.

Mandatory medical examination upon termination of unlawful possession.

51.-(1)(a) Notwithstanding the provisions of sections 47(3), 48(2), 49(6) and 49(7), after the end of an unlawful possession of the ship, the members have the obligation to undergo a medical examination and to obtain a certificate of medical examination, after the arrival of the ship at the first port or port facility where it will proceed following the end of the unlawful possession and the ship-owner has the obligation to cover the relevant expenditure.

(b) The Competent Authority, if is satisfied that the return to the ship of the members in question does not create risks for their safety or security or for their health or for their life or for that of other persons on board, or for the safety or security of the ship and if it considers it appropriate, taking account:

- (i) the facts and circumstances in each case; and
- (ii) local features of satisfactory, under the local conditions, compliance with the provisions of *the Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law*;

may, and has the power to, determine a deadline for carrying out the medical examination that is different from the deadline established pursuant to the provisions paragraph (a) of this subsection.

(2) The ship-owner may, when, on the basis of the medical examination carried out pursuant to the provisions of subsection (1)(a) of this section, the continuation of the work on board of a member is not deemed to be appropriate, terminate the contract of employment with the members in question. In such a case, the ship-owner has the obligation to:

- (a) to arrange for the repatriation of that member as soon as possible on the first opportunity the member in question is able to travel; and
- (b) to pay to the member a compensation equal to two monthly salaries or the amount set out in the contract of employment of the member in question as compensation in the event of termination of the contract of employment by the ship-owner, if that amount is greater.

(3)(a) A member has the obligation, when:

- (i) according to the medical examination carried out pursuant to the provisions of subsection (1)(a) of this section, the continuation of work of the member in question on board the ship is not deemed to be appropriate; or
- (ii) it refuses to undergo a medical examination pursuant to the provisions of subsection (1) of this section;

to accept its repatriation on the first opportunity is able to travel and in such a case, the ship-owner has the obligations set out in the provisions of subsection (2) of this section.



(b) In case a member refuses to undergo a medical examination pursuant to the provisions of subsection (1)(a) of this section, the Competent Authority may, and has the power, to exempt, wholly or partially, the ship-owner from its obligations, *vis-à-vis* the member in question, arising from the provisions of section 49(1)(b) and/or 52(3), as from the date of its repatriation. In such a case, the Competent Authority has the obligation to communicate its decision to the member in question.

Medical care and maintainance.

52.-(1) The ship-owner has the obligation to cover the relevant expenditure relating to the medical care and for the food, lodging, accommodation and transport of the members referred to in the provisions of:

- (a) section 42(1), until their return on board the ship or their repatriation; or
- (b) section 47(5), 48(4), 48(5)(a), 48(6)(a), 51(2) and 51(3), until their repatriation; and
- (c) section 48(3), until their return on board the ship.

(2) The ship-owner has the obligation to cover the relevant expenditure relating to the medical care of the members referred to in the provisions of:

- (a) section 42(1) and 48(3), after their return on board the ship and until their repatriation; and
- (b) section 51(1), subject to the provisions of section 51(2) and 51(3), until their repatriation.

(3) The ship-owner has the obligation to cover the relevant expenditure relating to the medical care of those members who are repatriated due to:

- (a) illness or bodily harm suffered by the member in question during an unlawful act or during the period which the member in question was justifiably absent from the ship; and
- (b) injury or bodily harm suffered by the member in question, at any time, by a firearm or special security equipment that was on board the ship within the framework of the provisions of section 4(3) and/or section 12(2)(a) or 12(2)(b);

following the repatriation of the member in question until its convalescence or completion of its cure or for a period of up to one hundred and twelve days from the date of repatriation, whichever of the aforesaid periods is the shortest.

(4) The ship-owner is exempted from the obligation arising from the provisions of subsection (3) of this section when the member in question:

- (a) becomes entitled to cash benefits or allowances pursuant to the provisions of any existing in the Republic or abroad, government or semi-government compulsory insurance scheme for sickness or accidents or accidents compensation scheme; or
- (b) becomes entitled to cash benefits or allowances provided by a recognized private insurance institution.

Members of the ship's personnel who are dead or missing.

46 of 1963  
33 of 1965  
69 of 1968  
25 of 1969  
24 of 1976  
85 of 1984  
103(I) of 1997  
101(I) of 2002  
233(I) of 2002.

53.-(1) Notwithstanding the provisions of *the Merchant Shipping (Masters and Seamen) Laws of 1963 to Law No.2 of 2002* or any other law of the Republic or of a regulatory or administrative instrument which has been, or may be, issued thereunder, the master of the ship and the ship-owner each has the obligation to report to the Competent Authority the name, surname, nationality and the number of the identity card or passport or travel document of each member who died or is missing:

- (a) during the period of an unlawful act; or
- (b) during the period the member in question was justifiably absent from the ship; or
- (c) due to injury or bodily harm suffered by the member in question, at any time, by a firearm or special security equipment that was on board the ship within the framework of the provisions of section 4(3) and/or section 12(2)(a) or 12(2)(b).

(2) The validity of the contract of employment of a member referred to in the provisions of subsection (1) of this section is extended until the repatriation and the delivery of the heap of the member in question to its next of kin or the declaration by the Competent Authority of the presumed death of that member pursuant to the provisions of subsection 6(a) or subsection (7) of this section.

(3)(a) The ship-owner has the obligation to repatriate and delivery the heap of the deceased members to their next of kin and to do so at its own expense.

(b) The ship-owner is exempted from the obligation arising from the provisions of paragraph (a) of this subsection in the cases when the fate:

- (i) of the member in question is unknown and the Competent Authority has declared the presumed death of the member in question pursuant to the provisions of subsection (6)(a) of this section; and
- (ii) of the heap of the member in question is unknown and the Competent Authority has declared the presumed death of the member in question pursuant to the provisions of subsection (7) of this section.

(c) The ship-owner has the obligation to deliver to the next of kin the personal belongings, which have remained on board the ship, of the members referred to in the provisions of subsection (1) of this section and to do so at its own expense.

(4) The ship-owner has the obligation to pay to the next of kin of the members referred to in the provisions of subsection (1) of this section the wages and the compensation set out in the contract of employment of the member question in case that member dies or in case the Competent Authority has declared the presumed death of the member in question pursuant to the provisions of subsection 6(a) or subsection (7) of this section.

(5) Notwithstanding the provisions of subsection (4) of this section, the obligation of the ship-owner for the payment of wages or compensation is reduced accordingly in the amount and from the time the next of kin of the member in question:

- (a) becomes entitled to cash benefits or allowances pursuant to the provisions of any existing in the Republic or abroad, government or semi-government compulsory insurance scheme for sickness or accidents or accidents compensation scheme; or
- (b) becomes entitled to cash benefits or allowances provided by a recognized private insurance institution.

Cap.195.  
75 of 1970  
100 of 1989.

(6)(a) Notwithstanding the provisions of *the Wills and Inheritance Laws, Cap.195 and Laws of 1970 and 1989* or of a regulatory or administrative instrument which has been, or may be, issued thereunder, when, in the circumstances set out in the provisions of subsection (1)(a) to (1)(c) of this section, the fate of a member is unknown, the Competent Authority:

- (i) upon investigation and if satisfied with regard to the conditions and circumstances of the disappearance of that member; and
- (ii) if 12 months have lapsed from the last date on which the member in question was, on the basis of satisfactory evidence obtained, alive; and
- (iii) has never since then received information that the member in question is alive;

by a reasoned decision may, and has the power, subject to the provisions of paragraph (b) of this subsection, to declare the presumed death of the member in question and issue to this end a relevant certificate for use as a evidence:

- (aa) with regard to the expiry of the contract of employment of the member in question according to the provisions of subsection (2) of this section;
- (bb) with regard to the obligations of the ship-owner arising from the provisions of subsections (3) and (4) of this section; and
- (cc) by the next of kin and the relatives of the member in question.

(b) The presume death of a member cannot be declared before the end of the year in which the member in question will have attained the 21st year of its age.

(7) Notwithstanding the provisions of the *Wills and Inheritance Laws*, or of a regulatory or administrative instrument which has been or may be issued thereunder, when, in the circumstances set out in the provisions of subsection (1)(a) to (1)(c) of this section, the fate of the heap of a member is unknown, the Competent Authority:

- (a) upon investigation and if satisfied with regard to the conditions and circumstances of the disappearance of that member; and
- (b) upon obtaining satisfactory evidence or is satisfied that the member died;

by a reasoned decision may, and has the power, to declare the presumed death of the member in question and to issue to this end a relevant certificate for use as evidence for the purposes set out in the provisions of subsection (6)(a)(aa), (6)(a)(bb), (6)(a)(cc) of this section.

(8) If after the declaration that establishes, pursuant to the provisions of subsection 6(a) or (7) of this section, the presumed death of a member, the Competent Authority is informed and confirms that the member in question is alive, then the Competent Authority has the obligation and the power to revoke its decision and to cancel the relating certificate which has issued pursuant to the provisions of subsections 6(a) or (7) of this section, and the obligation to issue a relevant certificate to this end, without requiring the payment of any fee by the ship-owner or the next of kin of the member in question.

(9) The Competent Authority has the obligation to complete the investigations referred to in the provisions of subsection 6(a) and (7) of this section within six months after, whichever of the following dates is the latest:

- (a) the end of the unlawful act; or
- (a) the date it has been informed that the fate of the member or the fate of the heap of the member in question is unknown.

(10)(a) The Competent Authority has the obligation and the power to determine, on the basis of the conclusions of the investigations referred to in the provisions of subsections (6)(a) and (7) of this section and for the purposes of subsections (2), (4) and (5) of this section, the date as from which the death of the member in question is presumed.

(b) If the time of death is specified only as on a certain day, then it shall be deemed to have occurred at the end of that day.

Liability does not arise.

54.-(1) The ship-owner may be exempted from the obligations arising from the provisions of sections 49, 50, 52 and 53, provided that it proves that:

- (a) the illness or injury or death of the member in question has occurred otherwise and not during service on board the ship; or
- (b) the illness or injury or death of the member in question is due to an intentional act or omission or improper behaviour of the member in question; or
- (c) the illness or incapacity has been deliberately occulted by that member in question at the time of the conclusion of the contract of employment.

(2) For the purposes of the provision of subsection (1) of this section, is not considered as a deliberate act or omission or improper behaviour, the escape or attempted escape:

- (a) from the control of those who have caused the member in question to disembark from the ship, or have detained that member outside the ship, or have hindered the return of that member on board the ship, or have hindered the repatriation of that member, or the transfer of that member to another State, while this was possible under the circumstances; or

- (b) from the ship during the period of an unlawful act.

Transitional provision.

**55.-** Members have the right to request repatriation pursuant to the provisions of section 47(1)(a), in relation to upcoming voyages of the ship during which the ship is expected to enter in a high-risk area, fifteen (15) days after the date of entry into force of this Law.

Retroactive application.

**56.-** The provisions of this Part apply retroactively with respect of any ship which is under unlawful possession on the date of entry into force of this Law and in relation to any member which was justifiably absent or away from it.

Resolution of labour disputes.

**57.-** In the event of any dispute arising from the application of the provisions of this Part, any one of the parties in the dispute may refer, in the first instance, the dispute for settlement to the procedures for labour dispute settlement provided for by the Code of Industrial Relations.

## PART VIII

### PROTECTION OF CYPRUS SHIPS BY FOREIGN ARMED FORCES OR SECURITY FORCES

Protection of a ship by foreign Armed Forces or Security Forces.

**58.-(1)** Subject to compliance with the provisions of article 92 of the UNCLOS Convention, the Council of Ministers may, and has the power to, for the protection of the security of a ship or ships, authorize, by a decision, generally or on a case by case basis:

- (a) the embarkation on, and disembarkation from, a ship or ships of persons in the service of foreign Armed Forces or Security Forces and/or the loading on, and unloading from, ships of arms or other equipment belonging to foreign Armed Forces or Security Forces; and/or
- (b) the escort of a ship or ships by means belonging to foreign Armed Forces or Security Forces.

(2) The ship's operator may, for the protection of the security of its ship, submit to the Competent Authority a written application, requesting the Council of Ministers to authorize the protection of its ship by foreign Armed Forces or Security Forces and to this end to allow:

- (a) the embarkation on, and disembarkation from, the ship of persons in the service of foreign Armed Forces or Security Forces and/or the loading on, and unloading from, the ship of arms or other equipment belonging to foreign Armed Forces or Security Forces; and/or
- (b) the escort of the ship by means belonging to foreign Armed Forces or Security Forces.

Provided that, the applicant has the obligation to provide and submit all information, data, documents and assurances which the Competent Authority deems necessary for the consideration of its application.

(3) The Council of Ministers determines, in each case it authorizes the protection of the security of the ship pursuant to the provisions of subsections (1) or (2) of this section, the relevant terms and/or conditions thereto.

(4) The Council of Minister may, and has the power to, suspend and cancel a decision taken pursuant to the provisions of subsections (1) or (2) of this section, to replace a decision with a new one, and to modify the existing, and impose additional, terms or conditions with regard to a decision.

(5) Subject to compliance with the provisions of subsections (1) and (2) of this section, the provisions of section 28 apply *mutatis mutandis* with regard to persons in the service of foreign Armed Forces or Security Forces and/or arms or other equipment belonging to them.

(6) The decisions of the Council of Ministers pursuant to the provisions of subsections (1) and (2) of this section do not create any obligation or liability of the Republic *vis-à-vis* any natural or legal person, or another State, or those in the service of another State, unless the Council of Ministers decides otherwise pursuant to the provisions of subsection (3) of this section.

(7) The presence on board a ship, pursuant to the provisions of subsections (1) or (2) of this section, of persons in the service of foreign Armed Forces or Security Forces, or of arms or other equipment belonging to them, does not alter the commercial character of the ship.

Intervention of foreign Armed Forces or Security Forces.

59.-(1) Subject to compliance with the provisions of article 92 of the UNCLOS Convention, the Council of Ministers may, and has the power to, if it considers that it is in the public interest, authorize, by a decision, the involvement or the intervention of foreign Armed Forces or Security Forces for the purpose of:

- (a) preventing or suppressing an unlawful act; or
- (b) following an unlawful act, releasing the persons on board the ship, or for releasing the ship, or for regaining the control of the ship.

Provided that, the Council of Ministers does not have the obligation to obtain the consent of the ship-owner, or of the ship's operator, or of any registered mortgagee, or any other natural or legal person or State, or, in the case of ships flying the Cyprus flag following their registration in the Special Book of Parallel Registration, of the registered bareboat charterer, or of the ship-owner, or of any registered mortgagee, or of the registry in which the ownership of the ship is registered, or of any other natural or legal person or State.

(2) The provisions of section 58(3) to 58(7) apply *mutatis mutandis* in relation to the provisions of this section.

Immobilization and destruction of a ship by foreign Armed Forces or Security Forces.

60.-(1) The Council of Ministers may, and has the power to, in the event that a ship under unlawful possession:

- (a) commits an unlawful act; or

- (b) threatens or endangers the security of the Republic or of another State or the security or safety or the health or the life of the citizens of the Republic or of another State; or
- (c) causes damage to the environment; or
- (d) is used to commit or to facilitate or to conceal or to facilitate the concealment of any one of the acts referred to in the provisions of paragraphs (a) to (c) of this subsection or may be used for such purpose;

if it deems it to be appropriate and proper and if is satisfied that the persons who were lawfully on board are either no longer on board the ship or, if they are on board, their health or life is not put at risk, allow, by a decision, foreign Armed Forces or Security Forces to immobilize the ship or to cause damage to the ship for the purpose of immobilizing the ship, or the destruction or sinking of the ship

Provided that, the Council of Ministers does not have the obligation to obtain the consent of the ship-owner, or of the ship's operator, or of any registered mortgagee, or of any other natural or legal person or State, or, in the case of ships flying the Cyprus flag following their registration in the Special Book of Parallel Registration, of the registered bareboat charterer, or the ship-owner, or of any registered mortgagee, or of the registry in which the ownership of the ship is registered, or of any other natural or legal person or State.

Provided further that, if the circumstances permit and if the operation, or its ultimate purpose, or the personnel of the foreign Armed Forces or the Security Forces which will carry out the operation, are not put at risk, the Competent Authority has the obligation to inform accordingly the ship's operator of the ship.

(2) The provisions of section 58(3) to 58(7) apply *mutatis mutandis* in relation to the provisions of this section.

Marking and tracking of a ship by foreign Armed forces or Security Forces.

**61.-(1)** The Council of Ministers may, and has the power to, in the event that a ship is under unlawful possession and in the cases set out in the provisions of section 60(1), if it deems it to be appropriate and proper and if is satisfied that the persons who were lawfully on board are either no longer on board the ship, or if they are on board their health or their life is not put at risk, allow, by a decision:

- (a) the marking of the ship;
- (b) the placement on the ship of apparatus or means for marking and/or monitoring its movements;
- (c) the monitoring of the movements of the ship;

by foreign Armed Forces or the Security Forces.

Provided that, the Council of Ministers does not have the obligation to obtain the consent of the ship-owner, or of the ships' operator of the ship, or of any registered mortgagee, or of any other natural or legal person or State, or, in the case of ships flying the Cyprus flag following their registration in the Special Book of Parallel Registration, of the registered bareboat charterer, or of the ship-owner or of any registered mortgagee, or of the registry in which the ownership of the ship is registered, or of any other natural or legal person or State.

Provided further that, if the circumstances permit and if the operation, or its ultimate purpose, or the personnel of the foreign Armed Forces or the Security Forces which will carry out the operation, are not put at risk, the Competent Authority has the obligation to inform accordingly the ship's operator of the ship.

(2) The provisions of section 58(3) to 58(7) apply *mutatis mutandis* in relation to the provisions of this section.

Arrest, search, confiscation, detention, imprisonment and keeping by foreign Armed Forces or Security Forces.

**62.-**(1) Subject to the provisions of articles 105, 106, 110 and 111 of the UNCLOS Convention, the Council of Ministers may, and has the power to, authorize, by a decision, generally or on a case by case basis, on behalf, and on account, of the Republic:

- (a) the search and arrest on the high seas of any person that committed, is committing or attempts to commit an unlawful act against a ship or the persons on board or the cargo transported;
- (b) the confiscation on the high seas of any objects resulting from a search effected pursuant to the provisions of paragraph (a) of this subsection and weapons, devices, apparatus, instruments, equipment, or objects used to commit the unlawful act or for which there was *prima facie* intend to use it for such purpose;
- (c) the arrest and imprisonment of the persons referred to in the provisions of paragraph (a) of this subsection and the seizure and keeping as evidence of any of the items referred to in the provisions of paragraph (b) of this subsection until their delivery to the competent authorities of the Republic or of another State;

by persons or means in the service of foreign Armed Forces or Security Forces.

(2) The Council of Ministers may, and has the power to, authorize, by a decision, generally or on a case by case basis, the exercise on behalf of the Republic of the powers referred to in the provisions of subsection (1) of this section within the territorial sea of a State, provided that the said State has authorized or allowed such foreign Armed Forces or Security Forces to operate within its territorial sea.

(3) Every search, arrest, confiscation, imprisonment, seizure and keeping as evidence made by persons or means in the service of foreign Armed Forces or security Forces, following an authorization from the Council of Ministers pursuant to the provisions of subsections (1) and/or (2) of this section, constitutes a search, arrest, confiscation, imprisonment, seizure and keeping as evidence within the meaning of the provisions of *the Criminal Procedure Code*.



(4) The provisions of section 58(3) to 58(7) apply *mutatis mutandis* in relation to the provisions of this section.

Delegation of powers to a Ministerial Committee.

**63.-** The powers of the Council of Ministers arising from the provisions of sections 58 to 62 may be delegated to, and exercised by, a ministerial committee comprising of the Minister of Foreign Affairs, the Minister of Communications and Works, the Minister of Defence and the Minister of Justice and Public Order and with the Minister of Foreign Affairs acting as the chairman the aforesaid committee.

Obligation to comply.

**64.-** Every natural or legal person for whom the provisions of this Part are in force or apply is required to comply with, and to implement, them.

Criminal offence.

**65.-** A person acting in contravention of an order, decision or instruction of the Council of Ministers issued pursuant to the provisions of this Part, or of an instruction of the Minister or of the Competent Authority issued thereof, or who fails to comply with the aforesaid, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €20,000 or to both such sentences.

## PART IX

### POWERS OF THE COUNCIL OF MINISTERS

Amendment and replacement of Schedules.

**66.-** The Council of Ministers may, by order published in the Official Gazette of the Republic, amend or replace the Schedules to this Law, which form an integral part thereof.

Power to issue instructions.

**67.-** The Council of Ministers may, by order published in the Official Gazette of the Republic, issue instructions to the Competent Authority, the ships' operators, the masters and the ships' personnel of the ships and to the private ship security companies and the private ship security guards with regard to the implementation of the provisions of the legislation of the Republic, which are in force with respect, or apply, to ships and for which is the competent authority.

Power to issue regulations.

**68.-(1)** The Council of Ministers has the power to make Regulations for prescribing any matter, which, under this Law is required to be, or may be, prescribed.

(2) Regulations made under this Law are to be laid before the House of Representatives, which has power to approve or reject them within sixty days of their laying. If the House of Representatives approves the Regulations or the sixty-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.

## PART X

### POWERS OF THE MINISTER

Registry transactions for ship under unlawful possession.

**69.-** Notwithstanding the provisions of *the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws*, the Minister may, during the period that a Cyprus or a foreign ship is under unlawful possession, prohibit:

- (1) the registration of such a foreign ship in the Register of Cyprus Ships or the registration of the bareboat charter of a foreign ship in the Special Book of Parallel Registration;
- (2) such a Cypriot ship from flying the flag of another State on the basis of a registration of the bareboat charter of that ship in a foreign registry of ships; and
- (3) when under the circumstances it deems it appropriate in relation to such a Cyprus ship, the conduct of any transactions and/or the recording of any entry in the Register of Cyprus Ships or in Special Book of Parallel Registration, other than the recording of any matter pursuant to a decision or an order of a Court of Republic;

and to this end may give relevant instructions to the Registrar.

Determination of related additional requirements.

**70.-** The Minister may, and has the power to, by a decision published by circular, determine, in general or on a case by case basis:

- (1) the additional measures which shall be taken for the security of the ships, or for the protection of the security of the ships, or for the prevention of any unlawful act;
- (2) additional requirements relating to the issue of certificates referred to in the provisions of section 13(3) and/or 22(1);
- (3) terms or conditions regarding the use of firearms or special security equipment; and
- (4) the devices, instruments, objects or means which fall within the meaning of the special security equipment.

Power to issue related orders.

**71.-(1)** The Minister may, and has the power to, by an order published in the Official Gazette of the Republic, in general or on a case by case basis:

- (a) prohibit the passage of ships through risk areas and/or high-risk areas;
- (b) establish specific geographical areas through which ships sailing through risk areas and/or high-risk areas shall conduct their passage;
- (c) prohibit the calling of ships in specific ports or port facilities or offshore installations;
- (d) establish specific geographical areas through which ships shall conduct their passage to or from specific ports or port facilities or offshore installations;

- (e) extend or amend, on a temporary basis, the geographical limits of the geographical areas referred to in the First Schedule; and
- (f) establish, on a temporary basis, new risk areas and/or high-risk areas or new geographical areas for the purposes of the provisions section 47(1)(a) and to amend or extend their geographical limits.

(2)(a) In urgent cases, for the security of ships, the Minister may, and has the power to, by a decision published in the aforesaid order, give instructions for the immediate implementation of any of the matters referred to in the provisions of subsection (1) of this section, or for their implementation as from a date prior to the publication of the order in the Official Gazette of the Republic.

(b) The Director has the obligation to immediately inform, by a circular, those affected by the aforesaid decision of the Minister.

Power to issue related instructions.

**72.-** The Minister may, and has the power to, by an order published in the Official Gazette of the Republic, issue instructions to the Competent Authority, the ships' operators, the masters and the ships' personnel of the ships and to the private ship security companies and the private ship security guards with regard to the implementation of the provisions of the legislation of the Republic, which are in force with respect, or apply, to ships and for which is the competent authority.

Hierarchical recourse before the Minister.

**73.-(1)(a)** The ship's operator or its representative in the Republic are each entitled to challenge, by filing a hierarchical recourse before the Minister, any of the following decisions concerning the ship's operator or the ship and issued pursuant to the provisions of this Law:

- (i) a decision of the Competent Authority that rejects an application for the issue of a certificate pursuant to the provisions of section 13(3);
- (ii) a decision of the Competent Authority pursuant to the provisions of section 36(1)(a)(ii) which suspends or cancels the validity or the scope of application of a certificate issued pursuant to the provisions of section 13(3);
- (iii) a decision of the Competent Authority pursuant to the provisions of section 80 which prohibits the departure or the operation of the ship;
- (iv) a decision of the Competent Authority pursuant to the provisions of section 93 which imposes an administrative fine.

(b) A legal person or its representative in the Republic are each entitled to challenge, by filing a hierarchical recourse before the Minister, a decision of the Competent Authority that rejects an application for the issue of a certificate pursuant to the provisions of section 22(1).

(c) The private ship security company or its representative in the Republic are each entitled to challenge, by filing a hierarchical recourse before the Minister, a decision of the Competent Authority pursuant to the provisions of section 36(1)(a)(ii) which suspends or cancels the validity or the scope of application of a certificate issued pursuant to the provisions of section 22(1).

(d) The right to bring a hierarchical recourse before the Minister is exercised in writing within a time limit of five (5) working days from the service by hand, or from the transmission by post or via facsimile or e-mail and/or telex, of the communication of the challenged decision to the person concerned or to its representative in the Republic.

(2) The hierarchical recourse exercised pursuant to the provisions of subsection (1) of this section does not stay the execution of the challenged decision.

(3) The Minister shall consider the hierarchical recourse and, after having heard the interested parties, or after affording them an opportunity to submit their views in writing, shall decide on the matter pursuant to the provisions of subsection (4) of this section, at the latest, within ten (10) working days.

(4)(a) The Minister may issue one of the following decisions:

- (i) confirm the challenged decision;
- (ii) declare the challenged decision null and void;
- (iii) amend the challenged decision;
- (iv) issue a new decision in substitution of the challenged decision.

(b) The Minister communicates its decision pursuant to the provisions of this subsection by hand, or by post, or via facsimile or e-mail and/or telex, to the applicant, as well as, the person affected or to its representative in the Republic.

(c) If the decision of the Minister relates to, or affects, or has consequences for, a ship, the Competent Authority has the obligation to inform accordingly, by hand, or by post, or via facsimile, e-mail and/or telex, the master and the ship's operator of the relevant ship.

(d) If the decision of the Minister relates to, or affects, or has consequences for, a private ship security company or a private ship security guard, the Director may, and has the power to, inform accordingly, by a circular, each affected ship, or the ship's operator of each affected ship, or any other affected person.

(5) If the decision, which is challenged pursuant to the provisions of subsection (1) of this section, is a decision made by the Minister as the Competent Authority, subsections (1) to (4) of this section shall apply, *mutatis mutandis*, as if it was hierarchical recourse before the Minister.

Obligation to comply.

**74.-** Every natural or legal person for whom the provisions of this Part are in force or apply is required to comply with, and to implement, them.

Criminal offence.

**75.-** A person acting in contravention of an order, decision or instruction of the Minister issued pursuant to the provisions of this Part, or of an instruction of the Competent Authority issued thereof, or who fails to comply with the aforesaid, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €20,000 or to both such sentences.

## PART XI

### POWERS AND OBLIGATIONS OF THE COMPETENT AUTHORITY

Investigation of  
unlawful acts and  
incidents.

**76.-(1)** The Competent Authority has the obligation, and the power, to investigate, in cooperation, where appropriate, with other competent authorities of the Republic, each:

- (a) committed, or attempt to commit, unlawful act within the meaning of this Law;
- (b) disappearance or death of a member of the ship's personnel or of any other of the persons on board during the committing, or attempt to commit, an unlawful act, as referred to in the provisions of paragraph (a) of this subsection;
- (c) arrest, search, detention, seizure and impoundment pursuant to the provisions of this Law by the master and/or the crew of the ship; and
- (d) use of firearms and/or special security equipment, if it considers that appropriate.

(2) The Competent Authority may, and has the power to, after an unlawful act has been committed or attempted, to give to the master or ship's operator of the ship instructions regarding actions that they, individually or jointly, shall take.

(3) The Competent Authority may, and also has the power to, determine, after an unlawful act has been committed or attempted, the inspections and/or audits and/or investigations required to be carried out in order to determine the ship's seaworthiness.

(4) The Competent Authority may, and has the power to, order, after an unlawful act has been committed or attempted, the arrival and stay of the ship in a specific port or port facility:

- (a) for the examination of the health, and/or for the health care, of the persons on board; or
- (b) for carrying out the inspections and/or audits and/or investigations required to determine the ship's seaworthiness; or
- (c) for the delivery by the master of the ship of any person which has been imprisoned and/or weapon, device, apparatus, equipment, instrument or object which has been detained pursuant to the provisions section 7(1) or 11(1) to the competent authorities of the Republic or to the competent authorities of another State; or
- (d) for the investigation of the committed, or attempted, unlawful act, or of any other event, by the Competent Authority or by any other competent authority in the Republic; or

- (e) for any other relevant actions or needs it considers necessary under the circumstances.

(5) The provisions of this section also apply in relation to the provisions of Part VIII.

Monitoring of compliance: Inspections, audits and surveys.

**77.**-(1) The Competent Authority has the obligation, and the power, to carry out inspections and/or audits and/or investigations for the purpose of determining:

- (a) that the provisions of this Law are implemented; and/or
- (b) the implementation of, and/or compliance with, any terms or conditions stated on a certificate issued pursuant to the provisions of section 13(3) and/or 22(1).

(2) The Competent Authority has the obligation, and the power, to carry out such investigation, in cooperation, where appropriate, with other competent authorities of the Republic, when the Competent Authority:

- (a) receives any oral or written information or complaint which creates reasonable suspicion of an infringement of the provisions of this Law; or
- (b) finds during an inspection, audit or investigation pursuant to the provisions of this section or in the course of an investigation pursuant to the provisions of section 76 that exist, or may arise, or it is likely that exist or arise, reasonable suspicion of and infringement of the provisions of this Law.

(3) The provisions of section 76(2) to 76(5) also apply in relation to the provisions of this section.

Obligations and powers of the Competent Authority and of officers duly authorized by the Competent Authority.

**78.**-(1)(a) For the purposes of the provisions of subsections (2) to (7) of this section, unless from the text is construed otherwise:

“*work*” means investigation, inspection, audit, or inquiry pursuant to the provisions of sections 76 and 77;

“*authorized officer*” means any officer of the Department of Merchant Shipping of the Ministry of Communications and Works authorized by the Minister pursuant to the provisions of section 3(2)(a) who has been assigned to, or who the Director has decided that will, carry out the relevant work; and

“*weapon*” or “*weapons*” means the firearm or firearms as defined in section 2 and any other weapon or weapons.

(b) The reference in the provisions of sections 82 and 83 to the Competent Authority constitutes, in relation to the provisions of this section, a reference to an authorized officer and the provisions of the aforesaid sections are in force and apply in relation to an authorized officer.

(2)(a) Each authorized officer has the obligation to submit, through the Director and within a reasonable time, to the Minister a report on the outcome of the work he was assigned, or it was decided, that he shall carry out.

(b) The Director may, and has the power to, submit to the Minister, together with the above report, comments and recommendations in this respect.

(3) An authorized officer may, and has the power to, require:

- (a) the submission of written statements, reports, or submission in a language understood by him;
- (b) the collection and/or storage of information, evidence or other items including those referred to in the provisions of paragraphs (c) to (e) of this subsection;
- (c) the presentation of weapons, devices, instruments, equipment, means or objects used for committing or attempting to commit an unlawful act or for which there was prima facie intend to use it for such purpose;
- (d) the presentation of firearms, special security equipment, devices, instruments, objects or means which have been, or are, or will be, used for the security of the ship which were, or are, on board the ship;
- (e) the presentation of log-books, registers, records, documents, certificates, contracts, or other evidence in written or electronic form and/or in a language understood by him;
- (f) the conduct of drills and exercises; and
- (g) any other action it deems appropriate for documenting the facts or of the work carried out.

(4) An authorized officer may, and also has the power:

- (a) to survey and inspect ships and to carry out investigations on ships anywhere and regardless of where they are located and to enter into any space on board;
- (b) to monitor the work of the ship's operators of the ships and/or of the private ship security companies and to carry out audits and investigations in the premises from where the ship's operators of the ships, and/or of the private ship security companies, are carrying out their business and to enter into them anywhere and regardless of where these are located;
- (c) to summon, with written notice, any legal or natural person, to appear before him and, in this respect, to determine the place, date and time of such appearance;
- (d) to visit, and to collect, information and/or evidence from any legal or natural person, and/or State and/or a semi-government service, organisation or organ;

- (e) to carry out oral or written examinations in a language understood by him;
- (f) to record oral information he receives in a language understood by him;
- (g) to conduct oral interviews and to take written statements in a language understood by him;
- (h) to take photographs and/or images using electronic means and to make audio and/or video recordings of oral and/or written examinations and/or interviews using electronic means;
- (i) to collect and seize objects or evidence, including those referred to in the provisions of subsection (3)(c) and (3)(d) of this section;
- (j) to collect and seize the originals and/or copies of log-books, registers, records, documents, certificates, contracts, or other evidence in written or electronic form;
- (k) to carry out, and/or to observe the performance of, laboratory, or under specified circumstances or conditions, examinations, tests or checks;
- (l) to freeze, release and confiscate of the items referred to in the provisions of this Law as being subject to freezing, releasing and confiscating; and
- (m) to make and/or take any other action it deems appropriate for documenting the facts or of the work carried out.

Provided that, the authorized officer has the obligation to give to the affected person a copy of the written statement that person made and in the cases involving the collection and/or seizure of objects, evidences and/or the originals of documents, certificates, contracts or other evidence, relevant to this acknowledgement of receipt.

Provided further that, the authorized officer may, and has the power to, determine the place, date and time of commencement of the written and/or oral examination and/or interview; to carry out the written and/or oral examination and/or interview in an official language of the Republic or in any other language understood by him and by the affected person; and to set the criteria for success, subject to the obligation to inform the affected persons to this end in advance and in writing.

(5) The authorized officer and the Competent Authority keep as confidential what is referred to in the provisions of subsection (4)(d) to (4)(l) of this section as well as their working notes and correspondence thereto.

(6) An authorized officer, who is not necessarily required to be the same as the authorized officer who has carried out or who is carrying out the work, taking into account the findings of the work done or in progress:

- (a) has the obligation to take the necessary, under the circumstances, protective and/or corrective measures and/or actions; and



- (b) may, and has the power to, give, to the master, the ship's personnel and the other persons on board, to the ship's operator and any person it employs; to the private ship security company and any person it employs, as well as any other person it deems in the circumstances necessary, instructions concerning measures and/or actions which, under the circumstances, these, individually or jointly, shall take or carry out.

Freezing, seizure and confiscation.

79.-(1)(a) For the purposes of the provisions of subsections (2) to (7) of this section, unless from the text is construed otherwise:

*“authorized officer”* has the meaning attributed to this term by the provisions of section 78(1); and

*“weapon”* or *“weapons”* has the meaning attributed to this term by the provisions of section 78(1).

- (b) The reference in the provisions of sections 82 and 83 to the Competent Authority constitutes, in relation to the provisions of this section, a reference to an authorized officer and the provisions of the aforesaid sections are in force and apply in relation to an authorized officer.

(2) Where an authorized officer, during an investigation pursuant to the provisions of section 76, or during an inspection, audit or inquiry pursuant to the provisions of section 77, establishes that exist, or may arise, or it is likely that exist or arise, reasonable suspicion of infringement of the provisions of this Law in relation to, or in connection with, weapons and/or special security equipment which are on board the ship for use in relation to the protection of the security of the ship:

- (a) these shall be frozen by the authorized officer and their use is prohibited until the completion of the work; and
- (b) if an infringement of the provisions of this Law is ascertained, these are seized by the authorized officer as being subject to confiscation pursuant to the provisions of this section, or otherwise these are released.

Provided that, the authorized officer may, and has the power to, freeze, and seize as being subject to confiscation, pursuant to the provisions of this section, any weapon, special security equipment, device, instrument, object or means is on board for use in relation to the security of the ship, irrespective of whether the aforesaid are referred to in a certificate issued pursuant to the provisions of section 13(3) and/or of 22(1), or of the validity of the certificate in question.

(3) An authorized officer may, and has the power to, seize as being subject to confiscation pursuant to the provisions of this section:

Second Schedule.

- (a) any weapon found on board a ship for use in relation to the protection of the security of that ship which does not fall into any one of the categories of firearms referred to in the provisions of the Second Schedule and any firearms which is not stated on the certificate issued in relation to that ship pursuant to the provisions of section 13(3); and

- (b) any device, instrument, object or means found on board a ship for use in relation to the protection of the security of that which does not fall under the provisions of section 70(4) in the meaning of the special security equipment and any special security equipment which is not stated on the certificate issued in relation to that ship pursuant to the provisions of section 13(3); and
  - (c) any weapon, device, instrument, equipment, means or object that has been seized, detained and/or kept pursuant to the provisions of:
    - (i) section 7(1)(b); or
    - (ii) section 11(1)(a)(ii); or
    - (iii) section 62(1)(b); and
  - (d) any weapon, device, instrument, equipment, means or object that has been used by those who have committed or attempted to commit an unlawful act or for which there was prima facie intent to use it for such purposes, if:
    - (i) found on board the ship after the event by the authorised officer during an investigation pursuant to the provisions of section 76; or
    - (ii) found on board the ship after the event by anyone of the persons on board the ship and these have been collected and/or kept by the master of the ship; or
    - (iii) found on board the ship after the event by anyone of the persons on board the ship and these have been collected and/or detained by Armed Forces or Security Forces; and/or
    - (iv) found on board the ship after the event and these have been collected and/or detained by Armed Forces or Security Forces; and/or
    - (v) found on board or outside the ship after the event by foreign Armed Forces or Security Forces which have acted within the framework of the provisions of section 59(1) and have been collected and/or detained by them; and/or
    - (vi) found outside of the ship after the event and these have been collected and/or detained by Armed Forces or Security Forces.
- (4) An authorized officer freezing and/or seizing any weapon, special security equipment, device, instrument, object or means:
- (a) has the obligation to inform in writing to this end the master and the ship's operator of the ship;

- (b) has the obligation to inform in writing to this end the private ship security company which loaded these on the ship;
- (c) may, and has the power to, give to the master, the ship's operator of the ship and to any person it employs, to the private ship security company and to any person it employs, as well as, to any other person it deems appropriate, instructions concerning measures and/or actions which the aforesaid, under the circumstances, individually or jointly, shall take or carry out until the unloading from the ship of items which have been frozen and/or seized;
- (d) in the event that it decides the unloading from the ship of items which have been frozen and/or seized, is obliged to make the necessary arrangements for their unloading from the ship and for their transporting and keeping in the Republic or in another State which may accept to do so.

Provided that, the authorized officer makes the necessary arrangements in consultation with the ship's operator of the ship and takes into account to this end the itinerary of the ship and the first opportunity on which it will be possible to unload these from the ship; and

- (e) if items which have been frozen and/or seized are outside the ship and it decides to receive them, may, and has the obligation to, make the necessary arrangements for this purpose and for their transporting and keeping in the Republic or in another State which may accept to do so.

(5)(a) The private ship security company which has loaded the firearms, special security equipment, devices, instruments, objects or means which have been seized by an authorized officer, or its representative in the Republic, may, within four (4) months from the date of the seizure, apply to the Minister in writing requesting the Minister to issue instruction for the return of the seized items or part thereof to the private ship security company or to another person.

(b) The Minister may issue the instruction referred to in the provisions of paragraph (a) of this subsection only if satisfied that:

- (i) proceedings in relation to the commitment of a criminal offence as a result of an infringement of the provisions of this Law in connection with the seized items have not been initiated or, if they have been filed, these have terminated without the conviction of any;
- (ii) procedures in relation to the imposition of an administrative fine due to an infringement of the provisions of this Law in connection with the seized items have not been initiated or, if they have been initiated, they have terminated and the administrative fine imposed has been paid;
- (iii) proceedings for confiscation of the seized items have not been initiated or, if they have been initiated, they have terminated without ordering their confiscation;

- (iv) in the event that the proceedings referred to in the provisions of subparagraphs (i) to (iii) of this paragraph have not been initiated, a period of four months has lapsed from the seizure;
- (v) the private ship security company, or the person to whom the seized items are to be returned, has made at its own expenses satisfactory arrangements for receiving these and for their subsequent transportation and their final destination; and
- (vi) the private ship security company, or the person to whom the seized items are to be returned, has undertaken in writing to compensate the Republic in relation to the public expenditure which has been incurred in consequence of the provisions of subsection (4)(d) and/or (4)(e) of this section before these are returned.

(6) The provisions of subsections (4) and (5) of this section apply in relation to special security equipment loaded on the ship by the ship's operator of a ship for use by ship's personnel within the framework of the provisions of section 12(3)(a).

(7)(a) The Competent Authority may, and has the obligation, to file before a Court of the Republic, an application for the issue of an order for the confiscation of the seized items referred to in the provisions of:

- (i) subsection (3) of this section, in case it initiates proceedings in relation to the commitment of a criminal offence as a result of the infringement of the provisions of this Law and these end with the conviction of any person;
- (ii) subsection (3)(a) and 3(b) of this section, if it does not initiate proceedings in relation to the commitment of a criminal offence as a result of the infringement of the provisions of this Law and the private ship security company which has loaded on board the ship the seized items or its representative in the Republic has not applied within four months as from seizure for their return pursuant to the provisions of subsection (5)(a); and
- (iii) subsection (3)(c) and 3(d) of this section, if it does not initiate proceedings in relation to the commitment of a criminal offence as a result of the infringement of the provisions of this Law.

(b) In such a case, the competent Court, if satisfied that:

- (i) the presence on board the ship of seized items constituted an infringement of the provisions of this Law; or
- (ii) they were used by those who have committed or who have attempted to commit an unlawful act for committing or attempting to commit the unlawful act or there was prima facie intent to use them for such purposes;

and subject to compliance with the provisions of subsection (5)(b)(i) and (5)(b)(ii) of this section, may, and has the power to, issue an order for the confiscation of the seized items and to direct the Competent Authority to:

- (aa) keep these in its custody for any further time it considers it appropriate; or
- (bb) destroy these and to document their destruction; or
- (cc) deliver these to, and to document their delivery to, a competent authority of the Republic or of another State or to foreign Armed Forces or Security Forces which may accept to them.

Imposition of a prohibition to operate.

**80.**-(1) In the event of an infringement of the provisions of this Law, the Competent Authority may, and has the power to, prohibit the sailing of the ship and/or the continuation of its voyages.

(2) The Competent Authority may lift the prohibition of sailing or the continuation of the voyages only after it is satisfied that the infringement no longer exists.

(3)(a) The Competent Authority communicates its decisions pursuant to the provisions of subsections (1) and (2) of this section to the master and the ship's operator of the ship.

(b) The Competent Authority may, and has the power to, communicate its decisions pursuant to the provisions of subsections (1) and (2) of this section, if it considers it appropriate, to other competent authorities of the Republic and/or the competent authorities of other States and/or the private ship security company which may be affected.

Power to issue instructions and notification of decisions.

**81.**-(1) The Competent Authority may, and has the power to, also issue instructions, by a circular, on the implementation of the provisions of this Law and to establish the procedures and requirements for the reissue, renewal or extension of the validity of the certificates issued pursuant to the provisions of this Law and for the amendment or addition of information or particulars relating to thereto.

(2) The Competent Authority has the obligation to communicate in writing its decisions pursuant to the provisions of this Law to the affected person or ship and may, and has the power to, do so by hand and/or by post and/or via facsimile, e-mail and/or telex.

Obligation to comply.

**82.**- The master, the ship's personnel, the other persons on board, and the ship's operator, of the ship and any person it employs; the private ship security company and any person it employs; and any other person the Competent Authority considers it appropriate, have the obligation to comply with the requirements and/or the instructions of the Competent Authority issued pursuant to the provisions of this Part and to cooperate with, and/or to provide to, and/or to deliver to, it any information, item or other evidence requested of them, or know to them, or in their possession.

Criminal offence.

**83.**-(1) A person acting in contravention of a decision or instruction of the Competent Authority issued pursuant to the provisions of this Part, or who fails to comply with the aforesaid, or who refuses to cooperate with the Competent Authority in accordance with the provisions of this Law, or refuse to provide any information requested of them pursuant to the provisions of this Law, or which prevents the Competent Authority from executing its functions pursuant to the provisions of this Law, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €20,000 or to both such sentences.

(2)(a) The criminal offence referred to in the provisions of subsection (1) of this section is also committed by a person which submits to the Competent Authority a false, incomplete, inaccurate or misleading information, items or evidence.

(b) In the event of a prosecution for an offence pursuant to the provisions of subparagraph (a) of this subsection, it shall be a defence for the accused if he proves that it provided the information in good faith and without knowledge that the information given was false, incomplete, inaccurate or misleading.

## PART XII

### POWERS AND OBLIGATIONS OF THE DIRECTOR

Publication of the decisions of the Minister and of the Competent Authority.

**84.**- The Director may, and has the obligation to, publish, by circular, the decisions of the Minister and of the Competent Authority pursuant to the provisions of this Law.

Entries in the official log-book.

**85.**-(1) The Director may, and has the power to, determine, by a Notification, the matters to be recorded in the official log-book in relation to the provisions of this Law.

(2) The master of the ship has the obligation to record in the official log-book the matters established pursuant to the provisions of subsection (1) of this section.

Determination of fees.

**86.**-(1) The Director may, and has the power to, determine, by a Notification the fees payable for:

- (a) the examination or re-examination review of an application made pursuant to the provisions of this Law;
- (b) the issue, reissue, renewal or extension of the validity of the certificates issued pursuant to the provisions of this Law or for the amendment or addition of information or particulars relating to thereto;
- (c) the inspections and audits carried out pursuant to the provisions of this Law; and
- (d) any other service provided by the Competent Authority pursuant to the provisions of this Law.

(2) The Director may, and has authority to, establish, for a period of up to six (6) months from the entry into force of this Law, or until the publication of the Notification pursuant to the provisions of subsection (1) of this section, whichever of the two is earlier, the fees payable.

(3) Excluding the fees to be paid for the issue of certificates pursuant to the provisions of sections 53(6)(a) and 53(7)(a), the fees that are determined pursuant to the provisions of subsections (1) and (2) of this section as payable, shall not be less than the relevant public expenditure for the provision of the relating service.

(4) A natural or legal person requesting a service pursuant to the provisions of this Law has the obligation to pay the relevant fees.

(5) The Competent Authority may, and has the power to, refuse to provide the requested services or to carry out the relevant thereto work without prior payment of the relevant fees.

Power to issue instructions and determination of forms.

**87.**-(1) The Director may, and has the power to, issue instructions concerning the implementation of the provisions of this Law and, having regard to the provisions of this Law, determine, by circular, the format, layout and content of:

- (a) applications referred to in the provisions of this Law;
- (b) declarations required by the provisions of this Law;
- (c) certificates that may be issued pursuant to the provisions of this Law;
- (d) reports required by the provisions of this Law; and
- (e) any other documents necessary for the implementation of the provisions of this Law and/or for documentation of compliance with its provisions.

Obligation to comply.

**88.**- Every natural or legal person for whom the provisions of this Part are in force or apply is required to comply with, and to implement, them.

Criminal offence.

**89.**-(1) A person acting in contravention of an instruction of the Director issued pursuant to the provisions of this Part, or of an instruction of the Competent Authority issued pursuant to these, or who fails to comply with the aforesaid, or who refuses to cooperate with the Director in accordance with the provisions of this Law, or refuse to provide any information requested by the Director pursuant to the provisions of this Law, or which prevents the Director from executing its functions pursuant to the provisions of this Law, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €20,000 or to both such sentences.

(2)(a) The criminal offence referred to in the provisions of subsection (1) of this section is also committed by a person which submits to the Director a false, incomplete, inaccurate or misleading information, items or evidence.

(b) In the event of a prosecution for an offence pursuant to the provisions of subparagraph (a) of this subsection, it shall be a defence for the accused if he proves that it provided the information in good faith and without knowledge that the information given was false, incomplete, inaccurate or misleading.

**PART XIII**

**GENERAL CRIMINAL OFFENCES AND COMPETENT COURTS**



General criminal offences.

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84(l) of 2003  
164(l) of 2003  
124(l) of 2004  
31(l) of 2005  
18(l) of 2006  
130(l) of 2006  
126(l) of 2007  
127(l) of 2007  
70(l) of 2008  
83(l) of 2008  
64(l) of 2009  
56(l) of 2011  
72(l) of 2011  
163(l) of 2011  
167(l) of 2011.

90.-(1) Subject to the provisions of section 69 of the *Criminal Code, Cap.154 and Laws of 1962 to 2011*, a person:

- (a) committing or attempting to commit an unlawful act against a ship and/or the persons on board a ship and/or the cargo transported; or
- (b) inciting and/or facilitating the committing and/or the concealment of the committing of any of the acts referred to in paragraph (a) of this subsection; and/or

- (c) conspiring and/or cooperating and/or assisting with the aim of committing and/or concealing the committing of any of the acts referred to in paragraphs (a) and/or (b) of this subsection;

shall be guilty of an offence and shall be liable on conviction to imprisonment for life.

(2) A person who fails to comply with an obligations arising from the provisions of this Law or the provisions of regulatory or administrative acts issued thereunder, for which no other criminal offence is established, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding €10,000 or to both such sentences.

(3)(a) A person upon which this Law or the provisions of regulatory or administrative acts issued thereunder, impose an obligation to provide or transmit information which is required by this Law or the regulatory or administrative acts issued thereunder and for which no other criminal offence is established:

- (i) concealing, destroying or tampering with such information; and/or
- (ii) providing false, incomplete, inaccurate or misleading information; and/or
- (iii) inciting and/or facilitate the committing and/or concealment of the committing of any of the acts referred to in subparagraphs (i) and/or (ii) of this paragraph; and/or
- (iv) conspiring and/or cooperating and/or assisting with the aim of committing and/or concealing the committing of any of the acts referred to in subparagraphs (i) and/or (ii) and/or (iii) of this paragraph;

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €20,000 or to both such sentences.

(b) In the event of a prosecution for an offence pursuant to the provisions of subparagraph (a)(ii) of this subsection, it shall be a defence for the accused if he proves that it provided the information in good faith and without knowledge that the information given was false, incomplete, inaccurate or misleading.

Jurisdiction of the  
Courts of the  
Republic.

14 of 1960  
50 of 1962  
11 of 1963  
8 of 1969  
40 of 1970  
58 of 1972  
1 of 1980  
35 of 1982  
29 of 1983  
91 of 1983  
16 of 1984  
51 of 1984  
83 of 1984  
93 of 1984  
18 of 1985  
71 of 1985  
89 of 1985  
96 of 1986  
317 of 1987  
49 of 1988  
64 of 1990  
136 of 1991  
149 of 1991  
237 of 1991  
42(I) of 1992  
43(I) of 1992  
102(I) of 1992  
26(I) of 1993  
82(I) of 1995  
102(I) of 1996  
4(I) of 1997  
53(I) of 1997  
90(I) of 1997  
27(I) of 1998  
53(I) of 1998  
110(I) of 1998  
34(I) of 1999  
146(I) of 1999  
41(I) of 2000  
32(I) of 2001  
40(I) of 2002  
80(I) of 2002  
140(I) of 2002  
206(I) of 2002  
17(I) of 2004  
165(I) of 2004  
268(I) of 2004  
21(I) of 2006  
99(I) of 2007  
170(I) of 2007  
76(I) of 2008  
81(I) of 2008  
118(I) of 2008  
119(I) of 2008  
36(I) of 2009  
129(I) of 2009  
138(I) of 2009  
19(I) of 2010  
166(I) of 2011.

91.-(1) Subject to the provisions of section 20 of the *Courts Laws* and with the proviso of subsection (2) of this section, the Courts of the Republic have jurisdiction over all criminal offences committed in violation of the provisions of this Law or of the regulatory or administrative acts issued thereunder.

(2) In relation to criminal offences committed against ships under section 90(1) of this Law, the Courts of the Republic, have jurisdiction in the following cases in relation to such offences committed in the territorial sea of another State:

- (a) when the State in the territorial sea of which the offence was committed is unable to prosecute the offence due to inadequate or non-existent relevant legislation;

- (b) when the State in the territorial sea of which the offence was committed grant to the Republic jurisdiction over the offence;
- (c) when the legislation of the State in the territorial sea of which the offence was committed is in conflict with the provisions of the legislation of the Republic in relation to the protection of human rights.

## PART XIV

### MISCELLANEOUS PROVISIONS

Declarations. **92.**-(1) The declarations required by the provisions of this Law, shall be made before the Competent Authorities or before a judge or other person who is entitled to administer oaths or before a consular officer of the Republic.

(2) Declarations required by the Law may be made on behalf of a legal person by the secretary or any other officer of the legal person authorised by it for the purpose.

Administrative fine. **93.**-(1) In case the Competent Authority finds that a person has committed an act or omission, in contravention of the provisions of this Law or of the provisions of regulatory or administrative acts issued thereunder, the Competent Authority may impose on such person an administrative fine not exceeding €50,000, depending on the seriousness of the contravention and irrespective of whether or not there is a concurrent case of criminal liability pursuant to the provisions of this Law or of any other laws or of regulatory or administrative acts issued thereunder.

(2) Before imposing an administrative fine, the Competent Authority notifies to the affected person its intention to impose the administrative fine, informs the person concerned of the grounds for which it intends to take such action, giving to that person the right to make any representations in this respect, within five working days from the day of the notice.

(3) The Competent Authority imposes an administrative fine pursuant to the provisions of subsection (1) of this section by means of a written and reasoned decision which is transmitted to the affected person and which:

- (a) specifies the contravention;
- (b) informs the affected person:
  - (i) concerning its right to exercise hierarchical recourses against the decision before the Minister and, before the Supreme Court, in accordance with article 146 of *the Constitution*; and
  - (ii) of the time limits within which it may exercise these rights; and
- (c) is rendered enforceable upon such transmission.

(4) The Minister has power to prescribe, through his indicative directions, the criteria which may be used for the calculation of the amount of the administrative fine which is imposed pursuant to the provisions of subsection (1) of this section, without, thereby, limiting within the scope of his directions, the discretionary power of the Competent Authority to decide freely on the amount of the administrative fine imposed, based on the actual facts of each case.

(5)(a) The affected person personally or through its representative in the Republic has the right to challenge, with a hierarchical recourse before the Minister, the decision of the Competent Authority pursuant to the provisions of this section concerning the imposition of an administrative fine, if that decision concerns a ship.

(b) The hierarchical recourse before the Minister is exercised in writing within a period of thirty (30) days following the transmission of the challenge decision to the affected person.

## FIRST SCHEDULE

### Risk and High-Risk areas

#### Part I

#### Risk Areas and High-Risk Areas {Section 2}

(A) Risk Areas:

None.

(B) High-Risk Areas:

(1) East Africa and Northwest Indian Ocean:

The sea area of Eastern Africa, Northwest Indian Ocean, the Arabian Sea, the Gulf of Oman, Gulf of Aden and Southern Red Sea between the following lines:

- (a) in the Red Sea, the parallel of 15<sup>0</sup> North;
- (b) in the Strait of Hormuz, the meridian of 56<sup>0</sup> 30' East;
- (c) the meridian of 78<sup>0</sup> East; and
- (d) the parallel of 10<sup>0</sup> South.

(2) Western Africa and Gulf of Guinea

The sea area of West Africa and the Gulf of Guinea between the following lines:

- (a) in the West, by a line drawn from the geographical point of intersection of the coast of Côte d'Ivoire with the meridian of 7<sup>0</sup> 30' West to the geographical point (point A) 200 nautical miles from the coast of Côte d'Ivoire measured along the meridian of 7<sup>0</sup> 30' West;
- (b) in the South, by a line drawn from the geographical point of intersection of the coasts of Angola with the parallel of 5<sup>0</sup> 46' South to the geographical point (point B) 200 nautical miles from the coast of Angola measured along the parallel of 5<sup>0</sup> 46' South; and
- (c) a rhumb line drawn between point A to point B.

#### Part II

#### Geographic regions within High-Risk Areas {section 47(1)(a)}

(1) within the High-Risk Area of the East Africa and the Northwest Indian Ocean:

The sea area between the following lines:

- (a) in the North and West, by a line drawn from the geographical point of the borders of Djibouti with Somalia on the coast of Africa to the geographical point with latitude  $11^{\circ} 48'$  North and longitude  $45^{\circ}$  East and from there to the geographical point with latitude  $12^{\circ} 00'$  North and longitude  $45^{\circ}$  East and from there to the Mayyun Island in the Strait of Bab el Mandeb;
- (b) in the North and East, by a line drawn from the Rhiy di lrisal on the Island of Suqutra (point A) to the geographical point with latitude  $14^{\circ} 18'$  North and longitude  $53^{\circ}$  East and from there to the geographical point with latitude  $14^{\circ} 30'$  North and longitude  $53^{\circ}$  East and from there to the geographical point of the borders of Yemen with Oman on the coast of the Peninsula of Arabia;
- (c) in the North, by a line along the parallel passing through the point A to the geographical point (point B) 400 nautical miles from the coast of Somalia measured along the parallel passing through point A;
- (d) in the South, by a line drawn from the geographical point of the border of Kenya with Somalia on the coast of Africa (point C) to the geographical point (point D) 400 nautical miles from point A measured along the parallel passing through point C; and
- (e) in the East, by a line drawn from point B to point D which is defined by geographical points 400 nautical miles from the coast of Somalia measured along the parallels between points A and C;

but excluding the sea area of the Internationally Recommended Transit Corridor (IRTC) between the geographical point with latitude  $11^{\circ} 48'$  North and longitude  $045^{\circ} 00'$  East and from there to the geographical point with latitude  $14^{\circ} 18'$  North and longitude  $053^{\circ} 00'$  East and from there to geographical point with latitude  $14^{\circ} 30'$  North and longitude  $053^{\circ} 00'$  East and from there to geographical point with latitude  $12^{\circ} 00'$  North and longitude  $045^{\circ} 00'$  East and from there to geographical point with latitude  $11^{\circ} 48'$  North and longitude  $045^{\circ} 00'$  East.

## SECOND SCHEDULE

Firearm or firearms  
{Section 2}

### Part I

For the purposes of this Law, “*firearm*” or “*firearms*” means all objects which fall in one of the following categories, except those objects which meet the definition but have been excluded from its scope for one of the reasons referred to in Part II of this Schedule:

#### **Category A**

Prohibited firearms and ammunition

- (1) Explosive military missiles and launchers;
- (2) Firearms disguised as other objects;
- (3) Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition; and
- (4) Ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of firearms for hunting or for target shooting.

#### **Category B-1**

Firearms requiring justification of the selection

- (1) Military smooth-bore firearms with a calibre of less than 20 mm, other military arms and automatic firearms with a calibre of 12,7 mm (calibre 0,50 inches) or less and accessories, as follows, and specially designed components therefor:
  - (a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns;
  - (b) Smooth-bore firearms, as follows:
    - (i) Smooth-bore firearms specially designed for military use;
    - (ii) Other smooth-bore firearms as follows:
      - (aa) Fully automatic type firearms;
      - (bb) Semi-automatic or pump-action type firearms;
  - (c) Firearms using caseless ammunition; and
  - (d) Silencers, special gun-mountings, clips, firearms sights and flash suppressors for the firearms specified in points (a), (b) or (c).



**Category B-2**

Firearms requiring justification of the selection

- (1) Semi-automatic or repeating short firearms;
- (2) Single-shot short firearms with centre-fire percussion;
- (3) Single-shot short firearms with rim-fire percussion whose overall length is less than 28 cm;
- (4) Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds;
- (5) Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the firearm cannot be converted, with ordinary tools, into a firearm whose magazine and chamber can together hold more than three rounds;
- (6) Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length; and
- (7) Semi-automatic firearms for civilian use which resemble firearms with automatic mechanisms.

**Category C**

Firearms subject to declaration of the selection

- (1) Repeating long firearms other than those listed in category B-2, point (6);
- (2) Long firearms with single-shot rifled barrels;
- (3) Semi-automatic long firearms other than those in category B-2, points 4 to 7; and
- (4) Single-shot short firearms with rim-fire percussion whose overall length is not less than 28 cm.

**Category D**

Firearms subject to declaration of the selection

Single-shot long firearms with smooth-bore barrels.

Part II

For the purposes of this Schedule, objects which meet the definition of a “firearm” shall not be included in that definition if they:

- (a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way;

- (b) are designed for alarm, signalling, life-saving, animal slaughter or harpoon fishing or for industrial or technical purposes provided that they can be used for the stated purpose only;
- (c) are regarded as antique firearms or reproductions of such, where these have not been included in the previous categories or are:
  - (i) Muskets, rifles and carbines manufactured earlier than 1938; or
  - (ii) Reproductions of muskets, rifles and carbines the originals of which were manufactured earlier than 1890; or
  - (iii) Revolvers, pistols and machine guns manufactured earlier than 1890, and their reproductions.

### Part III

For the purposes of this Schedule:

*“firearm”* shall mean any portable barrelled firearm that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded for one of the reasons referred to in Part II of this Schedule. Firearms are classified in categories in Part I of this Schedule;

Provided that, an object is to be considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if it has the appearance of a firearm, and as a result of its construction or the material from which it is made, it can be so converted.

Provided further that, for the purpose of identifying and tracing each assembled firearm require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number) or a unique user-friendly marking with a number or alphanumeric code, permitting ready identification. This shall be without prejudice to the affixing of the manufacturer’s trademark. The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.

*“short firearm”* means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;

*“long firearm”* means any firearm other than a short firearm;

*“automatic firearm”* means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;

*“semi-automatic firearm”* means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;

*“repeating firearm”* means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;

*“single-shot firearm”* means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel;

*“part”* means any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;

*“essential component”* means the breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;

*“ammunition”* means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm

*“ammunition with penetrating projectiles”* means ammunition for military use where the projectile is jacketed and has a penetrating hard core;

*“ammunition with explosive projectiles”* means ammunition for military use where the projectile contains a charge which explodes on impact; and

*“ammunition with incendiary projectiles”* means ammunition for military use where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact.

### THIRD SCHEDULE

Required information  
{Sections 6(1)(a), 8(1)(a), 11(3)(a) and 19(1)}

#### Part I

The information required for the purposes of the provisions of sections 6(1)(a), 8(1)(a), 11(3)(a) and 19(1) of the Law are:

- (1) the name, the call sign and ship's identification number of the ship;
- (2) the time and date of the event and the geographical location, course, speed and destination of the ship at the time of event;
- (3) the name, surname, nationality and the number of the identity card or passport or travel document of the persons on board the ship;
- (4) the facts and consequences of the event and the situation of any person affected;
- (5) the name, surname, nationality and the number of the identity card or passport or travel document of each of the persons on board which have been affected and their situation;
- (6) the available information in relation to other persons who have been affected;
- (7) the available information in relation to persons or means, in the service of the Armed Forces or Security Forces who have been or are involved; and
- (8) the geographic location, course, speed and destination of the ship at the time of the submission of the information regarding the event.

Provided that, if there were on board the ship persons arrested or imprisoned pursuant to the provisions of the Law, the above reference to persons on board the ship and persons affected include those persons arrested and/or imprisoned.

#### Part II

The additional information to those listed in Part I of this Schedule, which are required for the purposes of the provisions of sections 8(1)(a) and 11(3)(a) of the Law are:

- (1) the description of each of the persons arrested and/or imprisoned and/or any available information regarding their identity or their name, surname, nationality and number of identity card or passport or travel document of each of them;

- (2) the description of the objects resulting from the investigation of persons who have been arrested and/or imprisoned by reference to the person in whose possession they are found; and
- (3) the description of weapons, devices, instruments, equipment, means or objects seized by reference to the person in whose possession they were found.

### Part III

The additional information, to those listed in Part I of this Schedule, which are required for the purposes of the provisions of section 19(1) of the Law are:

- (1) the name, surname, nationality and the number of the identity card or passport or travel document of the private ship security guards or persons on board the ship who used firearms.

#### FOURTH SCHEDULE

Application for the issue of a certificate allowing  
the use of a private ship security company  
{Section 13(2)}

The information to be included in the application and the documents which are required to be submitted with the application are:

- (1) the name, call sign and ship's identification number of the ship;
- (2) the name and address of the registered office of the private ship security company;
- (3) the assessment of the risks and a description of security measures which will be implemented by the private ship security company;
- (4) the description of firearms and/or special security equipment to be used;
- (5) the place, port, port facility or sea area, where the embarkation and disembarkation of the private ship security guards is expected to take place and the related dates;
- (6) the place, port, port facility or sea area, where the loading and unloading of the firearms and/or special security equipment is expected to take place and the related dates;
- (7) the description of voyages or the itinerary of the ship; and
- (8) a copy of the written private agreement with the private ship security company which has been signed or the ship's operator has an intent to sign.

Subject to the provisions of the Law, the written private agreement may use the template provided by the GUARDCON standard contract for the employment of security guards on vessels of the Baltic and International Maritime Council (BIMCO), as this template may be amended, and this may include any other duties the ship's operator is contemplating to contract to the private ship security company.

FIFTH SCHEDULE

Offences that prohibit the issue of a certificate allowing the provision of services by a private ship security company  
{Section 20(3)(a)(iii) and 20(3)(a)(iv)}

(1) The person has been convicted in Cyprus or abroad for any of the following offences and has not been rehabilitated under the provisions of *the Rehabilitation of Convicted Persons Laws of 1981 to 2004*:

70 of 1981  
134 of 1988  
228(I) of 2004.

(a) homicide, rape, premeditated murder or attempted murder;

(b) arson or attempt to destroy property using explosives;

(c) importing, possession, manufacture, storage or transportation of explosives, in contravention of the provisions of *the Explosive Substances Law, Cap.54 and Laws of 1970 to 2010* with the exception of possession of cartridges for Category D firearms as defined by the provisions of *the Firearms and Non-Firearms Laws*;

Cap.54.  
21 of 1970  
95(I) of 2003  
19(I) of 2005  
109(I) of 2009  
109(I) of 2010.

(d) illicit importation, acquisition, possession or use of a firearm Category A, B or C firearms as defined by the provisions of the provisions of *the Firearms and Non-Firearms Laws*;

(e) attack causing severe bodily harm or actual physical violence;

(f) unlawful possession of, or possession with intent to supply, controlled drugs or psychotropic substances, in contravention of the provisions of *the Narcotic Drugs and Psychotropic Substances Laws of 1977 to 2010*;

29 of 1977  
67 of 1983  
20(I) of 1992  
5(I) of 2000  
41(I) of 2001  
91(I) of 2003  
146(I) of 2005  
24(I) of 2010  
99(I) of 2010.

(g) robbery, burglary, theft, property claim with threats, kidnapping, malicious damage or incest;

(h) trafficking of adult persons, child trafficking, trafficking and exploitation of human organs, exploitation at work, sexual exploitation of adult persons, sexual exploitation of children, child pornography and keeping a brothel, in contravention of the provisions on *the Fight Against Trafficking and Exploitation of Persons and the Protection of Victims Laws of 2007 and 2012*;

87(I) of 2007  
13(I) of 2012.

- 22(III) of 2004  
12(III) of 2010.
- Cap.151.  
23 of 1965  
19 of 1978  
53(I) of 1995  
32(I) of 1996  
15(I) of 1998  
72(I) of 2006.
- 32(I) of 1996  
50(I) of 1998  
90(I) of 1999.
- 75(I) of 1997  
176(I) of 2004  
161(I) of 2007.
- (i) child pornography , in contravention of the provisions of *the Convention on Cybercrime (Ratification) Laws of 2004 and 2010*;
  - (j) maintenance or use or care or management or involvement with the management of any site as house for betting or gambling or for playing any game, or possession of any instruments or apparatus which have been used or are used or are intend to be used for playing such games, in contravention of the provisions of *the Betting Houses, Gaming Houses and Gambling Prevention Law, Cap.151 and Laws of 1965 to 2006*;
  - (k) possession or control of games machine or import or manufacture gaming machine, , in contravention of the provisions of *the Games and Entertainment (Machines) Laws of 1996 to 1999*;
  - (l) not-prohibiting the entry of minors into a licensed establishment where collective betting takes place without a licence or in violation of the condition of the license, in contravention of the provisions of *the Pool-Betting (Regulations and Taxation) Laws of 1997 to 2007*; and
  - (m) an offence which involves dishonesty or moral turpitude.

(2) For persons who do not reside in Cyprus, the provisions of section 20(3)(a)(iii) and 20(3)(a)(iv) of the Law and of paragraph(1) of this Schedule apply in relation to the corresponding or similar provisions of the legislation of the State where such persons have a permanent and temporary, not less than one month, residence.



## SIXTH SCHEDULE

Application for the issue of a certificate allowing the provision of  
services by a private ship security company  
{Section 21(2)}

The information to be included in the application and the documents which are required to be submitted with the application are:

- (1) the name and address of applicant;
- (2) certificate of incorporation or registration as a body corporate or partnership, of the legal person for which application is made;
- (3) certificate of the address of the registered office of the legal person;
- (4) certificate of shareholders or partners of the legal person;
- (5) certificate of directors and secretary of the legal person;
- (6) the name, surname, nationality, identity card or passport or travel document number, work telephone number, usual residence address, academic and/or other qualifications, previous occupations and/or activities and relevant experience of the directors (or partners, in case of partnership), the secretary and of the manager(s) of the legal person;
- (7) the name, surname, nationality, identity card or passport or travel document number, work telephone number, usual residence address, academic and/or other qualifications, previous occupations and/or activities and relevant experience of the natural person responsible for the legal person for purposes of the Law;
- (8) the address of the office(s) from where the legal person is conducting its activities or operations and, for each of such offices, the office business hours, the telephone and facsimile numbers and e-mail address, including those applicable outside office business hours;
- (9) the name, surname, nationality, identity card or passport or travel document number and the title of all persons working for or employed by the legal person;
- (10) the name, surname, nationality, identity card or passport or travel document number, work telephone number, usual residence address, academic and/or other qualifications, previous occupations and/or activities and relevant experience of the persons employed or working for the legal person as private ship security guard who may be responsible for carrying out work aboard a ship in relation to the implementation of a written private agreement;

- (11) the description of the activities and services the legal person provides, its organizational structure and the administrative and supervisory arrangements for the management of the work performed;
- (12) the description of the services the legal person offers or intends to offer in relation to the provisions of the Law and for which the application is made and the relevant to the services offered types of ships;
- (13) the description of the firearms and/or special security equipment which may be used and their identification and tracing details;
- (14) a declaration of the applicant or of the legal person that the legal person is satisfied and undertakes to ensure that its shareholders or partners, directors, managers, secretary, the person responsible for the legal person for purposes of the Law, the private ship security guards referred to in subparagraph (10) of this Schedule, and all other persons employed by, or working for, the legal person do not fall within the provision of section 20(3)(a) of the Law;
- (15) a declaration of the applicant or of the legal person that the legal person has lawfully acquired and lawfully possesses the firearms and/or specialized security equipment it intends to use for the provision of its services and that they will remain in its possession and will not be sold or given for use by other States or other natural or legal persons after the completion of their usage on-board;
- (16) a declaration of the applicant or of the legal person that the legal person undertakes the responsibility to compensate the persons on board the ship and the ship's operator for any damage they suffer due to its fault or negligence, or due to the fault or negligence of the private ship security guards or of any other person it employs or is working for it;
- (17) a declaration of the applicant or of the legal person that the private ship security guards referred to in subparagraph (10) of this Schedule have in force contract of employment with the legal person and that they are trained, to a degree that satisfies the legal person, in transportation, handling, storage, stowage and use of firearms and/or specialized security equipment it intends to use for the provision of its services;
- (18) a declaration of the applicant or of the legal person that the legal person undertakes and assumes, irrevocably, the responsibility for health care and the repatriation of private ship security guards on whom will entrust the implementation of a written private agreement and of the other persons it employs or work for it which may go on board on its instructions;
- (19) a declaration of the applicant or of the legal person that the legal person agrees, undertakes and assumes, irrevocably, the obligation to abide by and implement the provisions of the Law and to cooperate, obey and implement the decisions and directives of the Competent Authority;

- (20) a declaration from each of the directors, managers, secretary, the person responsible for the legal person for purposes of the Law, the private ship security guard referred to in subparagraph (10) of this Schedule and from all other persons employed by, or working for, stating that he does not fall within the provision of section 20(3)(a) of the Law and that he agrees, undertakes and assumes, irrevocably, the obligation to abide by and implement the provisions of the Law and to cooperate, obey and implement the decisions and directives of the Competent Authority; and
- (21) in the cases specified in sections 20(2)(b) and 20(2)(c) of the Law, the declaration appointing an authorized representative and a declaration of the authorized representative that it does not fall within the provisions of section 20(3)(a) of the Law.