

**THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978
(RATIFICATION) AND FOR MATTERS CONNECTED THEREWITH LAWS OF
1985 AND 1998¹**

LAW NO. 8 OF 1985 AS AMENDED

A LAW TO PROVIDE FOR THE RATIFICATION OF THE INTERNATIONAL CONVENTION ON
STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978
AND THE AMENDMENTS THERETO OF 1995 AND TO PROVIDE FOR MATTERS CONNECTED
WITH THE APPLICATION THEREOF

(1st February, 1985)

The House of Representatives enacts as follows:

Short title.
8 of 1985
1(III) of 1998.

1. This Law shall be cited as the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and 1995 (Ratification) and for Matters Connected Therewith Laws of 1985 and 1998.

Interpretation.

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

¹ Consolidation Note: Includes the latest amendments introduced by Law 1(III)/1998. 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 Department of Merchant Shipping and does not intend to replace any translation prepared by the Law Commissioner’s Office.

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

It is recalled that substantial provisions as to the implementation of the STCW Convention as amended, are also currently provided under the following national legislation : *The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Laws of 2000 to 2005 (Law 105(I)/2000 as amended by Laws 162(I)/2004 and 64(I)/2005);*

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 by Law 163(I)/2004);

The Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law of 2000 (Law 107(I)/2000);

The Merchant Shipping (Registration of Seafarers and Seafarers’ Register) Law of 2000 (Law 108(I)/2000);

The Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Laws of 2000 to 2005 (Law 109(I)/2000 as amended by Laws 168(I)/2004 and 56(I)/2005).

These national instruments, constitute also harmonising legislation with *Community Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers (OJ L 136 of 18.5.2001, p. 17), as lastly amended by Directive 2005/23/EC of 8 March 2005 (OJ L062 , 09.03.2005 p.14).*

- 2(a) of I(III)/98. “Annex” means the Annex to the Convention, as amended by Resolution 1;
- 2(a) of I(III)/98. “Code” means the Code on Standards of Training, Certification and Watchkeeping for Seafarers, adopted by the Conference with Resolution 2 consisting of two Parts, Part A containing mandatory standards supplementing the provisions of the Annex and Part B containing recommended guidance, aiming at a uniform interpretation and application of the mandatory provisions of the Annex;
- Schedule.
First Part
Second Part.* “Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers which was signed at London on the 7th July 1978 with the attached Annex thereto, the text of which in the English original is set out in the First Part of the Schedule and in the Greek translation in the Second Part of the Schedule²;
- Provided that in case of conflict between the two texts, the text in the First Part of the Schedule shall prevail;
- 2(a) of I(III)/98. “Final Act” means the Final Act of the Conference of the Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, signed at London on the 7th of July 1995;
- “Minister” means the Minister of Communications and Works;
- “Republic” means the Republic of Cyprus;
- 2(a) of I(III)/98. “Resolutions” means the following two Resolutions adopted on the 7th July 1995 at London by the Conference of the Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 and which, in accordance with the provisions of Article XII (1)(a)(IX) of the Convention shall enter into force on the 1st February 1997:
- (i) “Resolution 1”, attached to the Final Act as Attachment 1 and which adopts the amendments that replace in its totality the Annex attached to the Convention.
 - (ii) “Resolution 2” attached to the Final Act as Attachment 2 and

² Consolidation Note: The present consolidation does not include the *Schedule*, i.e. the full text of the Convention and the amending Resolutions, obtainable from the International Maritime Organization (IMO) publications.

which adopts the Code, only to the extent related to Part A of the Code.

2(b) of 1(III)/98.

(2) Expressions used in this Law and not otherwise defined, shall have the meaning assigned to them by the Convention and the Resolutions.

*Ratification of
Convention and
Resolutions.
3 of 1(III)/98.*

3. —(1) The Convention, the accession to which by the Republic of Cyprus, in accordance with Article XIII (1)(c) of the Convention was decided by virtue of the Council of Ministers Decision No. 24.973 dated 20th September 1984 and the Resolutions are hereby ratified.

*Schedule.
Part I
Part II.*

(2) The texts of the Resolutions are set out in the English original in Part I of the Schedule and in translation in Greek in Part II of the Schedule ³.

Provided that in case of conflict between the English original text and the text translated in Greek, the English original shall prevail.

*Scope of
application.
4 of 1(III)/98.*

4. The application of this Law, shall be extended to ships covered by the provisions of the Convention, the Resolutions and the Regulations made there under, in the case of Cyprus ships wherever these are, and in the case of foreign ships, if they are within the territorial waters of the Republic, irrespective of whether the countries whose flag they fly are parties to the Convention and Resolutions or not.

*Competent
Authority.
5 of 1(III)/98.*

5. Competent Authority for the general application of the provisions of this Law, the Convention, the Resolutions and the Regulations made there under and particularly for the granting of exemptions in accordance with the provisions of Article VIII of the Convention, for the confirmation of contraventions and the imposition of sanctions in accordance with section 9, shall be the Minister and the persons specially authorized by him for each case.

Equivalentents.

6. The retention or adoption of equivalentents as provided by Article IX (1) of the Convention shall be allowed by decision of the Minister published in the Official Gazette of the Republic.

*Prohibition
of sailing.*

7. —(1) If during the exercise of control in accordance with Article X of the Convention the existence of any deficiency or irregularity, of those set out in paragraph (3) of Regulation I/4 of the Annex to the Convention, is ascertained, the Competent Authority shall confirm the particular deficiency or irregularity, make a relevant report and prohibit the sailing of the ship until the ascertained deficiencies and

³ Consolidation Note: see Consolidation Note 2.

irregularities have been rectified and the ship is considered as safe to sail.

(2) The expenses that derive from the inspection of the ship for ascertaining the rectification of the aforementioned deficiencies or irregularities burdens the ship and are paid before the lifting of the prohibition of sailing.

Offences.

8. —(1) The master who attempts to sail a ship in contravention of a prohibition of sailing imposed under the provisions of the preceding section, commits an offence punishable upon conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding five thousand pounds (£5.000) , or to both such sentences. The same offence is committed by the shipowner, the operator or the agent of the ship or any other person who knowingly aids and/or assists in the sailing.

(2) Notwithstanding the provisions of any other Law, any fine imposed under this section constitutes a charge on the ship in connection with which the offence has been committed.

*Duty of
shipowner or
operator.
7 of 1(III)/98.*

9. The shipowner or operator of the ship shall have the duty to comply with the provisions of Regulation I/14 of the Annex, any contravention of which is punishable in accordance with section 10 of this Law.

*Contraventions
and sanctions.
7 of 1(III)/98.*

10. —(1) Contravention of the provisions of this Law, of the Convention, of the Resolutions and of the Regulations made there under, shall be punishable, notwithstanding whether a case of criminal or disciplinary liability arises under any other legal provision, with an administrative fine of one hundred (£100) up to five thousand (£5.000) pounds depending on the seriousness of the confirmed contravention.

(2) The administrative fine is imposed on the shipowner or the operator of the ship or the master by a reasoned decision of the Competent Authority confirming the contravention. The amount of the administrative fine imposed shall be calculated in each case on the basis of indicative directions issued by the Minister, where the basic contraventions with the corresponding administrative fines shall be included, without thereby limiting, within the scope of the directions, the discretionary power of the Competent Authority, which confirms the particular contravention, to decide freely on the basis of the actual facts of each case.

(3) The Competent Authority shall notify the master of its decision imposing the administrative fine and it shall not allow the lifting of a prohibition of sailing imposed under section 7, until the administrative

fine has been paid, or a bank guarantee issued by a recognized bank of equal amount for the benefit of and with terms satisfying the Competent Authority has been deposited.

(4) Exceptionally, in the case of ships calling regularly at Cyprus ports, the lifting of the prohibition of sailing may be allowed without the previous payment of the administrative fine imposed or the deposit of a bank guarantee as provided above, with the approval of the Minister, for only one single voyage, if imperative communication or other exceptional reasons justify this and the prompt production of a bank guarantee under the circumstances is practically impossible.

(5) A recourse (hierarchical recourse) may be filed with the Minister against a decision imposing an administrative fine. The recourse with the Minister shall be filed within thirty days from the date of notification of the decision, in the case of a contravention confirmed in a port of the Republic, or within sixty days, in the case of a contravention confirmed in a foreign port.

(6) The recourse according to subsection (5) shall not suspend the execution of the decision.

(7) The amount of the administrative fine or the bank guarantee shall fall and rests definitely to the Republic, if no recourse to the Supreme Court is filed after the lapse of seventy-five days, either from the date of the notification of the decision imposing the administrative fine, or in case where according to subsection (5) a recourse is filed with the Minister, from the date of the notification of the Minister's dismissing decision.

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Court
proceedings
to collect
fine
under
section 10.
7 of 1(III)/98.*

11. In case of failure to pay the administrative fine imposed under section 10, the Competent Authority shall institute court proceedings and collect the amount due as a civil debt owed to the Republic.

*Fine and
expenses
a
charge on
the ship.
7 of 1(III)/98.*

12. The fine imposed under sections 8 or section 10, as well as the expenses that derive from the inspection of the ship as per section 7(2), constitute a charge on the ship in connection with which the offence has been committed, or as the case may be, the contravention was ascertained, which is satisfied in priority against any other creditors, subject to its ranking after the last mortgage.

13. —(1) The Council of Ministers has power to make Regulations to regulate any matter, which, under the provisions of this Law, the Convention or the Resolutions is required to be or may be prescribed⁴.

(2) In particular and without prejudice to the generality of the power of the Council of Ministers to make Regulations under subsection (1), the Regulations made under this Law may provide for the following matters:

(a) For prescribing the near-coastal voyage for the purposes of Regulation I/3 of the Annex;

(b) for the requirements, conditions and the procedure of conducting an independent and impartial investigation in respect any reported incompetency, act or omission of holders of certificates of maritime competency issued by the Republic, in connection with the performance of their duties, which poses a direct threat to safety of life or property at sea or the marine environment, and for the requirements for imposing penalties against the persons responsible and for the withdrawal, suspension or cancellation of the certificates in accordance with the provisions of paragraphs 1 to 3 of Regulation I/5 of the Annex;

(c) for the training and assessment of the competence of the seafarers, and for the qualifications and necessary experience of the instructors and the persons who evaluate the seafarers, in accordance with the provisions of Regulations I/6 and I/8 of the Annex and of the corresponding provisions A-I/6 and A-I/8 of the Code;

(d) for the standards of medical fitness of the seafarers in accordance with the provisions of paragraphs 1 to 3 of Regulation I/9 of the Annex;

(e) for the keeping of one or more Registers for the entry of the issuing, expiration of the validity, revalidation, suspension, cancellation or loss or destruction of certificates of maritime competency and for the endorsement of such certificates of masters and

⁴ Consolidation Note: see Consolidation Note 1.

officers, and, as appropriate of ratings, issued or recognized by the Republic and for the granting of dispensations in accordance with the provisions of the Convention and for the notification of relevant information to other Parties to the Convention or to other interested persons, in accordance with the provisions of paragraph 4 of Regulation I/9 of the Annex;

(f) for the procedure and necessary measures for the recognition of certificates of maritime competency issued by another State Party to the Convention, in accordance with the provisions of Regulation I/10 of the Annex and for the carrying out of investigation and imposition of sanctions against the holders of such certificates, under conditions corresponding to those prescribed in paragraph (b) of this subsection;

(g) for the procedure and the requirements for the revalidation of the certificates of maritime competency in accordance with the provisions of Regulation I/11 of the Annex;

(h) for the conduct of trials by ships in accordance with the provisions of Regulation I/13 of the Annex;

(i) for the requirements, conditions and procedure for the issue of certificates of competency to seafarers in accordance with the provisions of Regulations II/1 to II/4 and III/1 to III/4 of the Annex;

(j) for the requirements for special training and the required qualifications for seafarers who serve on certain types of ships in accordance with the provisions of Regulations V/1 and V/2 of the Annex;

(k) for the requirements, conditions and procedure for the issue of a certificate of competency in survival craft, fire fighting and provision of medical first aid in accordance with the provisions of Regulations VI/2, VI/3 and VI/4 of the Annex;

(l) for the issue of alternative certificates of competency in accordance with the provisions of Regulations VII/1 to VII/3 of the Annex;

(m) for the watchkeeping, in accordance with the provisions of Regulations VIII/1 and VIII/2 of the Annex and of the corresponding sections of the Code;

(n) for the syllabus and the method of conducting the examinations for each category of certificates for which the Convention and the Resolutions require the conduct of examinations, and also for the examination fees payable;

(o) for the training of operators to the Global Maritime Distress and Safety System (GMDSS);

(p) for the promotion of the technical knowledge, skills and professionalism of seafarers.

(3) The Regulations made under this section may prescribe a sentence of imprisonment not exceeding two years or a fine not exceeding five thousand pounds (£5.000) or both the said sentences for the offences provided in the Regulations.

(4) Regulations made under this Law shall be laid before the House of Representatives, which has power to approve or reject them within sixty days of their laying. If the House of Representatives approves the Regulations or the sixty-days period lapses without any action being taken, the Regulations shall be published in the Official Gazette of the Republic and shall come into force, unless otherwise provided therein, as from such publication.