# THE MERCHANT SHIPPING (SAFE MANNING, HOURS OF WORK AND WATCHKEEPING) LAWS OF 2000 TO 2005

### (LAW 105(I)/2000 AS AMENDED)<sup>1</sup>

### ARRANGEMENT OF SECTIONS<sup>2</sup>

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According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English **is not the authentic version**. **The authentic and therefore legally binding version**, **is the Greek version of these Laws**.

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

<sup>&</sup>lt;sup>1</sup> <u>Consolidation Note</u>: The present consolidated text includes the text of basic Law 105(I)/2000 and the amendments introduced by Laws 162(I)/2004 and 64(I)/2005. These Laws were published in the Greek language in the Official Gazette of the Republic of Cyprus. This is an "unofficial" consolidated translation into English prepared by the Shipping Deputy Ministry to the President (SDM) and does not intend to replace any translation prepared by the Law Commissioner's Office.

<sup>&</sup>lt;sup>2</sup> <u>Consolidation Note</u>: The present Arrangement of Sections is not forming part of the Laws-Statutes. It is added by the SDM to assist the reader.

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### The House of Representatives enacts as follows

Short

title.

**1.** This Law may be cited as the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Laws of 2000 to 2005.

### PART I PRELIMINARY PROVISIONS

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

2(b) of 162(I)/2004.

### "appropriate certificate" means,

(a) with respect to Cyprus ships, an appropriate certificate issued and endorsed in accordance with the provisions of *the Merchant Shipping* (*Issue and Recognition of Certificates and Marine Training*) Laws of 2000 to 2005, <sup>3</sup>

109(I) of 2000 168(I) of 2004

56(I) of 2005.

(b) with respect to a ship flying the flag of a Member State, other than the Republic, a certificate issued and endorsed in accordance with its legislation, which adopts the Community Directive,

(c) with respect to a ship flying the flag of a State other than a Member State or the Republic, a certificate issued and endorsed in accordance with the provisions of the STCW Convention and the STCW Code, entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;

<sup>&</sup>lt;sup>3</sup> <u>Consolidation Note</u> : These Laws have been repealed and replaced by *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws of* 2008-2017 (Law 27(I)/2008 as amended with Law 10(I)/2017).

"certificate of competency" means the certificate of competency issued or recognised and endorsed in accordance with the provisions of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws of 2000 to 2005;*<sup>4</sup>

2(a) of 162(l)/2004.'Community Directive'' means Directive 2001/25/EC of the European Parliament<br/>and of the Council of 4<sup>th</sup> April 2001, on the minimum level of training of<br/>seafarers (OJ L 136 of 18.05.2001, p.17) as amended or replaced from time to<br/>2(a) of 64(l)/2005.

"Company" includes also a natural person and as far as the ship is concerned, means the owner of the ship or any other organization or person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who on assuming the responsibility has agreed to take over all duties and responsibilities under the Regulations annexed to the STCW Convention;

"fishing vessel" means a vessel used for catching fish or other living resources of the sea;

"hazardous cargo" means cargo which is or may be explosive, flammable, toxic or health-threatening or cause or might be environment-polluting;

"Instructions" means the instructions issued by the Competent Authority;

"international voyages" are the voyages that take place between the ports of any countries and without limitation with regard to the duration and the area;

2(a) of 162(I)/2004.
 "Member State" means a Member State of the European Union or a Contracting Party to the Agreement for the European Economic Area, which was signed in Porto on the 2<sup>nd</sup> of May 1992, as this is amended from time to time;

"middle area voyages" means the voyages that take place between ports in the area which extends from the North Cape (Norway) to the west towards the Faroe Islands, the British Isles, the European Coast on the Atlantic Ocean and the west coast of Africa down to the Equator. Equivalent are considered those voyages between ports in the Mediterranean, including those in the Black and Red Seas and Europe as well as voyages in the sea area between China, (south of Hong Kong), the Philippines, Indonesia, as well as voyages in the sea area of China (north of Hong Kong), Taiwan, Korea and Japan;

<sup>&</sup>lt;sup>4</sup> <u>Consolidation Note</u> : These Laws have been repealed and replaced by *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws of* 2008-2017 (Law 27(I)/2008 as amended with Law 10(I)/2017).

<sup>&</sup>lt;sup>5</sup> <u>Consolidation Note</u> : Directive 2001/25/EC was repealed and replaced by recast **Directive 2008/106/EC** as amended by Directive 2012/35/EU.

"Minister" means the Minister of Transport, Communications and Works;<sup>6</sup>

"prescribed fee" means the fee prescribed by *the Merchant Shipping (Fees and Taxing Provisions) Laws* applying from time to time in the Republic;

"Republic" means the Republic of Cyprus;

"restricted area voyages" means the voyages that take place between ports in the Mediterranean, the Black Sea, the Red Sea, the Gulf of Mexico, the Caribbean, the Persian Gulf, the Baltic Sea or other similar areas;

"sea-going ship" means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters, in a distance not greater than three nautical miles from the nearest coast of the Republic or areas where port regulations apply;

"short international voyage" means the international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be boarding safely, and the distance between the last port of call in the country in which the voyage begins and the final port of destination shall not exceed 600 miles;

2(b) of 64(I)/2005."SOLAS Convention" means the International Convention for the Safety of Life<br/>at Sea of 1974(SOLAS) which was ratified by the International Convention for<br/>the Safety of Life at Sea (Ratification) and for Matters Connected Therewith<br/>Laws of 1985 to 2004 as amended from time to time;

32 of 1989 24(III) of 1997

10(III) of 2001

52(II) of 2004.

8 of 1995

1(III) of 1998.

"STCW Code" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code, as adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping of Seafarers 1978, with Resolution 2, which was ratified by the Republic by the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers ,1978, as amended in 1995 (Ratification) and for

In force from time to time in the Republic; "STCW Convention" means the International Convention on Standards of

Matters Connected Therewith (Amendment) Law of 1998, as this Code may be

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, 1978, as amended in 1995 and was ratified by *the International Convention on Standards of Training*,

<sup>&</sup>lt;sup>6</sup> <u>Consolidation Note</u>: The title of the Ministry / Minister has changed to Ministry/Minister of Transport, Communications and Works by virtue of *the Renaming of the Ministry of Communications and Works Law of* 2015 (Law 43(I) /2015). As of 1<sup>st</sup> March 2018 by the effect of the provisions of section 4(2)(b) of *the Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law of 2017 (Law 123(I)/2017)* this reference to the "Minister of Transport, Communications and Works" is now construed as a reference to the "Shipping Deputy Minister to the President".

*Certification and Watchkeeping of Seafarers, 1978 and 1995 Ratification) and for Matters Connected Therewith Laws of 1985 and 1998* as this Convention may be in force from time to time in the Republic.

8 of 1995

1(III) of 1998.

Trading

area.

**3.** In cases where particular voyages do not fall within the areas which are mentioned in the definitions of the words "middle area voyages" or "restricted area voyages" in section 2 subsection (1) of this Law, the Competent Authority may, after a relevant request is made and having taken into consideration the particularity and nature of the voyages, as well as the natural characteristics of the area, such as sheltered or protected, the availability of rescue facilities, the duration of the voyage and the distance from the nearest coast , define these voyages as restricted or middle area voyages.

*Calculation of the power* **4.** For the calculation of the power of the ship's engine. **4.** For the calculation of the power of the ship's engine the following shall be taken into consideration —

- (a) for ships powered by internal combustion engines, the brake power (KW) of the engine, in the case of ships powered by two or more internal combustion engines, the total of the brake power (KW) of the engines, and
- (b) for ships powered by engines other than internal combustion engines, the shaft power (KW) of the engine, in the case of ships powered by two or more such engines, the total shaft power (KW) of the engines.

Scope

of application.

**5.**-(1) Subject to the provisions of subsection (2) and except if otherwise prescribed, the provisions of this Law apply to sea-going ships, as regards Cyprus ships, wherever they are, and as regards foreign ships, when in the territorial waters of the Republic, with the exception of —

- (a) warships, or other ships owned or operated by the Republic and which engage only in Governmental non-commercial service,
- (b) fishing vessels,
- (c) recreational crafts not engaged in trade, and
- (d) wooden ships of primitive construction.

(2) The provisions of Part V, sections 34 and 35 of this Law, apply on Cyprus non-seagoing ships and fishing vessels.

(3) The term "Cyprus Ship" in this Law, has the meaning assigned to it by section 5 of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 1996.

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.

Competent

Authority.

6. The Competent Authority for the implementation of the provisions of this Law and the Regulations made there under shall be the Minister and the persons specifically authorized by the Minister as the case might be.

### PART II

### SAFE MANNING OF SHIPS - COMPOSITION OF CREW -CERTIFICATE OF SAFE MANNING

Scope of application of 7. The provisions of this Part apply only to Cyprus ships, except if otherwise specified herein.

Part II

8.-(1) The Company shall have the duty and must ensure that —

Companies and others regarding certificates and

Responsibilities of

documentary evidence of seafarers training.

- (a) any seafarer engaged on any of its ships, holds an appropriate certificate in accordance with the tasks which are assigned to him to perform on that ship,
- (b) any seafarer engaged on any of its ships, has had the appropriate training as prescribed by the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws of 2000 to 2005<sup>7</sup> and holds the requested documentary training evidence, according to the duties assigned to him on the ship.

(2) The Company shall have the duty and must ensure that the certificates and the documentary evidence of training of any seafarer it intends to employ on board its ships are authentic.

(3) The Company shall have the duty and must establish and maintain the necessary procedures to ensure compliance with the requirements of this section.

(4) The provisions of this section shall not prohibit the assignment of tasks in cases of training under supervision or in cases of force majeure.

Registry.

**9.** -(1) Each Company shall have the duty and must ensure that a seafarers' registry is kept on board the ship, containing all documentation and data relating to each seafarer employed on each ship, and that such registry is readily accessible for inspection.

(2) The registry kept pursuant to previous subsection, shall contain all the original and appropriate certificates, the documentary training evidence and medical fitness certificates for all seafarers on board the ship. The registry shall be kept in care of the master of the ship or any other person authorised by him for this purpose and shall be presented, whenever required, for inspection to the Competent Authority or any other competent authority of the port State where the ship is situated.

<sup>&</sup>lt;sup>7</sup> <u>Consolidation Note</u> : These Laws have been repealed and replaced by *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws of* 2008-2017 (Law 27(I)/2008 as amended with Law 10(I)/2017).

(3) The Company shall have the duty and must keep, outside the ship, a registry containing copies of all documentation, which is kept pursuant to previous subsection in the registry on board the ship, and, in addition, evidence in relation to the experience, the suitability and ability of each seafarer, in respect of the duties assigned to them. The Company shall at any time have access to the registry kept pursuant to this subsection, and the evidence contained in the registry shall be available for inspection by the Competent Authority.

Familiarisation

of seafarers

with their

specific

duties.

**10.** Each Company shall have the duty and must ensure that the seafarers, engaged to work on any of its ships, shall be familiarised with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their duties in an emergency.

*Company's instructions to the master.* 

**11.**-(1) Each Company shall have the duty and must issue written instructions to the master of each of its ships, setting forth the policies and the procedures which must be followed to ensure that each seafarer who is newly employed on board the ship, shall be given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties, before being assigned those duties.

(2) The policies and procedures referred to in the above subsection include the following —

(a) allocation of a reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with

- the specific equipment which the seafarer will be using or operating; and
- (ii) the ship's specific procedures and arrangements regarding watchkeeping, safety, environmental protection and emergency procedures, which the seafarer needs to know in order to properly perform the duties assigned to him; and
- (b) The assignment, to a suitable member of the crew, of the responsibility to provide each newly employed seafarer with all essential information, which he is required to know, in a language which the seafarer understands.

(3) The Company, the master and each member of the crew which is assigned the responsibility referred to in paragraph (b) of subsection (2), shall

have a duty to ensure full implementation of the provisions of this section as well as to take every measure which is necessary, so that each member of the crew will have the chance to contribute with his knowledge to the safe operation of the ship.

Familiarisation

training in

personal

survival

techniques.

**12.** -(1) Each Company shall have a duty and must ensure that, every person employed or engaged on its ships, shall receive approved familiarisation training in personal survival techniques or receive sufficient information and instructions, before being assigned shipboard duties, in accordance with the provisions of Part A-VI/I, paragraph 1, of the STCW Code.

(2) The Company shall have the duty and must establish and maintain policies and procedures to ensure proper compliance with the requirements of the above subsection.

Effective co-ordination in emergency situations.

**13.** -(1) Each Company shall have the duty and must ensure that the crew on board its ships is in a position to effectively co-ordinate its activities in an emergency situation and to perform duties vital to the safety of the ship or to the prevention or mitigation of pollution.

(2) The Company shall have the duty and must establish and maintain policies and procedures to ensure the proper compliance with the requirements of the above subsection.

On-board communication. 3 of 162(I)/2004. 3(a) of 64(I)/2005. **14.** (1) Without prejudice to subsections (2) to (4), every Company has a duty and must ensure that the crew members on board every passenger ship, are in a position to communicate by the use of a common language or a working language for the purpose of an effective coordination in emergency situations.

(2) The company shall determine the common language or the working languages and each seafarer shall be required to understand and, where appropriate, give orders and instructions and report back in that language.

(3) All the documents, plans and lists which must be posted, shall be translated in the case where the working language is not Greek , in the working language of the ship.

(4) On board every passenger ship, the Company ensures that

the working language of the ship is recorded in the ship's logbook, and that the personnel nominated on muster lists to assist passengers in emergency situations, is readily identifiable and has communication skills that are sufficient for that purpose, taking into account an appropriate and adequate combination of any of the following factors:

(a) the language or languages corresponding to the principal nationalities of passengers travelling on a particular route;

(b) the likelihood that the ability to use elementary English vocabulary for basic instructions can provide a means of communication with a passenger in need of assistance ,irrespective of whether the passenger and crew member share a common language:

(c) the possible need to communicate during an emergency by some other means (e.g. by demonstration or hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes) when verbal communication is impractical;

(d) the extent to which complete safety instructions have been provided to passengers in their native language or languages;

(e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers;

(5) Every company ensures that on board all other vessels, the master, officers and rating are able to communicate with each other in a common language or common working language(s) and that they have at any time, available means for the effective oral communication regarding the safety between the crew members especially as far as the right and on time reception and understating of message and instructions;

(6) Every Company has the duty and is obliged to ensure that for each of its ships there are adequate means for communication between the ship and the shore-based authorities, and that said communication is conducted in accordance with Chapter V, Regulation 14, paragraph 4 of the SOLAS Convention.

**15.** -(1) Every Company shall have a duty and must ensure that its ships are manned in accordance with the provisions of this Law relating to the composition of the crew on board the ship and that each seafarer engaged holds an appropriate certificate in respect of the duties assigned to him.

Manning

according

to the

composition

of the ship.

(2) The composition of ships shall be prescribed by the Competent Authority following a relevant application by the Company.

(3) The application may include proposals as to the number and qualifications of the crew which the Company considers adequate to the ship's safe manning for its proposed voyages.

(4) In preparing such proposals, the Company shall take into consideration the composition of the crew, as it is indicated for each category of ships, in the First Schedule of this Law and in any instructions which may be issued by the Competent Authority from time to time.

(5) The Competent Authority may specify a different composition of the crew from the one which is indicated in the First Schedule of this Law, if such variation is deemed to be justified, because of the duration of the voyage or the specific needs of the ship.

(6) The Competent Authority, following an examination of the proposal submitted by the Company, shall define the composition of the crew and shall issue the certificate of safe manning of the ship.

(7) The Company must inform the Competent Authority as soon as possible with respect to any change in the circumstances concerning the safe manning certificate issued to it, for the purpose of enabling the Competent Authority to either review the certificate or to approve new proposals of the Company.

**16.** -(1) With respect to every one of its passenger ships, the Company shall have a duty to submit to the Competent Authority for approval, a Muster List in case of danger, according to which the Competent Authority will be able to determine the number of members of the crew required to assist the passengers in the case of abandonment of the ship, and to determine the composition of the crew.

(2) The members of the crew included in the Muster List , shall be trained on the ship generally in matters of safety depending on the specific duties assigned to them according to the Muster List and the requirements of the International Convention for the Safety of Life at Sea of 1974, as amended, and as is in force from time to time in the Republic.

Maritime

competency certificates, navigation **17.** -(1) The master, two of the navigational officers of a cargo ship or three of the navigational officers of a passenger ship must hold appropriate certificates.

Ship's

Muster List.

First Schedule.

First Schedule.

officers' certificate,

*Radio-communication Operators' certificate.* 

(2) Each person which is in charge or executes duties related to radio communications on board a ship which is required to participate in the Global Maritime Distress and Safety System (GMDSS) must possess the appropriate certificate relating to this system, and which was issued or recognised by the Competent Authority in accordance with the provisions of the Radio Communications Regulations and the requirements of the STCW Convention.

Certificates

for lifesaving equipment.

**18.** -(1) The master, officers and seafarers designated for the operation of lifeboats or inflatable life rafts must possess the appropriate certificate of operator of lifeboats or of operator of inflatable life rafts, which was issued in accordance with the provisions of Regulation V1/2, paragraph 1, of the STCW Convention and was recognised by the Competent Authority.

(2) With respect to passenger ships, there shall be two ratings for each lifeboat and one for each inflatable liferaft, and with respect to cargo ships, one rating for each lifeboat and inflatable liferaft.

Certificate or documentary evidence for advanced training in techniques for firefighting . **19.** The master and seafarers designated for the control of fire-fighting operations must possess an appropriate certificate or documentary evidence of training at an advanced level in firefighting techniques, issued in accordance with the provisions of Regulation VI/3 of the STCW Convention and recognised by the Competent Authority.

Medical

examination certificate. 107(I) of 2000

71(I) of 2014.

**20.** Every person employed or engaged on a ship must possess a valid medical fitness certificate issued or recognised in accordance with the *Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Laws of 2000 to 2014.*<sup>8</sup>

Radiotelegraph operators.

**21**. The crew composition of passenger and cargo ships, carrying a radio station, shall include one or more radiotelegraph operators in accordance with the requirements of the International Convention of the Safety of Life at Sea, of 1974, as amended, and as is in force from time to time in the Republic.

Doctor.

**22.** The crew composition of any ship carrying more than one hundred persons on board shall include the engagement of a doctor.

<sup>&</sup>lt;sup>8</sup> <u>Consolidation Note</u>: Law 107(I)/2000 has been amended by Law 71(I)/2014.

Cook.
23. An additional person shall be engaged to perform the duties of cook, if the number of persons on board is or exceeds ten. In the case of passenger ships, the number of cooks shall increase according to the duration of the voyage and the feeding needs of the passengers and the crew.

Safe manning24. -(1) The provisions of this section shall apply to Cyprus ships wherever they<br/>are and to foreign ships of 500 gross tonnage or more when in territorial<br/>waters of the Republic.

(2) The Company shall have a duty and must ensure that a valid safe manning certificate shall be kept on board its ship at all times and the manning of the ship shall be maintained at all times at least at the levels specified in the safe manning certificate.

(3) The master of every ship to which this section applies, shall have a duty and must ensure that the ship does not sail unless there is on board a valid safe manning certificate and the manning of the ship complies with what is specified in the certificate.

(4) The safe manning certificate for Cyprus ships shall be issued by the Competent Authority following an application by the Company, provided all the prerequisites are satisfied and the prescribed fee is paid.

### PART III SEAFARERS HOURS OF WORK AND HOURS OF REST

**26.** -(1) Subject to the provisions of section 30 of this Law, the Company shall have a duty and must ensure that, as far as it is reasonably practicable, the

master as well as the seafarers shall not work more hours than is safe in

relation to the ship or than is expected for the good performance of their

**25.** The provisions of this Part apply only to Cyprus ships.

Scope of application of Part III.

General

duty

of the

Company

duties.

and the

master.

15

(2) Subject to the provisions of section 30 of this Law, the master shall have the same obligation as that of the Company in relation to the seafarers working on board the ship.

Watchkeeping system
 27.-(1) Each Company shall have the duty and must ensure that on board its ships there exists at all times a watchkeeping system, which is arranged in such manner so that the efficiency of all watchkeeping personnel is not impaired by reason of fatigue and that duties are organised in such a way that those keeping the first watch at the commencement of the voyage and those keeping subsequent watch are sufficiently rested and otherwise fit for duty.

(2) Each Company shall have a duty and must ensure that the watchkeeping system kept on its ships is regulated according to the provisions of the following paragraphs —

- (a) All persons, assigned with duties of an officer in charge of a watch and all ratings forming part of a watch shall be provided with a minimum of ten hours of rest in any twenty four hour period,
- (b) the hours of rest may be divided into no more than two periods, one of which shall be at least six hours, and

notwithstanding the provisions of paragraphs (a) and (b), the prescribed minimum period of ten hours may be reduced to a period of at least six consecutive hours, provided that any such reduction shall not be extend beyond two days and that a rest of not less than seventy hours in seven day period, shall be ensured.

(3) The Company shall have a duty and must establish and maintain the necessary policies and procedures which will ensure full compliance with the provisions of subsection (2).

Watchkeeping**28.**-(1) Each Company shall have a duty and must compile a table of the<br/>watchkeeping arrangements for each of its ships in the communication<br/>language of the ship and in English, where the communication language of the<br/>ship is different.

(2) The table of the watchkeeping arrangements shall be posted at an easily accessible place in the ship for the information of seafarers.

(3) The table compiled in accordance with the provisions of this section, must contain at least —

- (a) the maximum hours of work permitted according to the legislation in force from time to time in the Republic; and
- (b) the schedule of the watchkeeping service in the sea and in the port.

(4) The master shall have a duty and must keep, at all times, the table compiled pursuant to the provisions of this section and, as far as reasonably possible, must not allow the prescribed maximum number of hours of work to be exceeded.

Record of hours of work and hours of rest. **29.** -(1) Each Company shall have a duty and must establish the necessary policies and procedures to ensure that a registry is kept on board each of its ships, recording all data regarding hours of work and hours of rest of the seafarers who participate in watchkeeping, all deviations from the watchkeeping table referred to in the previous section and the reasons for such deviations.

(2) The registry shall be kept by the master of the ship, and the entries shall be reviewed by the master or a person authorised by the master, and by the seafarer concerned.

(3) The Company shall have a duty and must ensure that a copy of the table provided for by previous section and the registry shall be saved and maintained for a period of at least five years from the date the table was first compiled, and that these documents will be immediately available for inspection by the Competent Authority.

Exceptions in cases

of emergencies.

**30.**-(1) The requirements regarding rest periods provided for in subsection (2) of section 27 of this Law, as well as the watchkeeping arrangements which are recorded in the table compiled pursuant to section 28 of this Law, need not be met in the case of any emergency, especially the one that threatens the safety on the ship, the human life or the environment or in case of a drill or under other operational situations of an overriding nature.

(2) In case where, pursuant to subsection (1), the master or a seafarer has worked during his rest period, this incident shall be entered in the registry maintained under the provisions of the previous section together with the reasons causing this deviation.

### PART IV WATCHKEEPING

Watchkeeping arrangements.	watchkee maintainir	ne master of a ship shall have a duty and must ensure that the ping arrangements for the ship are at all times adequate for ng safe navigational and engineering watchkeeping according to III of the STCW Code.
	the masten navigating accordance	withstanding the duty of the master under the previous subsection, r must issue directions to the deck watchkeeping officers in charge of g the ship safely when they are on duty of watchkeeping, in se with Part 3-1 of Section A VIII/2 of the STCW Code and any ns which may be issued by the Competent Authority to that effect.
	the watch adequate Section A	chief engineer of every ship shall have a duty and must ensure that akeeping arrangements for the engine of the ship are at all times for maintaining a relevant safe watch, in accordance with Part 3-2 of VIII/2 of the STCW Code and any Instructions which may be issued by etent Authority to that effect.
Watchkeeping arrangements in a port.	normal ci appropria VIII/2 of t	naster of a ship, which is safely moored or safely at anchorage under rcumstances in a port, shall have a duty and must arrange for an te and effective watchkeeping in accordance with Part 4 of Section A- the STCW Code and any Instructions which may be issued by the at Authority to that effect.
Watchkeeping arrangements in port for ships carrying hazardous cargo.	port, ever ensure, in	e master of a ship which is carrying hazardous cargo and which is in a safely moored or safely at anchorage, shall have a duty and must addition to any watchkeeping arrangements required under section the following arrangements are met:
	(a)	In ships carrying hazardous cargo in bulk, a safe watchkeeping of the deck and the engine shall be maintained by the presence on board of one or more duly qualified officers and, where necessary, of ratings; and
	(b)	in ships carrying hazardous cargo other than in bulk, the safe watchkeeping arrangements shall be ensured, by taking into account the nature, quantity, packing and stowage of the hazardous cargo as well as any special conditions on board, afloat and ashore.
	(2) The	watchkeeping arrangements prescribed in the previous subsection,

shall be implemented according to any Instructions which may be issued by the

Competent Authority from time to time. .

### PART V COMPOSITION OF CYPRUS NON-SEAGOING SHIPS AND FISHING VESSELS.

34. -(1) The provisions of this Part shall apply to Cyprus non-seagoing ships,

of Cyprus	according to the definition assigned to this term by subsection (1) of section 2, of this Law, and to Cyprus fishing vessels.
non-seagoing	
ships and	
fishing	
vessels.	(2) Each Company shall have a duty and must ensure that each of its ships, which comes within the provisions of this section, shall be manned in
Second Schedule.	accordance with the composition which is specified in the Second Schedule of this Law.
Certificate of	35(1) The Company shall have a duty and must ensure that, a valid safe
safe manning.	manning certificate in respect of a ship, is kept on board each one of its ships at all times, and that the manning of its ships is maintained at all times at least at the levels specified in the certificate.
	<ul> <li>(2) The master of a ship, to which the provisions of this Part apply, shall have a duty and must ensure that, the ship does not sail unless there is on board a valid safe manning certificate in respect of the ship and the manning of the ship complies with what is specified in the certificate.</li> <li>(3) The safe manning certificate of a ship shall be issued by the Competent Authority, upon application by the Company, provided that all the prerequisites for its issuance are satisfied and the prescribed fee is paid.</li> </ul>
	PART VI
	INSPECTION AND PORT STATE CONTROL OF FOREIGN SHIPS

Inspection and Port State control of foreign ships. th

Composition

**36.**-(1) The Port State control on foreign vessels within the territorial waters of the Republic shall be conducted by a surveyor duly authorised to that effect by the Competent Authority.

4(2) of 162(I)/2004.

47(I) of 2001 27(I) of 2004 60(I) of 2009. (2) The Port State control shall be conducted in accordance with Article X of the STCW Convention and *the Merchant Shipping (Port State Control) Laws of 2001 to 2009*<sup>9</sup> for the purpose of:

- (a) verifying that all seafarers who serve on board the ship and are required to be holders of an endorsement, in accordance with the STCW Convention, are holders of an appropriate certificate or of a valid dispensation or can provide documentary proof that an application for an endorsement attesting recognition has been submitted to the competent authorities of the flag State.
- (b) verifying whether the number and the certificates of the seafarers serving on the ship are according to the requirements of safe manning composition, specified by the authority of the flag State;
- (c) assessing, in accordance with Part A-I/4 of the STCW Code, the ability of the seafarers on board a ship to maintain the watchkeeping standards, as these are provided for in this Law and the STCW Convention, in cases where clear grounds exist indicating that such standards are not or have not been maintained, due to the occurrence of any one of the following events, while the ship was in a port of the Republic or was approaching a port of the Republic—
  - (i) the ship was involved in a collision, grounding or stranding, or
     (ii) there was an illegal discharge of substances from the ship when she was under way, at anchor or at berth, or
  - (iii) the ship manoeuvres in an erratic or unsafe manner, without obeying to the usual measures, which have been adopted by the International Maritime Organization or safe navigation practices and procedures are not followed, or
  - (iv) the ship is otherwise operated in such a manner which may expose persons, property or the environment to danger, or
  - (v) the certificate has been fraudulently obtained or the holder of the certificate is not the person to whom that certificate was originally issued, or
  - (vi) the ship is flying the flag of a State other than a Member State or the Republic, which has not ratified the STCW Convention, or the master, officers or ratings hold a certificate issued by a third country which has not ratified the STCW Convention.

(3) If the surveyor finds, while conducting an inspection, any of the deficiencies mentioned in the following subsection, he shall notify in writing the master of the ship, and in case of a foreign ship the nearest maritime,

4(3) of 162(I)/2004.

4(3) of 162(I)/2004.

<sup>&</sup>lt;sup>9</sup> <u>Consolidation Note</u> : These Laws have been repealed and replaced by *the Merchant Shipping (Port State Control) Laws of 2011-2015 (* Law 95(I)/2011 as amended with Law 155(I)/2015).

consular or diplomatic representative of the flag State of the ship of this fact.

(4) The deficiencies referred to in the previous subsection, are the following

4(4)(a) of162(I)/2004.

- (a) omission of any seafarer to hold the appropriate certificate, or have a valid dispensation or documentary evidence that an application for an endorsement attesting recognition has been submitted to the appropriate authorities of the flag State.
- (b) failure to comply with the safe manning certificate;
- (c) failure of arranging watchkeeping of a bridge or of the engines room according to the requirements which are specified to this effect for the ship by the competent authority of the State in which the ship is registered,
- (d) absence, during the watchkeeping, of a person duly qualified to operate equipment, essential to safe navigation, safe radiocommunications or the dissuasion or prevention of pollution,
- (e) inability of the master to ensure, at the commencement of a voyage as well as for subsequent watches, the undertaking of tasks by persons who have had sufficient rest and are fit to undertake their tasks;
- 4(4)(b) of 162(I)/2004.(f)failure to provide proof of professional proficiency for the duties assigned<br/>to seafarers for the safety of the ship and the prevention of pollution.

4(5) of162(1)/2004.(5) Notwithstanding the verification of the certificate, the person conducting the assessment under paragraph (c) of subsection (2), may require the seafarer to prove the relevant competence at the place of duty. Such a proof may include verification that operational requirements in respect of watchkeeping standards have been met and that there is a proper response to emergency situations within the seafarer's level of competence.

### PART VII INSPECTION, PROHIBITION OF SAILING, PENALTIES

*Inspection and prohibition of sailing.* **37.**-(1) As from the entry into force of this Law, the sailing of Cyprus or foreign ships which are subject to the provisions of subsections (1) and (2) of section 5 of this Law, shall be prohibited, in cases where it is ascertained that a contravention of the provisions of this Law, and of the Regulations made there under has occurred.

(2) If, during the inspection of a ship, the Competent Authority ascertains any contravention, as above, it shall confirm the contravention, make a report to that effect, call the master to explain and shall prohibit the sailing of the ship, until the cause for non-compliance is removed and, if a fine according to the provisions of section 39 of this Law has been imposed, until this has been paid.

(3) The cost for the inspection of the ship in order to ensure that the contravention has been rectified shall be borne by the ship and shall be paid prior to the lifting of the prohibition of sailing.

38.-(1) The Competent Authority has power to detain and prohibit the sailing of Competent Authority's power a ship, in any case where, following an inspection of the ship, it is ascertained that to detain the ship in relation to a Cyprus ship, there exists a contravention of any one of (a) and the provisions of this Law; prohibition of sailing. in relation to a foreign ship, there existsa contravention of any of the provisions of sections 24, 31, 32 and 33 of this Law; or

a failure to rectify deficiencies of a kind specified in subsection
 (4) of section 36 of this Law, capable of posing danger to the safety of persons, property or the environment.

(2) The prohibition of sailing shall not be lifted unless the deficiencies are rectified to the satisfaction of the Competent Authority.

Penalties.

**39.**-(1) Any contravention of the provisions of this Law, as described in the previous section, shall be punished, irrespective of whether there exists a case of criminal or disciplinary liability pursuant to any other legal provision, with an administrative fine from one hundred pounds ( $\pm$  100) to five thousand pounds

( $\pm$  5.000)<sup>10</sup> depending on the seriousness of the contravention.

(2) The administrative fine shall be imposed on the Company or the master of the ship or any other person who contravenes a duty or obligation under this Law, by a reasoned decision of the Competent Authority, confirming the contravention. The amount of the fine imposed on a case by case basis will be set out indicatively in the instructions of the Minister, containing the basic contraventions together with the corresponding fines, without limiting within the framework of the instructions the discretion of the Competent Authority to freely decide based on the real incidents of the case.

(3) The Competent Authority shall copy to the master the decision in respect of imposition of the fine, and shall not permit the lifting of the prohibition of sailing, until the fine is paid or a bank guarantee of an equal amount by a recognised Bank, and on terms which satisfy the Competent Authority, is deposited.

(4) Exceptionally, in respect of ships, which frequently call at Cyprus ports, a ship may be permitted to sail for one voyage only, without the fine imposed having been paid already or the bank guarantee having been deposited, subject to approval of the Minister if prevailing reasons of transportation or other special reasons justify this and it is de facto impossible to present a bank guarantee on time. In this case a personal guarantee of an equal amount by the Company, its representative or the master shall be deposited.

(5) There shall be recourse to the Minister against the decision imposing a fine. Such recourse to the Minister shall be filed within thirty days of notification of the decision, in case of a contravention confirmed in a port of the Republic or within sixty days, in the case of a contravention confirmed in a foreign port.

(6) The recourse provided for in the previous subsection, shall not suspend the execution of the decision.

(7) The amount of the fine or the amount payable under the bank guarantee shall be paid to the Republic, after the expiration of the time limit of seventy five days for filing a recourse to the Supreme Court, if no such recourse was filed, either from the notification of the decision to impose the administrative fine or, in case of a recourse to the Minister pursuant to subsection (5), from the notification of the decision of the Minister .

<sup>&</sup>lt;sup>10</sup> <u>Consolidation Note</u> : The present amounts of the fine are now construed as **170 Euro** to **8.543 Euro** by the effect of Notification P.I. 312/2007 issued by the Minister of Finance under section 9(1) of the Adoption of the Euro Law of 2007 (Law 33(I)/2007 as amended).

*Court action for collection of the fine imposed under section 39.* 

**40.** In case of failure of payment of the fine imposed under section 39 of this Law, the Competent Authority may take steps for the collection of the amount due as a civil debt owed to the Republic.

Fine and

expenses

to be charged

on the ship.

**41.** The fine imposed under section 39 or 42 of this Law shall be considered as a charge on the ship in respect of which the contravention has been ascertained or, according to the case, the offence was committed, which charge shall be satisfied in preference to charges in favour of other lenders, following however the last mortgage.

Criminal

offences.

**42.** -(1) The following persons shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand pounds  $(\pounds 2.000)^{11}$  or to both sentences —

(a) a Company who is guilty of contravention of its duties and obligations under sections 8(1), (2) or (3), 9(1) or 9(3), 10, 11(1), 12(1), 13(1) or (2), 14, 15(1) or (7), 16(1), 24(2), 26(1), 27(1), (2) or (3), 28(1), 29(1) or (3) of this Law;

a master who is guilty of contravention of his duties and obligations under sections 11(3), 24(3), 26(2), 28(4), 31(1) or (2), 32 or 33(1) of this Law; and

a chief engineer who is guilty of contravention of his duties and obligations according to subsection (3) of section 31 of this Law.

(2) The unlawful act shall be lifted and the accused will be exempted from the charge of committing any of the offences referred to in the previous subsection, if he proves that he has taken all reasonable measures to avoid committing the offence.

(3) In case where the offence, committed pursuant to subsection (1), consists in a failure to comply with a duty or obligation of the Company, the master or

(c)

<sup>&</sup>lt;sup>11</sup> <u>Consolidation Note</u>: The present amount of the fine is now construed as **3.417 Euro** by the effect of Notification P.I. 312/2007 issued by the Minister of Finance under section 9(1) of the Adoption of the Euro Law of 2007 (Law 33(I)/2007 as amended).

the chief engineer, to take all reasonable measures, it shall be for the accused to prove that it was not reasonably possible to do more than what was in fact done to comply with the duty or obligation.

### PART VIII FINAL PROVISIONS

Making	<b>43.</b> -(1) The Council of Ministers has the power to make Regulations in order to regulate any matter which under this Law, needs or is capable of receiving
of Regulations.	regulation.
	(2) The Regulations issued by virtue of this section, may provide for imprisonment not exceeding two years or a fine not exceeding five thousand pounds (£5.000) <sup>12</sup> or both sentences, for the offences provided for by the Regulations.
4 of 64(I)/2005.	(3) The Regulations issued by virtue of the provisions of this Law, shall be deposited at the House of Representatives, which has the power of their approval or rejection in a period of sixty days starting from the date of their deposit. If the House of Representatives shall approve the Regulations or the time limit of sixty days will be expired, the Regulations shall be published at the
	Official Gazette and shall enter into force from the date of their publication, unless otherwise provided.
Repeal of certain	<b>44.</b> With the present Law the following provisions are repealed :
provisions.	a) Sections 6, 6A, 6B and 6C of the Merchant Shipping (Masters and Seamen) Laws of 1963 to 1997.
46 of 1963	
33 of 1965	
69 of 1968	
25 of 1969	
24 of 1976	
85 of 1984	
103(I) of 1997	

<sup>&</sup>lt;sup>12</sup> <u>Consolidation Note</u>: The present amount of the fine is now construed as **8.543 Euro** by the effect of Notification P.I. 312/2007 issued by the Minister of Finance under section 9(1) of the Adoption of the Euro Law of 2007 (Law 33(I)/2007 as amended).

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b) The Merchant Shipping (Composition and Number of Crew) Regulations of 1997 and

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20.8.1964

c) The Merchant Shipping (Hours of Work, Hours of Rest and Leave) Regulations of 1964.

Saving.

**45.** A safe manning certificate issued pursuant to the provisions repealed by the effect of this Law shall continue to be valid and in force and shall be subjected to the provisions of section 15(7) of this Law until the 1<sup>st</sup> of February 2002.

## **First Schedule**

## (Section 15(4))

## **Cargo Ships**

**1.** The composition of the crew of cargo ships, of any type, is set in an indicative manner as follows:

## 1.1 Navigational Department

## 1.1.1 Restricted area voyages

Gross Tonnage	<1000	1001-	3001-	5001-	10001-	>20001
		3000	5000	10000	20000	
Master	1	1	1	1	1	1
Chief Officer	1	1	1	1	1	1
Deck Officer	-			-	1	1
Rating Grade A'	2	2	2	2	3	3
Rating Grade B'	-	-	-	1	-	1
TOTAL	4	4	4	5	6	7

## 1.1.2 Middle area voyages

Gross Tonnage	<1000	1001-	3001-	5001-	10001-	>20001
		3000	5000	10000	20000	
Master	1	1	1	1	1	1
Chief Officer	1	1	1	1	1	1
Deck Officer	-	-	-	1	1	2
Rating Grade A'	2	2	2	3	3	3
Rating Grade B'	-	-	1	-	1	1
TOTAL	4	4	5	6	7	8

## 1.1.3 International voyages

Gross Tonnage	<1000	1001-	3001-	5001-	10001-	>20001
		3000	5000	10000	20000	
Master	1	1	1	1	1	1
Chief Officer	1	1	1	1	1	1
Deck Officer	-	-	-	1	1	2
Rating Grade A'	2	2	3	3	3	3
Rating Grade B'	1	1	1	1	1	3
TOTAL	5	5	6	7	7	10

## 1. 2. Engine Department

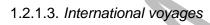
## 1.2.1. Automated Engine room (Unattended)

## 1.2.1.1. Restricted area voyages

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001
()		1500	3000	6000	8000	
Chief Engineer	1	1	1	1	1	1
Second Engineer	-	-	-	1	1	1
Engineer Officer	-	-	-	-	-	-
Rating Grade A'	-	-	-	-	1	1
Rating Grade B'	-	1	1	1	-	-
TOTAL	1	2	2	3	3	3

## 1.2.1.2. Middle area voyages

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001				
		1500	3000	6000	8000					
Chief Engineer	1	1	1	1	1	1				
Second Engineer	-	-	-	1	1	1				
Engineer Officer	-	-	-		-	-				
Rating Grade A'	-	-	-		1	1				
Rating Grade B'	-	1	1	-	-	-				
TOTAL	1	2	2	3	3	3				
TOTAL         1         2         2         3         3         3										



Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001
()		1500	3000	6000	8000	
Chief Engineer	1	1	1	1	1	1
Second Engineer	-	-	-	1	1	1
Engineer Officer	-	-	-	-	-	-
Rating Grade A'	-	-	1	1	1	1
Rating Grade B'	-	1	-	-	-	-
TOTAL	1	2	2	3	3	3

## 1.2.2. Attended Engine room

#### Restricted area voyages 1.2.2.1.

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001			
		1500	3000	6000	8000				
Chief Engineer	1	1	1	1	1	1			
Second Engineer	-	1	1	1	1	1			
Engineer Officer	-	-	-	-	-	1			
Rating Grade A'	-	-	-	1	1	2			
Rating Grade B'	-	-	-		1	1			
TOTAL	1	2	2	3	4	6			
1.2.2.2. Middle area voyages									
Kilowatt (KW)	<750	751-1500	1501-	3001-	6001-	>8001			

## 1.2.2.2. Middle area voyages

Kilowatt (KW)	<750	751-1500	1501-	3001-	6001-	>8001
			3000	6000	8000	
Chief Engineer	1	1	1	1	1	1
Second Engineer		1	1	1	1	1
Engineer Officer	-	-	-	-	1	1
Rating Grade A'	1	-	-	1	2	3
Rating Grade B'	-	-	1	1	-	-
TOTAL	2	2	3	4	5	6

## 1.2.2.3. International voyages

~

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001
		1500	3000	6000	8000	
Chief Engineer	1	1	1	1	1	1
Second Engineer	-	1	1	1	1	1
Engineer Officer	-	-	-	-	1	1
Rating Grade A'	1	-	-	1	3	3
Rating Grade B'	-	-	1	1	-	-
TOTAL	2	2	3	4	6	6

## **Passenger Ships**

2. The composition of the crew of passenger ships, of any type, is set in an indicative manner as follows:

## 2.1.Navigational Department

### 2.1.1 Short international voyages

Gross Tonnage	<2000	2001-	5001-	10001-	>20001
		5000	10000	20000	
Master	1	1	1		1
Chief Officer	1	1	1	1	1
Deck Officer	1	2	2	2	2
Rating Grade A'	3	3	6	6	6
Rating Grade B'	1	3	2	4	4
TOTAL	7	10	12	14	14

The composition of the crew in short international voyages of passenger ships with less than 2000 gross tonnage may be fixed by the Competent Authority.

### 2.1.2. International voyages

	0000	0004	5004	10001	00004
Gross Tonnage	<2000	2001-	5001-	10001-	>20001
		5000	10000	20000	
Master	1	1	1	1	1
Chief Officer	1	1	1	1	1
Deck Officer	2	2	2	2	2
Rating Grade A'	3	3	3	6	6
Rating Grade B'	3	4	6	6	6
TOTAL	10	11	13	16	16

## 2.2. Engine Department

## 2.2.1. Automated Engine room (Unattended)

## 2.2.1.1. Short international voyages

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001
		1500	3000	6000	8000	
Chief Engineer	1	1	1	1	1	1
Second Engineer	-	-	1		1	1
Engineer Officer	-	-	•	$\frown$	-	-
Rating Grade A'	-	-	1	1	1	2
Rating Grade B'	-	1		-	1	-
TOTAL	1	2	3	3	4	4

2.2.1.2. International voyages

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001
		1500	3000	6000	8000	
Chief Engineer	1	1	1	1	1	1
Second Engineer	<u> </u>	1	1	1	1	1
Engineer Officer	-	-	-	1	1	1
Rating Grade A'	1	-	1	1	1	2
Rating Grade B'	-	1	-	-	1	1
TOTAL	2	3	3	4	5	6

## 2.2.2. Attended Engine room

## 2.2.2.1 Short international voyages

Kilowatt (KW)	<750	751-	1501-	3001-	6001-	>8001	
		1500	3000	6000	8000		
Chief Engineer	1	1	1	1	1	1	
Second Engineer	-	1	1	1	1	1	
Engineer Officer	-	-	1	1	2	2	
Rating Grade A'	2	-	1	1	2	3	
Rating Grade B'	-	1	-	1	1	1	
TOTAL	3	3	4	5	7	8	
2.2.2.2. International voyages							
	750	754 4500	4504 2000	0001 0000	0004 0000	0004	

## 2.2.2.2. International voyages

Kilowatt (KW)	<750	751-1500	1501-3000	3001-6000	6001-8000	>8001
Chief Engineer	1	1	1	1	1	1
Second Engineer	1	1	1	1	1	2
Engineer Officer	-	1	1	1	2	1
Rating Grade A'	1	-	1	2	3	3
Rating Grade B'		1	1	1	1	2
TOTAL	3	4	5	6	8	9
5						

## Second Schedule

## (section 34(2))

**1.** The composition of the crew of **tug boats** operating in ports, for one watch is set as follows:

Engine Power (KW)	<500	501-1000	>1001
Master	1	1	1
Rating Grade A'	1	1	3
Chief Engineer	1	1	1
Rating Engine Grade A'	-	-	1
TOTAL	3	3	6

## 2. The composition of the crew of fishing vessels (trawlers) is set as follows:

Gross	Open	Sea	Restricted Sea		
Tonnage	<100	>100	<100	>100	
Skipper	1	1	1	1	
Watch Keeping Officer	1	1	-	-	
Deck Rating Grade B'	3	3	2	3	
Chief Engineer	1	1	1	1	
TOTAL	6	6	4	5	

**3.** The composition of the crew of **professional tourist vessels**, which have the right to carry passengers and perform leisure voyages in internal waters or within, or closely adjacent to, sheltered waters or areas in Cyprus where port regulations apply, is set as follows:

Passengers	<16	16-50	51-80	81-120	121-150	151-200	>201
Skipper	1	1	1	1	1	1	1
Ratings		1	2	3	4	5	7
TOTAL	1	2	3	4	5	6	8

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