

**THE MERCHANT SHIPPING (CRIMINAL AND DISCIPLINARY LIABILITY OF SEAFARERS,
SUSPENSION OR CANCELLATION OF CERTIFICATES) LAWS OF 2000 TO 2004**

(LAW 106(I)/2000 AS AMENDED)¹

ARRANGEMENT OF SECTIONS ²

Section

PART I – PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.
3. Scope of application.

PART II – SPECIAL MARITIME CRIMINAL OFFENCES

4. Acts and omissions of the master or the crew which endanger either the ship or human life.
5. Absence from the ship.
6. Desertion of a ship in peril.
7. Disobedience.
8. Insult or threat against a superior.
9. Assault against a superior.
10. Marine pollution.
11. Abuse of power.

¹ Consolidation Note: The present consolidated text includes the text of basic Law 106(I)/2000 and the amendments introduced by Law 163(I)/2004. 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.

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.**

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

² Consolidation Note: The present Arrangement of Sections is not forming part of the Laws-Statutes. It is added by the SDM to assist the reader.

12. Omission of the master in command of the ship.
13. Disobedience of master or seafarer.
14. Breaches of the master in time of danger.
15. Unlawful deviation.
16. Omission of watchkeeping.
17. Abandonment of sick persons abroad.
18. Absconding.
19. Drunkenness.
20. Contravention of duty obligations of the master.
21. Employment of seafarers without the appropriate certificates.
22. Employment with fraudulent means.
- 22A. Cooperation of Competent Authority with States in order to initiate proceedings.

PART III -MARITIME DISCIPLINARY OFFENCES

23. Definition of seafarer.
24. Maritime disciplinary offences.
25. Disciplinary sentences.
26. Temporary deprivation of the right to exercise the seafarers profession.
27. Permanent deprivation of the right to exercise a seafarers profession.
28. Suspension of validity or cancellation of certificates.
29. Commutation of the sentence of temporary deprivation.
30. Limitation period for disciplinary offences.
31. Disciplinary Bodies.
32. Imposition of disciplinary sentences.
33. Disciplinary prosecution.
34. Recourse against disciplinary decisions.
35. Writ of summons.
36. Decisions of disciplinary Bodies.
37. Fine.

**PART IV - MERCHANT SHIPPING DISCIPLINARY BOARD –
ESTABLISHMENT AND COMPOSITION**

- 38. Establishment of the Disciplinary Board.
- 39. Composition of the Disciplinary Board.
- 40. Deputy members of the Disciplinary Board.
- 41. Term of office.
- 42. Declaration of impediment and exclusion of members.

**PART V - PROCEDURE BEFORE THE MERCHANT SHIPPING DISCIPLINARY
BOARD**

- 43. Examination of charges.
- 44. Powers of the investigating officer.
- 45. Writ of summons.
- 46. Hearing of the case.
- 47. Decision taking procedures.
- 48. Secretariat of the Disciplinary Board.
- 49. Advocate.
- 50. Criminal offence.

**PART VI - TEMPORARY OR PERMANENT DEPRIVATION OF THE BOOK (SISR) –
SUSPENSION OF VALIDITY, CANCELLATION OF CERTIFICATE OF MARITIME
COMPETENCY**

- 51. Temporary deprivation of SISR Book, suspension of certificate.
- 52. Permanent deprivation of the SISR Book, annulment of the certificate.
- 53. Criminal offence.
- 54. Information of the country which issued the certificate.
- 55. Making of Regulations.
- 56. Repeal of provisions.

PART I – PRELIMINARY PROVISIONS

The House of Representatives enacts as follows:

Short title.

*106(I) of 2000
163(I) of 2004.*

1. The present Law shall be cited as the Merchant Shipping (Criminal and Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Laws of 2000 and 2004.

Interpretation.

2. In the present Law , unless the context otherwise requires-

“appropriate certificate” means an appropriate certificate issued according to the provisions of subsection (1) of section 2 of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws* .

109(I) of 2000.

“certificate of competency” means the certificate of competency which was issued or recognized and endorsed according the provisions of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000.*

*2 of 163(I)/2004.
105(I) of 2000
162(I) of 2004.*

“Company” has the meaning assigned to it by section 2 of *the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Laws of 2000 and 2004.*

“Competent Authority” means the Minister³ and by the Minister authorized persons as the case might be.

“Director” means the Director of the Department of Merchant Shipping.⁴

³ Consolidation Note: As of 1st 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” is now construed as a reference to the “Shipping Deputy Minister to the President”.

⁴ Consolidation Note: As of 1st March 2018 by the effect of the provisions of section 4(2)(e) 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 “Director of the Department of Merchant Shipping ” is

“dispensation” means a dispensation issued according to the provisions of section 7 of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000*.

2 of 163(I)/2004. “Member State” means a Member State of the European Union and a Contracting party to the Agreement for the European Economic Area, which was signed in Porto on the 2nd of May 1992, as this is from time to time amended.

“Minister” means the Minister of Transport, Communications and Works.⁵

“Republic” means the Republic of Cyprus

“Seafarers Identification and Sea Service Record Book” or in short with an equivalent meaning “SISR Book” means the seafarers identification and sea service record Book which is issued pursuant to the provisions of section 10 of *the Merchant Shipping (Registration of Seafarers and Seafarers Register) Law of 2000*.

“Seafarers Register” means the Seafarer’s Register which is maintained according to the provisions of section 5(1) of *the Merchant Shipping (Registration of Seafarers and Seafarers Register) Law of 2000*.

2 of 163(I)/2004. “STCW Convention” has the meaning assigned to it by section 2 of *the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Laws of 2000 and 2004*.

Scope of application.

3.-(1) Subject to the provisions of section 4, the provisions of the present Law shall apply on masters and seafarers serving on board Cyprus ships, wherever they may be.

45 of 1963
32 of 1965
82 of 1968
62 of 1973
102 of 1973
42 of 1979

(2) The term “Cyprus Ship” in the present 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*.

now construed as a reference to the “Permanent Secretary of the Shipping Deputy Ministry to the President”.

⁵ Consolidation Note: As of 1st 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”.

25 of 1980
14 of 1982
57 of 1986
64 of 1987
28(I) of 1995
37(I) of 1996.

PART II – SPECIAL MARITIME CRIMINAL OFFENCES

Acts and omissions of the master or the crew which endanger either the ship or human life.

4.- (1) The provisions of this section apply to masters and seafarers serving on Cyprus ships wherever these may be and , subject to the provisions of subsection (3) , to masters and seafarers of foreign ships, in case these ships call at any port of the Republic or within the territorial sea of the Republic.

(2) A master or a seafarer serving either on board the ship or close to her, commits an offence punished with imprisonment not exceeding two years or with a fine not exceeding five thousand Pounds (£5.000)⁶ or with both such sentences, on purpose or by negligence in carrying out his duty or by reason of drunkenness, causes or tends to cause :

- (a) The loss or destruction of the ship on board which he serves, or serious damage to the ship or her engines or her navigational equipment or her safety; or
- (b) The loss or the destruction or serious damage of another ship or construction; or
- (c) The death or serious personal injury of any person either on board or outside the ship.

(3) With regard to master and the seafarers of foreign ships, the provisions of paragraph (a) of subsection (2) shall not apply.

(4) The accused with an offence under subsection (2) of this section, can allege in defense one of the following and in case he proves the allegations, he shall be discharged :

- (a) If the offence with which he is charged consists of breach or omission of duty, whereas he took all reasonable care during the exercise of his duties;
- (b) That at the time the act or the omission, upon which the accusation is founded, took place, the accused was under the influence of medicine which was either taken for medical reasons, or was taken following medical advice with which he conformed fully, or that he had no reason to believe that such medicine would have the influence that actually had on him;
- (c) That during the exercise of his duty he took every reasonable precaution and made every possible effort to avoid committing

⁶ Consolidation Note: 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)*.

- the offence ;
- (d) That he acted in compliance with a lawful order; or
 - (e) That the circumstances under which the loss, destruction, damage, death or personal injury were caused, could not have been reasonably foreseen or avoided by the accused.

(5) In this section, the following terms have the following meaning:

- (a) “breach or omission of duty” except in relation to the master, includes also disobedience to any lawful order;
- (b) “duty” as regards the master and the seafarers, means any duty which is inherent to their qualifications , and as far as the master is concerned , it also includes his duty of good command of the ship and his duty of safe operation of the ship, her engines and equipment; and
- (c) “construction” means any stable or mobile construction , except for a ship.

*Absence
from the
ship.*

5 . A seafarer who is absent from the ship without reasonable cause –

- (a) during the period for which he is designated to watchkeeping; or
- (b) at the time when he is bound to perform his service which relates to the protection or safety of the ship , the persons on board or her cargo,

commits an offence and in case of conviction , shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds (£500)⁷ or to both such sentences.

*Desertion
of a ship
in peril.*

6.- (1) A seafarer who, without the consent of the master, deserts a ship which is in peril, commits an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three thousand pounds (£3.000)⁸ or to both such sentences.

(2) The aforementioned desertion of the ship by a radio officer or an officer who has been appointed to be in charge of the Global Maritime Distress and Safety System (GMDSS), shall constitute an offence punishable with imprisonment for a term not exceeding two years or

⁷ Consolidation Note: The present amount of the fine is now construed as **854 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)*.

⁸ Consolidation Note: The present amount of the fine is now construed as **5.125 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)*.

with a fine not exceeding five thousand pounds (£5.000)⁹ or to both such sentences.

Disobedience.

7.- (1) A seafarer who does not obey to a command of the master or of the competent officer concerning the performance of work, commits an offence and shall be liable to a fine not exceeding five hundred pounds (£500).¹⁰

(2) The aforementioned disobedience to a command, concerning the salvage of a ship or of a human being in distress, shall constitute an offence punishable with imprisonment for a term not exceeding six months or a fine not exceeding five hundred pounds (£500)¹¹ or to both such sentences.

Insult or threat against a superior.

8. A seafarer who insults or threatens his superior, commits an offence and shall be liable to a fine not exceeding five hundred pounds (£500).¹²

Assault against a superior.

9. A seafarer who uses violence on board or off the ship against the master or his superior officer, commits an offence and shall be liable to imprisonment not exceeding one year or with a fine not exceeding three thousand pounds (£3.000)¹³ or to both such sentences.

Marine pollution.

10. A master or a seafarer who either causes or neglects to take measures to avoid the pollution of the sea, commits an offence and is liable to imprisonment not exceeding two years or to a fine not

⁹ Consolidation Note: 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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¹³ Consolidation Note: The present amount of the fine is now construed as **5.125 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)*.

exceeding five thousand pounds (£5.000)¹⁴ or to both such sentences.

Abuse of power.

11. The master or any seafarer who by abuse of power pertaining to his duties, acts, orders, allows or continues the commission of an arbitrary act which infringes the rights of another person on board the ship, commits an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand pounds (£2.000)¹⁵ or to both such sentences, unless such act is regarded as necessary for the voyage, the safety of the ship or the protection of the life of persons on board.

Omission of the master in command of the ship.

12. A master, who without serious cause-

- (a) does not command himself the ship during her entering, sailing and departing from ports, bays, waterways, canals, straits and rivers, as well as in every other case of a particularly difficult voyage, or
- (b) abandons the ship before the lapse of a reasonable time for his replacement,

commits an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three thousand pounds (£3.000)¹⁶, or to both such sentences.

Disobedience of master or seafarer.

13. – (1) A master who disobeys to a lawful order of the Competent Authority of the Republic, commits an offence and is liable to a fine not exceeding five thousand pounds (£5.000).¹⁷

(2) The offence under subsection (1), is committed by the master or the seafarer who while abroad refuses to carry out a lawful order of the Consular Authority of the Republic which has its seat there.

¹⁴ Consolidation Note: 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)*.

¹⁵ Consolidation Note: 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)*.

¹⁶ Consolidation Note: The present amount of the fine is now construed as **5.125 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)*.

¹⁷ Consolidation Note: 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)*.

*Breaches
of the master
in time
of danger.*

14.- (1) A master who, during the voyage and in time of danger, orders the abandonment of the ship without the previous opinion of the officers or in their absence, of the more experienced seafarers, commits an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds (£5.000)¹⁸ or to both such sentences.

(2) A master who without reasonable cause is not the last to abandon a ship in danger, commits an offence and shall be liable to imprisonment not exceeding two years or to a fine not exceeding five thousand pounds (£5.000)¹⁹ or to both such sentences.

(3) A master who, in time of danger or abandonment of the ship neglects the rescue of the persons on board, the ship's documents and the most valuable articles on board the ship, commits an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds (£5.000)²⁰ or to both such sentences.

*Unlawful
deviation.*

15.- (1) A master who, with intention of illicit gain, for himself or any other person, or with intention to cause damage to others, deviates the ship from her course, commits an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three thousand pounds (£3.000)²¹, or to both sentences.

(2) Where the aforementioned deviation endangers the safety of the ship and of the persons on board or where the deviation takes place to a passenger ship, the offence under subsection (1) shall be punishable to imprisonment for a term not exceeding two years or with a fine not exceeding five thousand pounds (£5.000)²² or to both such sentences.

¹⁸ Consolidation Note: 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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²² Consolidation Note: 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)*.

*Omission
of
watchkeeping.*

16.- (1) The master or the chief engineer who omits the watchkeeping on the ship, commits an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand pounds (£2.000)²³ or to both such sentences.

(2) Where the aforementioned omission entails the loss of life or personal injury or damage to the cargo or to the property of third parties, the offence under subsection (1) shall be punishable to imprisonment for a term not exceeding two years or with a fine not exceeding five hundred pounds (£5.000)²⁴ or to both such sentences.

*Abandonment
of sick
persons
abroad.*

17. A master –

- (a) who abandons in a foreign country a sick or injured crew member without providing him with the means of treatment or repatriation; or
- (b) who abandons in a foreign country a sick or injured passenger, not at the place of his destination, without notifying the Consular Authority of the Republic or in its absence, the competent local authority, for this fact, commits an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three thousand pounds (£3.000)²⁵ or to both such sentences.

Absconding.

18. A master or a seafarer who assists or attempts to assist a person, against whom a criminal prosecution has been instituted, or whose exit from the Republic has been prohibited for any reason, to board the ship and abscond abroad, commits an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds (£5.000)²⁶ or to both such sentences.

²³ Consolidation Note: 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)*.

²⁴ Consolidation Note: 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)*.

²⁵ Consolidation Note: The present amount of the fine is now construed as **5.125 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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Drunkenness.

19. A master or a seafarer, who in the course of his duty is in a drunken condition, commits an offence and shall be liable to a fine not exceeding five hundred pounds (£500).²⁷

*Contravention
of duty obligations
of the master.*

20. The master commits an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand pounds (£2.000)²⁸ or to both such sentences in case where he –

- (a) Fails to deliver to the Competent Authority or Consular Authority of the Republic the SISR Book and the certificates of competency which were abandoned on the ship by the seafarers who were unlawfully absent from the ship; or
- (b) fails to hold an investigation in respect of an offence committed on board the ship, to ensure that the person considered as liable for the offence is transferred to and the dossier of the investigation is handed over to the Competent or Consular Authority of the Republic; or
- (c) fails to prepare documents, the preparation of which is mandatory under the Laws in force in the Republic; or
- (d) does not bring on the ship the maritime documents and books required under the Laws in force in the Republic; or
- (e) takes on board an excessive number of passengers or allows overloading of the ship or bad stowage or erases or alters the load lines of the ship or does not enter a passenger in the proper list; or
- (f) fails to enter in the Logbook a maritime casualty or other important incident or fails to keep regularly and properly the maritime documents of the ship; or
- (g) orders the departure of the ship before the scheduled time of departure and consequently abandons on shore a seafarer or passenger; or
- (h) submits to the Competent or Consular Authority of the Republic, a false account as to the remuneration which is owed and due to an absent seafarer; or

²⁷ Consolidation Note: The present amount of the fine is now construed as **854 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)*.

²⁸ Consolidation Note: 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)*.

- (i) delays the issuing of a ticket for the repatriation of a seafarer; or
- (j) does not keep the provisions in force in accordance with the law regulating matters relating to the marking of the ship or erases or alters , covers up or conceals the same; or
- (k) makes a voyage without having previously ascertained whether the ship is capable of safe sailing or whether she is equipped with the necessary life – saving apparatus, instruments and appliances; or
- (l) fails to take proper measures for safeguarding the health of the persons on board or for providing the appropriate medical treatment; or
- (m) fails, without reasonable cause , to carry out exercises-drills for the safety of the ship or for the avoidance of pollution, as provided in the relevant Regulations which are in force from time to time.

Employment of seafarers without the appropriate certificates.

21.- (1) A master who employs a person who is not a holder of the relevant certificate of competency or a certificate or a document certifying his special training as requested for the specific position or a dispensation, commits an offence and shall be liable to a fine not exceeding five thousand pounds (£5.000).²⁹

(2) The same offence is committed by a master who permits the execution of a specific job, which requires someone who holds a relevant certificate of competency or a certificate or a certified document of special training or a dispensation, by a person who does not hold the relevant certificate of competency, or a certificate or a certified document of special training or a dispensation.

Employment with fraudulent means.

22. – (1) A person who attempts or succeeds employment by use of fraudulent means or with forged certificates, where a relevant certificate of competency or a certified document of a special training or a dispensation is required, commits an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds (£5.000)³⁰ or to both such sentences.

²⁹ Consolidation Note: 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)*.

³⁰ Consolidation Note: 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)*.

(2) The same offence is committed by any person who attempts or succeeds to be employed with forged medical examination certificate, as this is defined by *the Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law of 2000*.

Cooperation of Competent Authority with States in order to initiate proceedings.

3 of 163(I)/2004.

22A. – Where any company or person who is believed on clear grounds to have been responsible or to have knowledge of any apparent non – compliance with sections 21 or 22, the Competent Authority shall cooperate with any Member State or Contracting Party to the STCW Convention, which is advised of the intention of the Republic to initiate court proceedings under its jurisdiction.

PART III -MARITIME DISCIPLINARY OFFENCES

Definition of seafarer.

23. In the following provisions of the present Law, unless otherwise especially is defined, the term “seafarer” includes the master as well.

Maritime disciplinary offences.

24.- (1) The following shall constitute a maritime disciplinary offence punishable as provided for in this Part:

- (a) the commitment of a criminal offence as provided in the present Law, the smuggling , the casting away of the ship or at the end the commitment of any other criminal offence involving dishonesty or moral turpitude; and
- (b) any contravention of the service duties of a seafarer.

(2) Where proceedings against a seafarer have been taken place for a criminal offence and such seafarer has not been found guilty thereof, no disciplinary proceedings can be taken against him on the same charge.

Proceedings can be taken against him for a disciplinary offence arising out of his conduct which, though connected with the criminal case, yet does not raise the same issue as that of the charge in the criminal proceedings.

Disciplinary sentences.

25.- The maritime disciplinary offences shall be punishable with the following disciplinary sentences:

- (a) warning ;
- (b) reprimand;
- (c) fine. The fine is determined up to one fifth of the recorded in the ships articles monthly salary, or where a second disciplinary offence is committed, within a period of two months , up to one third of the monthly salary; and
- (d) deprivation of the right to exercise the seafarer’s profession , temporarily or permanently, as provided in the following provisions of this Part.

Temporary deprivation of the right to exercise the

26. A temporary deprivation of the right to exercise a seafarers profession may be imposed at the following cases:

*seafarers
profession.*

- (a) in case of an especially serious maritime disciplinary offence ;
- (b) following a final court conviction, in respect of a criminal offence provided for in this Law or in respect of smuggling; and
- (c) in the cases of the following section, where it is determined that there are no grounds for imposing a sentence of permanent deprivation of the right to exercise a seafarers profession.

*Permanent
deprivation
of the
right to
exercise a
seafarers
profession.*

27. A permanent deprivation of the right to exercise a seafarers profession may be imposed at the following cases:

- (a) in case of a marine casualty due to fraud or in case of marine casualty due to serious negligence, provided that, as a consequence of the casualty, a total loss of the ship, actual or constructive, death or serious personal injury has occurred;
- (b) for acts or omissions which constitute a great danger to the safety of the ship, to life or to property in the sea or for the marine environment; and
- (c) following a final court conviction with a penalty of imprisonment for a term exceeding one year, in respect of a contravention of the provisions concerning possessing or dealing in drugs or in respect of a criminal offence involving dishonesty or moral turpitude.

*Suspension of
validity or
cancellation of
certificates.*

28. The imposition of the disciplinary sentence of a temporary or a permanent deprivation of the right to exercise a seafarers profession, shall be entered in the Seafarers Register and shall entail, according to the case, of temporary or permanent deprivation, the withdrawal of the Book (SISR) and of the certificate or maritime competency of the convicted seafarer, as well as the suspension of the validity or the cancellation of the certificate of competency or the endorsement of this certificate, according to the provisions set out in Part VI of the present Law.

*Commutation
of the sentence
of temporary
deprivation.*

29. The disciplinary sentence of temporary deprivation of the right to exercise a seafarers profession, may be converted, in the judgment of the Merchant Shipping Disciplinary Board, to a fine up to one eighth of the monthly salary recorded in the ships articles, for each month of deprivation. The person convicted has the right to choose of the way of serving time of the whole or part of his sentence.

*Limitation period
for disciplinary
offences.*

30. Maritime disciplinary offences are time - bared as follows:

- (a) those under the competence of the master, six months after their commitment;
- (b) those under the competence of the Competent or Consular

Authority of the Republic, one year after their commitment;
and

- (c) those under the competence of the Merchant Shipping Disciplinary Board, two years after their commitment or after the issue of the final court decision in consequence of which the further disciplinary prosecution is taking place.

Disciplinary Bodies.

31.- (1) The disciplinary bodies competent to exercise the disciplinary power over seafarers and to impose disciplinary sentences in accordance with the following provisions of the present Law shall be :

- (a) The master;
- (b) The Competent or Consular Authority of the Republic;
- (c) The Merchant Shipping Disciplinary Board.

(2) The competent disciplinary bodies shall examine the disciplinary offences either ex officio or if an offence is reported to them.

Imposition of disciplinary sentences.

32.- (1) The sentences of warning , reprimand and fine may be imposed on the seafarers by the master.

(2) The sentences of warning, reprimand and fine may be imposed on the master by the Competent or Consular Authority of the Republic.

(3) The sentences of deprivation of the right to exercise the seafarers profession, temporarily or permanently, shall be imposed on the seafarers by the Merchant Shipping Disciplinary Board.

Disciplinary prosecution.

33. The disciplinary prosecution may be conducted by the Bodies which are competent to conduct such prosecution under section 31 of the present Law, which shall inform the seafarer concerned of the case against him and of the statements of the witnesses.

Recourse against disciplinary decisions .

34.- (1) Against the decisions of the master to impose the sentence of a fine, a recourse may be made before the Competent or Consular Authority of the Republic at the ship's first port of call.

(2) Against the decisions of the Competent or Consular Authority of the Republic to impose the sentence of a fine, a recourse may be made before the Merchant Shipping Disciplinary Board.

(3) The decisions of the Merchant Shipping Disciplinary Board shall be subject to a recourse before the Supreme Court.

(4) The disciplinary body which examines a recourse against a decision of another disciplinary body, shall not be allowed to increase the disciplinary sentence imposed.

*Writ
of summons.*

35.- (1) The seafarer against whom a disciplinary prosecution is carried out, is called to summon within a reasonable, under the circumstances time.

(2) The writ of summons before the Merchant Shipping Disciplinary Board is regulated by section 45 of the present Law.

(3) The plea may be submitted by post or may be deposited by the lawyer of the accused seafarer.

*Decisions
of disciplinary
Bodies.*

36.-(1) The bodies which exercise disciplinary power, shall issue a written reasoned decision.

(2) Exceptionally, the decisions of the master or of the Competent or Consular Authority of the Republic, by means of which a disciplinary sentence is imposed, shall be registered in the ship's articles and shall be announced to the convicted seafarer, who is called to sign the relevant statement.

Fine.

37. The fine which is imposed on a seafarer by virtue of the provisions of this Part, shall be deposited the soonest possible under the circumstances and shall be payable to the Republic.

PART IV - MERCHANT SHIPPING DISCIPLINARY BOARD – ESTABLISHMENT AND COMPOSITION

*Establishment
of the
Disciplinary
Board.*

38. The Merchant Shipping Disciplinary Board, is established with the decision of the Minister which is published in the Official Gazette of the Republic.

*Composition
of the
Disciplinary
Board.*

39.- (1) The Merchant Shipping Disciplinary Board consists of five members and is consisted by the following:

- (a) a lawyer-jurist of the highest professional and moral standard, nominated by the Council of Ministers, following the recommendation of the Attorney General of the Republic;
- (b) a marine surveyor of the Department of Merchant Shipping nominated by the Minister;
- (c) an experienced and trained in shipping person, nominated by the Minister;
- (d) a merchant shipping master, nominated by the Minister, upon a proposal of the Master Mariners Association;
- (e) a representative from the union to which the accused seafarer is a member, nominated by the Minister, upon a proposal of the registered unions.

(2) The lawyer-jurist appointed by the Council of Ministers shall act as Chairman of the Merchant Shipping Disciplinary Board and in case of his impediment, his substitute (deputy).

Deputy members of the Disciplinary Board.

40.- (1) The appointment of deputy members of the Merchant Shipping Disciplinary Board is permitted, for replacement of the regular members, in case where a regular member is unable to perform his duties due to illness or absence or exclusion or for any other reasonable cause.

(2) The appointment of the deputy members shall take place in a similar manner to the appointment of the regular members. The deputy members should have the same qualifications as the regular members they are replacing.

Term of office.

41.- (1) The term of office of the members of the Merchant Shipping Disciplinary Board is three years and is renewable.

(2) In case where the place of a member of the Merchant Shipping Disciplinary Board is vacant before the expiration of the term of office, due to death, resignation or any other reason, another member shall be appointed for the remaining of the time of office of the outgoing member, in a similar manner to the appointment of the outgoing member.

Declaration of impediment and exclusion of members .

42.- (1) Any member of the Merchant Shipping Disciplinary Board , who has an interest in a case under examination, should communicate such impediment before the commencement of the procedure and request to be exempted.

(2) The exclusion of a member of the Merchant Shipping Disciplinary Board, may be requested by a written application, before the beginning of the procedure, by the person facing a disciplinary charge. On his application, the reasons which justify the exception should be mentioned as well as the evidence which establish his assertions.

(3) The reasons of exemption of a member of the Merchant Shipping Disciplinary Board are similar to those foreseen in criminal procedures.

PART V - PROCEDURE BEFORE THE MERCHANT SHIPPING DISCIPLINARY BOARD

Examination of charges.

43. The Merchant Shipping Disciplinary Board may, in examining a charge against a master or a seafarer ;

- (a) summon in writing the accused to appear before it for defense or
- (b) appoint an officer of the Department of Merchant Shipping,³¹ as an investigating officer , to investigate the accusation.

³¹ Consolidation Note: As of 1st March 2018 by the effect of the provisions of section 4(2)(d) of the *Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping*

Powers of the investigating officer.

44.- (1) The investigating officer should carry out the investigation the soonest possible.

(2) During the investigation, the investigating officer has the power to call and hear the witness and to obtain written testimony from any person who may has knowledge of any of the facts of the case. These persons must provide the information they have and sign the relevant testimony, after this has been read to them.

(3) When concluding the investigation, the investigation officer shall conduct his conclusion and shall report it to the Merchant Shipping Disciplinary Board. Together with his conclusion, will submit all documents relevant to the case.

(4) Upon receiving of the conclusion, the Merchant Shipping Disciplinary Board, has the power to summon the person against whom the accusation is addressed, to plea.

Writ of summons.

45. The writ of summon shall be made in writing and shall set out the date, time and place where the accused is called to appear, it shall mention briefly the accusation and the facts on which it is based.

Hearing of the case.

46.- (1) Two members of the Merchant Shipping Disciplinary Board, together with the member appointed in pursuance to section 38(2) acting as Chairman, shall constitute a quorum.

(2) During the hearing of the case, the session shall be chaired by the Chairman of the Merchant Shipping Disciplinary Board, who will sign the minutes of the procedure as well as the decision of this Board.

(3) If the accused appears on the fixed for the hearing date, the hearing of the case shall proceed as nearly as may be, in the same manner of a criminal case in a summary trial.

(4) If the accused will not appear on the fixed for hearing date, on proof of service of the summons on him, the hearing of the case shall proceed in his absence, in the procedure applied on criminal cases, where the presence of the accused is not necessary.

(5) During the hearing of the case, the Merchant Shipping Disciplinary Board, has the following powers:

- (a) to summon witnesses and require their attendance;
- (b) to demand production of any relevant document;
- (c) to accept written or oral testimonies, whether or not they are

Deputy Minister to the President and for Matters Connected Therewith Law of 2017 (Law 123(I)/2017) this reference to the “ Department of Merchant Shipping ” is now construed as a reference to the “ Shipping Deputy Ministry to the President”.

- accepted at civil or criminal proceedings;
- (d) to postpone the hearing as the case might be, provided the hearing shall be conducted the soonest possible.

(6) The prosecution shall be conducted by the officer of the Department of Merchant Shipping, who had exercised the duties of investigating officer or by a lawyer nominated for this purpose by the Disciplinary Board.

(7) During the hearing, minutes of the procedure are kept, which are signed by the chairman and the members of the Board.

(8) The Disciplinary Board, may either acquit the accused or find him guilty of one or more of the offences charged and impose on him after hearing, any disciplinary punishment, a permanent or temporary deprivation of the right to exercise a seafarers profession, justifiable by the circumstances.

*Decision taking
procedures.*

47.- (1) The decisions of the Merchant Shipping Disciplinary Board shall be duly reasoned and shall be taken by a majority vote of the members that are present, in case of equality the Chairman shall have a casting vote.

(2) In case of imposition of the sentence of temporary deprivation of the right to exercise the seafarers profession, the decision in respect of the period of deprivation, shall be taken in the same manner as provided in the previous subsection. In cases where there are more than two proposals regarding the period of deprivation, such period shall be fixed taking into account all proposals.

(3) The decision shall be announced by the Chairman in the presence of the other members of the Merchant Shipping Disciplinary Board.

*Secretariat
of the
Disciplinary
Board.*

48.- (1) Secretary of the Merchant Shipping Disciplinary Board shall be an officer of the Department of Merchant Shipping³², nominated for this purpose by the Minister, by his decision on the formation of the Merchant Shipping Disciplinary Board.

(2) The secretary shall be responsible for keeping the minutes of the meetings of the Disciplinary Board and for dealing with the cases referred to the Board, in accordance with the instructions of the Chairman of the Board.

³² Consolidation Note: As of 1st March 2018 by the effect of the provisions of section 4(2)(d) 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 "Department of Merchant Shipping" is now construed as a reference to the "Shipping Deputy Ministry to the President".

Advocate.

49. During the disciplinary procedure before the Merchant Shipping Disciplinary Board, the accused may be represented by an advocate of his choice.

Criminal offence.

50. Any person summoned before the Merchant Shipping Disciplinary Board, during the hearing of a disciplinary case, and fails to attend or refuses to reply to any questions lawfully put to him or to produce a lawfully required document or any other sufficient evidence, shall be guilty of an offence and shall be liable to a fine not exceeding three hundred pounds (£300).³³

PART VI - TEMPORARY OR PERMANENT DEPRIVATION OF THE SISR BOOK – SUSPENSION OF VALIDITY, CANCELLATION OF CERTIFICATE OF MARITIME COMPETENCY

Temporary deprivation of SISR Book, suspension of certificate.

51.- (1) In case where the Merchant Shipping Disciplinary Board, imposes on a seafarer the sentence of temporary deprivation of the right to exercise his profession, the accused seafarer must deposit, immediately after the imposition of the sentence, to the Disciplinary Board or the Competent or Consular Authority of the Republic :

- (a) the Seafarer's Identification and Sea Service Record Book (SISR Book), in his possession ; and
- (b) the certificate of competency or the endorsed document in his possession, in case of a holder of the certificate of maritime competency that was issued by a third country and was recognized and endorsed by virtue of the provisions of PART VIII of the *Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000*.

(2) The validity of the above mentioned documents is suspended, for the time period of the deprivation imposed.

(3) The Competent or Consular Authority of the Republic shall return to the seafarer, following his application, his SISR Book and the certificate of competency or as the case might be, the endorsed document, as soon as the deprivation period is over.

Permanent deprivation of the SISR Book, annulment of the certificate.

52.- (1) In case where the Merchant Shipping Disciplinary Board imposes on a seafarer the sentence of permanent deprivation of the right to exercise his profession, the accused seafarer should deposit, immediately after the imposition of the sentence, to the Disciplinary Board or the Competent or Consular Authority of the Republic :

- (a) the Seafarer's Identification and Sea Service Record Book (SISR Book), in his possession ; and

³³ Consolidation Note: The present amount of the fine is now construed as **512 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)*.

- (b) the certificate of competency or the certified document in his possession, according to the case, as provided in subsections (3) and (4) of this section.

(2) The SISR Book of the convicted seafarer shall be cancelled and his name shall be deleted from the Seafarers Register.

(3) The certificate of competency of the convicted seafarer, if was issued and endorsed by the Competent Authority by virtue of the provisions of PART VI of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000*, shall be returned and cancelled .

(4) The certificate of competency of the convicted seafarer, if was recognized and endorsed by virtue of the provisions of PART VIII of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000* shall not be cancelled, but shall be returned and the endorsement of the certificate made on a separate document, shall be cancelled.

Criminal offence.

53. A seafarer, who fails to deposit the SISR Book or the certificate of competency or an endorsed document in accordance the provisions of sections 51 or 52 of the present Law, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand pounds (£5.000).³⁴

Information of the country which issued the certificate.

54. In case where the convicted seafarer is a holder of a certificate of competency, issued by another country and was endorsed by virtue of the provisions of PART VIII of *the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000*, the decision of the Merchant Shipping Disciplinary Board relating to the imposition of the sentence of the temporary or permanent deprivation of the right to exercise the seafarers profession and the suspension of the validity or the cancellation of the endorsement of the certificate, shall be notified by the Competent Authority to the competent or diplomatic or consular authority of the country which issued the competency certificate of the convicted seafarer, for information purposes.

PART VII – FINAL PROVISIONS

Making of Regulations.

55.- (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 regulation.

(2) The Regulations issued by virtue of the provisions of the present Law, shall be deposited at the House of Representatives, who has the power to approve or reject them within sixty days from the date of

³⁴ Consolidation Note: 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)*.

their deposit. If the House of Representatives approves the Regulations or the time limit or sixty days elapses, the Regulations shall be published in the Official Gazette of the Republic and shall enter into force as from the date of their publication.

*Repeal
of provisions.*

56. With the present Law the sections 75, 76 and 79 to 81 of *the Merchant Shipping (Masters and Seamen) Laws of 1963 to 1997*, are repealed.

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