

**THE MARITIME LABOUR CONVENTION 2006 (RATIFICATION)
AND FOR MATTERS CONNECTED THEREWITH LAW OF 2012 ¹**

Law 6(III)/2012

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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 this Law.**

Disclaimer : This translated document is intended for use as a documentation tool and the Department of Merchant Shipping of the Republic of Cyprus does not assume any liability for its content .

² **Editorial Note:** The present Classification of Sections is not forming part of the Law- Statute as enacted. It is added by the DMS to assist the reader.

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**THE MARITIME LABOUR CONVENTION 2006 (RATIFICATION)
AND FOR MATTERS CONNECTED THEREWITH LAW OF 2012**

DMS Version

Preamble.

For the purposes of harmonization with the European Community Act entitled Council Decision 2007/431/EC of the 7th of June 2007 authorizing the member states to ratify or accede, to the interest of the Community, the Maritime Labour Convention 2006,

The House of Representatives enacts as follows:

PART I – INTRODUCTORY PROVISIONS

Short title.

1. This Law shall be cited as The Maritime Labour Convention 2006 (Ratification) and for Matters Connected Therewith Law of 2012.

Interpretation.

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

“foreign ship” means any ship other than a Cyprus ship;

46(I)/2001
83(I)/2004.

“Recognized Organization “ has the meaning given to the term by the *Merchant Shipping (Recognition and Authorization of Organizations) Law*;

“Decision 2007/431/EC” means the act of the European Community entitled Council Decision 2007/431 of the 7th of June 2007 authorizing the Member States to ratify or accede, to the interest of the Community, the Maritime Labour Convention 2006;

“Competent Authority” means the Minister of Communications and Works and, in each case, the officers specially authorized by the Minister;

“Republic” means the Republic of Cyprus;

“Director” means the Director of the Department of Merchant Shipping and in any case the officers specially authorized by him;

“ Anniversary date” means the day and month of each year corresponding to the date of the expiry of the Maritime Labour Certificate;

“Cyprus ship” means a ship registered in the Cyprus Register of Ships flying the flag of the Republic, by virtue of the provisions of the *Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005*;

45 of 1963
32 of 1965
82 of 1968
62 of 1973
102 of 1973
42 of 1979
25 of 1980
14 of 1982
57 of 1986
64 of 1987
28(I) of 1995
37(I) of 1996
138(I) of 2003
169(I) of 2004
108(I) of 2005.

Provided that from the present definition are exempted :

- (i) ships of inland navigation,
- (ii) ships navigating in sheltered waters or in areas where port regulations apply,
- (iii) ships engaged in fishing or similar pursuits,
- (iv) wooden ships of traditional build, such as dhows and junks,
- (v) ships that belong to the Republic or to Cyprus legal entities of public law when these are not used for commercial purposes.

“seafarer” means any person who is employed in any capacity on board a ship to which this Law applies;

The following categories of persons ,among others, are exempted:

- (i) scientists, researchers, divers, specialist off-shore technicians etc. whose work is not part of the routine business of the ship
- (ii) harbour pilots, inspectors, surveyors, auditors, superintendents etc. who although trained and qualified in maritime skills and perform key specialist functions, their work is not part of the routine business of the ship
- (iii) guest entertainers, repair technicians, port workers whose work is occasional and short term with their principal place of employment being ashore
- (iv) non-marine personnel, employed under outsourced service agreements, the terms of which determine the conditions under which the service provider will supply the necessary personnel;

“shipowners’ organization” means an organization fully or mainly consisting of employers and the main goals of which include regulating the relations between employers and employees or employees’ organizations;

“seafarers’ organizations” means an organization fully or mainly consisting of employees and the main goals of which include regulating the relations between employees and employers or employers’ organizations;

“ship” means a Cyprus ship;

“shipowner” means the owner of the ship or another organization or person, such as the ship manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the ratification Laws of the Convention, regardless of whether any other organization or persons fulfill certain of the duties or obligations on account of the shipowner;

“Convention” means the Maritime Labour Convention (MLC) of the International Labour Organization (ILO) signed in Geneva on the 23rd of February 2006;

- (2) (a) The remaining terms that are found in this Law and that are not otherwise defined herein, shall have the same meaning attributed accordingly to them in the Convention.
- (b) In the event of doubt as to whether certain categories of persons are to be regarded as seafarers for the purposes of this Law and the Convention, the question shall be determined by the Competent Authority, after consultation with the shipowners and seafarers' organizations concerned with this question.

*Ratification
of the
Convention.*

3. The Convention, the text of which is set out in the English original in Part I of the Schedule and in translation in Greek in Part II of the Schedule, is hereby ratified³.

*Schedule
Part I
Part II.*

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

³ **Editorial Note:** The present translated text does not include the *Schedule*, i.e. the full text of the Convention obtainable from the International Labour Organization.

Competent Authority.

4. The Competent Authority for the application of the Convention's provisions, this Law and the Regulations issued by virtue of this Law is the Minister of Communications and Works and the officers especially authorized in each case by the Minister.

Scope of application.

5. The provisions of this Law and the Regulations issued thereunder apply to all Cyprus ships wherever these may be and to the seafarers working on board such ships, as well as to foreign ships calling at the ports of the Republic and to the seafarers working on board these ships.

Assigning duties to Recognized Organizations. 46(l)/2001 83(l)/2004.

6. The Competent Authority may assign duties to Recognized Organizations, related to the application of the Convention in accordance with the provisions of the *Merchant Shipping (Recognition and Authorization of Organizations) Laws*, as amended or replaced from time to time.

PART II – MARITIME LABOUR CERTIFICATE AND COMPLAINT HANDLING PROCEDURES

Maritime Labour Certificate.

7.– (1) Subject to the provisions of subsection (2) of this section, every ship flying the Cyprus flag must have and maintain a Maritime Labour Certificate, issued by the Competent Authority or a Recognized Organization duly authorized by the Competent Authority. The said Certificate certifies that the working and living conditions of seafarers on board the ship have been inspected and meet the requirements of this Law and the Regulations made thereunder .

(2) The obligation of subsection (1), applies for ships:

- (a) of 500 gross tonnage or over, engaged in international voyages and
- (b) of 500 gross tonnage or over, operating from a port or

between ports of another country.

- (3) Ships not falling within the categories of subsection (2) shall be inspected by the Competent Authority or by a Recognized Organization duly authorized by the Competent Authority, that shall also issue the relevant certificate of inspection, in an interval not exceeding three years, on the basis of the same requirements necessary for ships falling within the categories of subsection (2) .
- (4) Following a request on behalf of a shipowner, a Maritime Labour Certificate may also be issued for a ship not falling within the categories of subsection (2).
- (5) The list of particulars that shall be inspected, prior to the issue of the Maritime Labour Certificate and that must fulfill the provisions of this Law and the Regulations made thereunder, are included in Appendix A5-I of the Convention.
- (6) (a) The validity of the Maritime Labour Certificate shall be subject to the results of an intermediate inspection by the Competent Authority or the Recognized Organization, to ensure continuing compliance with the requirements of this Law and the scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the certificate.

(b) If the period of validity of the Maritime Labour Certificate is five years and only one intermediate inspection is carried out, it shall take place between the second and third anniversary dates of the Certificate.

(c) The Maritime Labour Certificate shall be endorsed following satisfactory intermediate inspection.
- (7) The Maritime Labour Certificate is drawn up in accordance with Appendix A5-II of the Convention .

*Validity
period
and renewal
of the
Maritime
Labour
Certificate.*

8.-(1) The Maritime Labour Certificate is issued for a period not exceeding five years.

(2) In case the renewal inspection is completed within three months prior to the expiry date of the existing Maritime Labour Certificate, the new Certificate shall be valid as from the date of completion of the renewal inspection for a period not exceeding five years, starting from the date of expiry of the existing Certificate.

(3) In case the renewal inspection is completed earlier than three months prior to the expiry date of the existing Maritime Labour Certificate, the new Certificate shall be valid for a period not exceeding five years, starting from the date of completion of the renewal inspection.

*Interim Maritime
Labour Certificate.*

9.- (1) An Interim Maritime Labour Certificate may be issued for a period not exceeding six months, provided the provisions of subsection (2) of this section are fulfilled, and only in case :

- (a) of a new ship upon her delivery, or
- (b) when a ship changes flag, or
- (c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

(2) The Interim Maritime Labour Certificate is issued only when:

- (a) the ship has been inspected for the particulars listed in Appendix A5-I of the Convention,
- (b) the shipowner has demonstrated to the Competent Authority or to the Recognized Organization that the ship has adequate procedures to comply with this

Law,

- (c) relevant information has been submitted to the Competent Authority for the issue of a Declaration of Maritime Labour Compliance.
- (3) Prior to the expiry of the Interim Maritime Labour Certificate, a full inspection must be carried out, in accordance with section 7(5) of this Law, to enable the issue of the Maritime Labour Certificate.
- (4) No second Interim Maritime Labour Certificate may be issued following the expiry of the six-month validity period of the first one.
- (5) A Declaration of Maritime Labour Compliance need not be issued according the provisions of section 10 of this Law, for the period of validity of the Interim Maritime Labour Certificate.
- (6) The Interim Maritime Labour Certificate is drawn up according to Appendix A5-II of the Convention .

*Declaration of
Maritime Labour
Compliance.*

10. (1) The Declaration of Maritime Labour Compliance shall be attached to the Maritime Labour Certificate and consists of the following two parts:

- (a) Part I shall be drawn up by the Competent Authority and shall contain the following information :
 - (i) the list of matters to be inspected in accordance with the provisions of section 7(5) of this Law,

- (ii) the national legislative provisions of the Republic embodying the relevant provisions of this Convention, by providing a reference to the relevant national legislative provisions, as well as, to the extent necessary, information on the main content of the national requirements,
 - (iii) the ship-type specific requirements under national legislation,
 - (iv) any substantial equivalencies adopted
 - (v) any exemptions granted by the Competent Authority according to the provisions of Part XIV of this Law, and
- (b) Part II shall be drawn up by the shipowner and shall identify the measures adopted to ensure ongoing compliance with the national requirements between inspections as well as the measures proposed to ensure that there is continuous improvement.
- (2) The Competent Authority or the Recognized Organization, after certifying Part II, shall issue the Declaration of Maritime Labour Compliance.
- (3) The Declaration of Maritime Labour Compliance shall be drawn up in accordance with Appendix A5-II of the Convention.

Results of inspections.

11.(1) The results of all subsequent inspections carried out with respect to the ship and all the significant deficiencies found, shall be recorded together with the date where the deficiencies have been rectified.

(2) Notwithstanding the provisions of subsection (3) of this section , the aforementioned in subsection (1) shall be translated into English, in case they are not written in English, and they shall be inscribed upon or appended to the Declaration of Maritime Labour Compliance or made available in some other way to seafarers, Flag State inspectors, Port State officers and to the shipowners' and seafarers' organizations.

(3) The requirement for an English language translation under subsection (2) of this section does not apply in the case of a ship not engaged in international voyages.

Certificate and Declaration of Compliance on board the ship.

12.-(1) Subject to the provisions of subsection (2) of this section , the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance shall be carried-kept on the ship, translated in English, and a copy shall be posted in a conspicuous place on board, in order to be available to the seafarers, the Flag State inspectors, the Port State officers and the shipowners' and seafarers' organizations.

(2) The requirement for an English language translation under subsection (1) of this section, does not apply in the case of a ship not engaged in international voyages.

Cease of validity of the Certificates.

13.(1) The Maritime Labour Certificate and the Interim Maritime Labour Certificate shall cease to be valid in any of the following cases:

- (a) if the relevant inspections are not carried out within the periods specified under section 7(6) of this Law,
- (b) if the Maritime Labour Certificate is not endorsed in accordance with the provisions of section 7(6) of this Law,
- (c) if the ship changed her flag ,

- (d) if the shipowner ceases to assume the responsibility for the operation of the ship and
- (e) if substantial changes have been made to the structure or equipment of the ship.

(2) In the cases of paragraphs (c), (d) and (e) of subsection (1) of this section, a new Maritime Labour Certificate or Interim Maritime Labour Certificate may be issued, when the Competent Authority or the Recognized Organization are fully satisfied that the ship is in compliance with the requirements of this Law.

*Certificate
Withdrawal.*

14.– (1) The Maritime Labour Certificate shall be withdrawn by the Competent Authority or the Recognized Organization if there is evidence that the ship does not comply with the requirements of this Law and that any required corrective actions have not been taken.

(2) When considering a certificate withdrawal, the Competent Authority or the Recognized Organization shall take into account the seriousness and the frequency of the deficiencies.

*Copy of the
Convention on
board ships.*

15.– It is required to have a copy of the Convention on board every ship flying the Cyprus flag.

*On board
complaint
procedures.*

16.–(1) Every Cyprus ship must have procedures for the expeditious and effective handling of seafarers' complaints alleging breaches of the requirements of this Law.

(2) No seafarer shall be penalized for filing a complaint.

(3) The procedures of subsection (1) of this section shall seek to resolve complaints at the lowest level possible.

(4) All seafarers employed on a Cyprus ship shall be provided with a copy of the on board complaint procedure.

(5) All submitted complaints and decisions that have been taken shall be recorded and the seafarer concerned shall be provided with a copy.

Port State obligations.

17–(1) Every ship calling, in the normal course of its business or for operational reasons, at a port of the Republic, may be subject to inspection in accordance with paragraph 4 of Article V of the Convention, aiming at examining its compliance with the latter, including the seafarers' rights with respect to the working and living conditions of seafarers aboard.

(2) The authorized officer embarking on the ship in view of the inspection, shall do so according to the provisions of Regulation 5.2 and Standard A.5.2.1 of the Convention.

Procedure for handling complaints in the ports of the Republic.

18.–(1)(a) Every seafarer employed on a ship calling at a port of the Republic, has the right to submit a complaint alleging a breach of the requirements of this Law to an authorized officer of the port where the ship has called.

(b) The said complaint may also be referred on behalf of the seafarer through a seafarers' organization.

(2) An authorized officer undertakes the handling of the complaint, applying the provisions of Standard A.5.2.2 of the Convention.

(3) A public officer to whom the seafarer submits a complaint is obliged to inform the authorized officer.

**PART III – MINIMUM AGE REQUIREMENT FOR A SEAFARER TO
WORK ON A SHIP**

Interpretation.

19.– For the purposes of this Part,

“night” means a period of at least nine consecutive hours, including the period starting no later than midnight and ending no earlier than 5 a.m.

Minimum age requirement for seafarers to work on a ship.

20.–(1) The minimum age for a seafarer to work on a ship is the 16th year of age.

(2) With the exception of the provisions of subsection (1) of this section, the employment of a cook under the age of 18 on board a ship, is prohibited.

Prohibition of work.

21.– (1) Assigning work to a seafarer under the age of 18, that may endanger his health or safety is prohibited.

(2) For the purposes of subsection (1) of this section, the following amongst others, must be avoided:

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools or acting as signalers to operators of such equipment;
- (e) handling mooring and tow lines, or anchoring equipment;

- (f) work aloft or on deck in heavy weather;
- (g) nightwatch duties;
- (h) servicing of electrical equipment;
- (i) exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
- (j) the cleaning of catering machinery;
- (ja) the handling or taking charge of the ship's boats.

Night work.

22.– (1) Night work of seafarers of at least 16 years of age but under 18 is prohibited.

(2) The Competent Authority may provide an exemption to the compliance of subsection (1) above, provided that the provisions of section 6(2) of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law* are applied and that night work shall not be harmful to the health and wellness of seafarers.

79(l) of 2003.

Exemptions / emergency.

23.–Notwithstanding the provisions of sections 21 and 22 of this Law, seafarers under the age of 18 shall not be exempted from their general obligation to work, under the guidance of the Master in cases of emergency, in relation to:

- (a) The safety of the crew;
- (b) The safety of the passengers;
- (c) The safety of the ship and the cargo;
- (d) The safety of persons on board another ship;

- (e) The safety of another ship or cargo at risk.

PART IV – MEDICAL CERTIFICATE OF SEAFARERS

Interpretation.

24.– For the purposes of this Part,

“Notification” means the Notification issued by the Director.

“medical certificate of the seafarer” means the certificate issued either in the Republic by approved doctors of the public or private sector following a medical examination of the seafarer, or by a competent authority of another State in accordance with the provisions of the STCW Convention and the STCW Code,

“STCW Code” means the Code on Training, Certification and Watchkeeping of Seafarers, ratified in part by the Republic with *The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (Ratification) and for Matters Connected Therewith Law*, as this Code stands in its updated version.

8 of 1985

1(III) of 1988.

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers of 1978, amended in 1995 as ratified by *The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, (Ratification) and for Matters Connected Therewith Law*, as this Convention stands in its updated version and applies to the said matters, taking into consideration the transitional provisions of Article VII and Regulation I/15 of this Convention and including, on a case by case basis, the applicable provisions of the STCW Code.

8 of 1985

1(III) of 1988

Prohibition of recruitment without a valid medical certificate.

25. Recruitment of a seafarer without a valid medical certificate is prohibited.

Exemption.

107(I)/2000.

26. Subject to the provisions of section 7 of *The Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law* and with the exception of the provisions of this Law, the Competent Authority may allow a seafarer to work without having a valid medical certificate, in the following cases:

(a) in urgent cases, until the next port of call where the seafarer can obtain a medical certificate from a qualified doctor, on condition that:

i) the seafarer is in possession of a medical certificate that expired recently and

ii) the period of work without a valid medical certificate shall not exceed three months since the expiry date of the certificate.

(b) if the period of validity of a certificate expires in the course of a voyage, the certificate shall continue to be in force until the next port of call where the seafarer can obtain a medical certificate from a qualified doctor, provided that the period of work without a valid medical certificate, shall not exceed three months from the expiry date of the certificate.

Issue of medical certificate by the Republic or a third country.

27.-(1) The medical certificates of seafarers shall be issued in the Republic in accordance with the provisions of *the Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law*, as amended or replaced from time to time, or shall be issued by the competent authority of another

State, or by an approved by that competent authority medical center or doctor, in accordance with the provisions of the Convention and the STCW Code, provided the issuing authority of that State, fulfills the requirements set in Regulation I/7 of the STCW Convention Annex.

(2) In particular, every medical certificate must certify that:

- (a) the hearing and sight of the seafarer and the colour vision are all satisfactory, especially in the case of a seafarer to be employed in a position where fitness for the work to be performed is likely to be affected by defective colour vision, and
- (b) the seafarer is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

(3) The type of the Medical Certificate shall be specified with a notification

Re-examination of a medical certificate.

28 . Seafarers that have not been given a certificate or have had a limitation imposed on their ability to work, in particular with respect to time, field of work or trading area, are entitled to request from the Competent Authority a re-examination of their case, in accordance with the provisions of section 15 of the *Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law*.

Period of validity of a medical certificate.

29. The period of validity of medical certificates is the one mentioned in section 13(2) of the *Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law* and in particular:

- (a) regarding seafarers under the age of 18, one year; and
- (b) for all other seafarers, two years.

Language of
medical
certificates.

30. Medical certificates are bilingual and are issued in Greek and English.

PART V- TRAINING AND QUALIFICATIONS OF SEAFARERS

Interpretation.

31 . For the purposes of this Part-

P.I. 274/2006.

“The International Code of Safety for High-Speed Craft of 1994” means the International Code of Safety for High-Speed Craft (HSC Code) adopted by the Maritime Safety Committee of the International Maritime Organization with Decision MSC36(63), dated 20 May 1994, as amended each time and that was approved by the Republic by the decision of the Council of Ministers on the 22nd of June 2006;

P.I. 274/2006.

“The International Code of Safety for High-Speed Craft of 2000” means the International Code of Safety for High-Speed Craft (HSC Code) adopted by the Maritime Safety Committee of the International Maritime Organization with Decision MSC 97(73), dated 5 December 2000, as amended each time and that was approved by the Republic by the decision of the Council of Ministers on the 22nd of June 2006;

27(I)/2008.

“appropriate certificate” means a certificate that is either issued and endorsed or recognized and endorsed , in accordance with Parts VI and VIII of the *Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2008*, and entitles its legal holder to serve in the capacity and operate within the scope of responsibility defined in the certificate, on a ship, of a type, tonnage, displacement, kind and power of means of propulsion that are referred to in the certificate;

“STCW Code” means the Code as defined by section 24 of this Law ;

“STCW Convention” means the Convention as defined by section 24 of this Law ;

Seafarers’ certificates of competency.

32. Without prejudice to section 33 of this Law, every seafarer employed on a Cyprus ship must be trained and hold the appropriate certificate for his position, that must be consistent with the applicable requirements of the STCW Convention, the STCW and the International Code of Safety for High-Speed Craft.

Exceptional leave.

33. Subject to the provisions of section 7 of the *Merchant Shipping (Issue and Recognition of Certificates and Maritime Training) Law* , in cases of emergency, the Competent Authority may exceptionally grant a permission for the signing on for the position of the chief officer and the second engineer, which permission allows the specific seafarer to sign on for that specific position for a specified period of time ,which will not exceed six months , without being a holder of the appropriate for the position certificate.

Training for personal safety on board the ship.

34. Subject to the provisions of section 25 of *the Merchant Shipping (Issue and Recognition of Certificates and Maritime Training) Law* , every seafarer, in order to be employed on a Cyprus ship, he must have successfully completed the training for personal safety on the ship.

Minimum compulsory requirements to obtain a seafarers’ certificate of competency.

35. With regard to the minimum requirements to obtain the seafarers’ certificate of competency or any other relevant certificate, the provisions of Part IV of the *Merchant Shipping (Issue and Recognition of Certificates and Maritime Training) Law* are applicable, with the exception of the provisions of sections 12(3) and 13(3) of the said Law.

PART VI- RECRUITMENT AND PLACEMENT OF SEAFARERS

Interpretation.

36. For the purposes of this Part-

“Competent Authority” means the Minister of Labour and Social Insurance and, in each case, the authorized officers by the Minister ;

“seafarers’ employment agreement” means the individual contract of employment of the seafarer ;

“seafarer recruitment and placement service” means any person, company, or agency recruiting and placing seafarers with shipowners ;

Provided that the aforementioned definition does not include the crew manager, i.e. the ship manager, providing crew management services, as these services are defined in section 2 of the *Merchant Shipping (Fees and Taxing Provisions) Law*.

44(I)/2010.

Access of a seafarer to a recruitment and placement service.

37.—(1) Subject to the provisions of *The Private Employment Agencies Law*,⁴ as amended from time to time, a seafarer who wishes to work on a Cyprus ship, has at no cost, access to a seafarer recruitment and placement service having an operating license issued by the Competent Authority.

8(I) of 1997
195(I) of 2002
211(I) of 2002.

(2) For the purposes of exercising due legal control, an endorsed copy of the operating license mentioned in subsection (1) above is attached to the seafarers’ employment agreement who have been recruited through private seafarer recruitment and placement services.

⁴ Editorial Note: *The Private Employment Agencies Law of 1997 as amended* has been repealed and replaced by the *Private Employment Agencies Law of 2012 (Law 126(I)/2012)*.

PART VII- SEAFARERS' EMPLOYMENT AGREEMENTS

Basic obligations related to the employment agreement.

38 .-(1)(a) Every seafarer must have an employment agreement signed by both him and the shipowner or a representative of the shipowner, providing the seafarer with decent working and living conditions on board the ship, as required by the Convention.

(b) The seafarer signing the employment agreement must have an opportunity to examine and seek advice about the agreement before signing it, as well as other necessary facilities to ensure that he has freely entered into an agreement with a sufficient understanding of his rights and obligations.

(2) Upon signing the seafarer's employment agreement, both the shipowner and the seafarer shall receive an original of the agreement signed by both of them.

(3) (a) Both the seafarer and the master have the right to immediately obtain on board clear information as to the conditions of their employment.

(b) For the purposes of control, the Competent Authority is entitled to access to the information of paragraph (a) of this subsection, including the copy of the employment agreement.

(4) (a) With regard to the right of the seafarer to obtain a certificate recording his service at sea, section 7(4) of the *Merchant Shipping (Registration of Seafarers and Seafarers' Register) Law* shall apply.

108(I)/2000.

(b) Subject to the provisions of section 7 of *the Merchant*

Shipping (Registration of Seafarers and Seafarers' Register) Law , the Competent Authority determines the format of the certificate mentioned in paragraph (a), the information entered, as well as the way the said information is included in the certificate.

- (c) The document mentioned in paragraph (a) above shall not contain any statement as to the quality of seafarers' work or as to their wages.
- (d) The document mentioned in paragraph (a) above must contain sufficient information, translated into English, to facilitate obtaining further work or to satisfy the sea-service requirements for upgrading or promotion.

References to collective bargaining agreements.

39.-(1) Where a collective bargaining agreement forms all or part of a Seafarer's Employment Agreement, a copy of that collective bargaining agreement shall be available on board.

(2) Where the language of the seafarer's employment agreement and the applicable collective bargaining agreement is not English, the following documents shall also be available in English, except for ships engaged only in domestic voyages—

- (a) a copy of the standard form of the seafarer's employment agreement; and
- (b) the extracts of the collective bargaining agreement that are subject to a port State inspection under Regulation 5.2 of the Convention.

Particulars that must be included in the employment agreement.

40. The seafarer's employment agreement shall be concluded under the provisions of this Law and shall include at least the following particulars—

- (a) the seafarer's full name, birthplace and date of birth and his permanent domicile;
- (b) the shipowner's name and address;
- (c) determining the voyage, voyages or the duration of the contract;
- (d) the place and time at which the seafarer must embark on the ship or start his work;
- (e) the capacity in which the seafarer shall serve and the nature of his duties;
- (f) the place and date the employment agreement was concluded;
- (g) the amount of the seafarer's wages, or where applicable, the formula used to calculate it;
- (h) the amount of paid annual leave or, where applicable, the formula used to calculate it,

Provided that—

- (i) the voyage includes the ballast voyage as well until the port of loading;
- (ii) the voyage is terminated upon unloading the cargo at the port of destination, as provided for

in the agreement (contract);

(iii) if the time provided for in the agreement (contract) expires during the voyage, the time is extended until completion of disembarkation of the passengers or the unloading of the cargo or both at the port of destination;

(j) the conditions of dissolution of the employment agreement, i.e.–

(i) with the lapse of time or termination of the voyage for which the agreement (contract) was concluded, through the disembarkation of passengers or the unloading of the cargo or the disembarkation of the passengers and the unloading of the cargo;

It is provided that in the case of dissolution of the agreement due to termination of the voyage, the port of destination is also specified;

(ii) with the loss of the ship;

(iii) with the foundering of the ship or the loss of the Cyprus flag;

(iv) with the sale of the ship ;

(ja) the conditions of termination of the employment agreement, namely–

(i) If the employment agreement has been made for a definite period, is concluded for a specific voyage or it has been made for an indefinite

period, the master and the seafarer are entitled to termination according to the following;

- (ii) The master is entitled to terminate the employment agreement if the seafarer, without any reasonable cause, fails to embark on the ship, on the date agreed, if he is unjustifiably absent at any time, due to a serious offence of the seafarer as a result of which the safety of the ship or observance of due discipline or order on the ship is jeopardized or if the ship becomes unseaworthy.
- (iii) The seafarer is entitled to terminate the agreement in case the employment agreement has been made for a definite period, by serving a notification in a fixed form as determined below in paragraph (iv) or if the ship is laid-up at a port of the Republic after the lapse of three months:

Provided that the seafarer is entitled to terminate the employment agreement at any time if the master is guilty of a serious breach of his duties towards the seafarer;

- (iv) For the purposes of applying the provisions of paragraphs (ii) and (iii) of this subsection, in relation to the right of termination of the master and the seafarer, the shipowners' and seafarers' organizations concerned consult on fixing the minimum notification period that has to be given by the seafarers and shipowners in case of early termination of the agreement that

has been made for an indefinite period.

Provided that the said notification period must be the same for the shipowner as well as for the seafarer and it cannot be less than seven days.

- (v) In determining the minimum period of notification on behalf of shipowners' and seafarers' organizations, the need of the seafarer to terminate, without sanctions, the employment agreement on a shorter notification or without notification for humanitarian or other urgent reasons is taken into account;
 - (vi) The master's employment agreement may be terminated by the shipowner or his authorized representative without a notification being required, unless the agreement includes an explicitly opposite clause.
- (jb) the health and social protection allowances offered to the seafarer by the shipowner;
 - (jc) the repatriation right of the seafarer;
 - (jd) the provisions that shall be given to the seafarer;
 - (je) the regulations relating to the behaviour of the seafarer on board the ship and the sanctions in case of a disciplinary or other offence;
 - (jf) the legal hours of work and rest of the seafarer;

Provided that the employment agreement of the crew may refer or incorporate the collective bargaining agreement terms.

PART VIII – SEAFARERS' WAGES

Interpretation.

41. For the purposes of this Part,

“consolidated wage” means a wage or remuneration which includes the basic pay and other pay-related benefits and may include remuneration- payment for all overtime hours which are worked and all other pay-related benefits or only certain benefits in a partial consolidation;

“able seafarer” means any seafarer who is deemed competent to perform any duty in the deck department, other than the duties of a supervisory or specialist rating, or who is designated -defined as such by virtue of the applicable legislation;

“wages or basic pay” means the pay for normal hours of work, not including payments for overtime worked, allowances, paid leave or any other additional remuneration;

“overtime” means the time worked in excess of the normal hours of work;

“hours of work” means time during which seafarers are required to work on account of the ship.

Monthly payment of wages.

42. The shipowner shall ensure that payments of wages due to seafarers working on a Cyprus ship are made at no greater than monthly intervals and in accordance with the existing applicable individual or collective bargaining agreement.

Account of the payments.

43. The shipowner shall ensure that the seafarers who work on a Cyprus ship shall receive a monthly account of payments with the amounts paid and the payments due, including wages, deductions,

additional payments and the rate of exchange used, where payment has been made in a currency or at a rate different than the one agreed to.

Remittance to other beneficiaries.

44.-(1) The seafarer is entitled to facilities for the purposes of remittance by bank of his wages and other amounts of money to his family, dependants or legal beneficiaries.

(2) The shipowner shall ensure the right of the seafarer who works on a Cyprus ship to transmit all or part of his earnings to his family or dependants or legal beneficiaries.

(3) For the purposes of subsection (2) of this section, at the time of entering of employment of the seafarer or during the employment, the seafarer –

(i) allots, if he so desires, a portion of his wage that shall be paid at the agreed intervals to his family by bank or similar means; and

(ii) has the right that the above amounts are remitted in due time and directly to the person or persons nominated by him.

Unfavorable charges and rate of exchange.

45. Any charge for the services mentioned under section 44 of this Law shall not be unfavourable for the seafarer, in the sense that it must be reasonable in amount and the rate of currency exchange used shall be the prevailing market rate or the official published rate.

Wages with separate remuneration for overtime.

46. For seafarers whose wages include a separate remuneration for overtime worked, the shipowner shall ensure the following:

(a) subject to the provisions of section 5 of *the Merchant Shipping (Organisation of Working Time of Seafarers) Law*, for the purpose of calculating wages, the normal hours of work at sea and in port should not exceed

79(I)/2003.

eight hours per day;

- (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wage shall be prescribed by section 5 of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*;
- (c) the rate or rates of compensation for overtime shall not be less than 1,25 times the basic pay or wage per hour; and
- (d) records of all overtime worked are maintained by the master or by a person assigned by the master, and initialed by the seafarer at no greater than monthly intervals.

Fully or partially consolidated wages.

47. The shipowner shall ensure the following for a seafarer's wages that are fully or partially consolidated :

- (a) the seafarer's employment agreement shall specify clearly, where applicable, the number of hours of work in return for his remuneration and any additional allowances which might be due in addition to the consolidated wage and under which circumstances;
- (b) where hourly overtime is payable for working time in excess of that covered by the consolidated wage, the hourly rate should not be less than 1,25 times the basic rate corresponding to the normal hours of work as defined in section 5 of *the Merchant Shipping (Organisation of Working Time of Seafarers) Law*;
- (c) when overtime included in the consolidated wage is

paid, the hourly rate shall not be less than 1,25 times the basic rate corresponding to the normal hours of work, as defined in section 5 of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*;

- (d) compensation for that portion of the fully or partially consolidated wage representing the normal hours of work, as defined in section 5 of *the Merchant Shipping (Organisation of Working Time of Seafarers) Law* shall not be less than the applicable minimum wage; and
- (e) for seafarers whose wages are partially consolidated, records of all overtime work shall be maintained and initialed as provided for in paragraph (d) of section 46 of this Law.

Conditions for leave instead of remuneration.

48. Subject to the applicable provisions, compensation for overtime or for work performed on the weekly day of rest and on public holidays is allowed, by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided.

Obligations of the Competent Authority.

49 .-(1) The Competent Authority ensures the carrying out of inspections of the kinds and services offered on the ship in order to satisfy itself that fair and reasonable prices apply for the benefit of the seafarers concerned.

(2) The Competent Authority supervises, as appropriate, through inspections, the smooth payment of wages and imposes the appropriate sanctions, as specified below in Part XXI of this Law.

**PART IX – HOURS OF WORK AND HOURS OF REST OF
SEAFARERS**

Interpretation.

50. For the purposes of this Part-

“Hours of Rest” means the time outside hours of work and outside short breaks;

“Hours of Work” means the time during which a seafarer is required to work on account of the ship.

*Working and
rest hours
standard.*

51.—(1) Subject to the provisions of section 5(1)(a) of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*, the working hours standard for seafarers is based on an 8-hour day, with one day of rest per week and rest on public holidays.

(2) Concluding a collective agreement that determines normal working hours on a basis no less favourable than the one referred in subsection (1) is permitted, subject to the provisions of section 5(1)(b) of the *Merchant Shipping (Organization of Working Time of Seafarers) Law*.

Hours of rest.

52.—(1) Subject to the provisions of section 5(2) of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*, minimum hours of rest shall not be less than:

(a) 10 hours in a 24-hour period; and

(b) 77 hours in a 7-day period.

(2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length and the interval between consecutive periods of rest shall not exceed 14 hours.

(3) Musters, fire-fighting and lifeboat drills and drills prescribed by applicable legislation shall be conducted in a way that minimizes the disturbance of rest periods.

(4) In case that a seafarer is on call, such as when a machinery space is unattended, the seafarer is entitled to an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

Shipboard working arrangements table.

53.—(1) Subject to the provisions of section 5(5) of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law* and the First Schedule of the said Law, every ship shall have a posting in an easily accessible place, of a table with the shipboard working arrangements, and, in particular, it shall contain, at least, for every position:

(a) the schedule of service of seafarers at sea and service in port; and

(b) the minimum hours of rest as required by section 52(1) of this Law.

(2) The table referred to in subsection (1) of this section, shall be established in a standardized format in accordance with the First Schedule of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*, in the working language or languages of the ship as well as in English.

Maintaining records of rest hours of seafarers on board the ship.

54.—(1) Every ship shall maintain a record drawn up in the languages referred to in section 53(2) of this Law and it shall:

(a) include the daily hours of rest of seafarers, to allow compliance with sections 52 and 53 of this Law; and

(b) be drawn up in accordance with the provisions of

section 8(1)(a)(jjj), of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*.

- (2) The seafarer shall receive a copy of the record pertaining to the seafarer and it shall be signed by the seafarer and the master or a person authorized by the master.

Exception to the observation on rest hours.

55.—(1) Regardless of what is referred to in section 52 of this Law and subject to the provisions of section 7 of the *Merchant Shipping (Organisation of Working Time of Seafarers) Law*, the master is entitled to require from a seafarer of a ship to work in the cases regarding the immediate safety of the ship, the passengers on board, or giving assistance to another ship or person in distress at sea.

- (2) The master may suspend the schedule of hours of rest as it is defined in the table mentioned in section 53 (1) of this Law and require from a seafarer to perform any hours of work necessary until the normal situation has been restored.

Provided that upon restoration of the normal situation, the master shall ensure that the seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Young seafarers.

56.—(1) For young seafarers the age of which is at least 16, but not greater than 18, the following provisions shall apply:

- (a) Working hours shall not exceed eight hours per day and forty hours per week. Overtime is allowed only where unavoidable for safety reasons;
- (b) A break of at least one hour shall be allowed for the main meal of the day. For all other meals sufficient time shall be allowed;

- (c) A fifteen minute rest period shall be allowed following two hours of continuous work.
- (2) An exception to the provisions of subsection (1) of this section may be applied in the following cases:
- (a) In cases of an emergency where what is included in section 55 of this Law generally applies for all seafarers; or
 - (b) when the young seafarer is assigned to watchkeeping duties or working on a rostered shift system in the deck, engine room or catering departments; or
 - (c) in case the effective training of young seafarers in accordance with established programmes and schedules would be impaired.
- (3) Such exceptions of subsection (2), when granted, should be recorded, justified, and signed by the master.

PART X- SEAFARERS' ENTITLEMENT TO LEAVE

Interpretation.

57. For the purposes of this Part-

“calendar day” means the day starting at 00:01 and ending at 24:00.

Entitlement to paid annual leave.

58.-(1) All seafarers working on Cyprus ships are entitled to paid annual leave.

- (2) The annual paid leave shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment of the seafarer.

- (3) Justified absence from work shall not be considered as annual leave.
- (4) Any agreement to forego the minimum annual leave with pay shall be prohibited, as provided for in subsection (2) of this section.
- (5) The following shall not be counted as part of the annual leave with pay:
- (a) public holidays of the Republic, regardless of whether they fall during the annual paid leave;
 - (b) periods of incapacity for work, resulting from illness, injury or maternity;
 - (c) temporary shore leave;
 - (d) compensatory leave granted to a seafarer for his work outside the normal hours of work, due to an urgent incident (related to the safety of the ship).
- (6) The wage that the seafarer is entitled to during the period of his annual leave is the one determined in his employment agreement.

Shore leave.

59. Every seafarer working on a Cyprus ship, is entitled to shore leave to benefit his health and well-being, in accordance, at all instances, with the operational requirements of his position.

Period of service.

60.-(1) For the purposes of calculating the paid annual leave, apprenticeship, absence from work to attend an approved maritime vocational training programme, absence on grounds of illness, injury or maternity, shall be counted as part of the period of service.

(2) In case the seafarer is employed for a period less than one year, his leave is calculated on a proportionate basis.

Taking the annual leave.

61.—(1) The time at which the annual leave is to be taken by the seafarer is determined by the shipowner, following consultation with the seafarers concerned and their representatives, unless a collective agreement or a regulation states otherwise.

(2) Seafarers have the right to take their annual leave at the place with which they have a substantial connection and which normally is the same as the place to which they are entitled to be repatriated. Otherwise, they are entitled to free transportation to the place where they were engaged or recruited, whichever is nearer to their home. The travel time involved shall not be deducted from the annual paid leave due to the seafarer.

Recall from annual leave.

62. A seafarer who is not at work due to having taken an annual leave shall be recalled only in cases of extreme emergency and only with his consent.

Young seafarers.

63. Young seafarers of at least 16 years of age but not older than 18 who have served six months or any other shorter period, without having taken a percentage of their annual leave, on a foreign-going ship, which has not returned in time to their country of residence and will not return in the subsequent three months, are entitled to repatriation at no expense to themselves for the purpose of taking the leave they earned during the voyage.

PART XI - REPATRIATION OF SEAFARERS

Repatriation right of seafarers.

64.—(1) Seafarers working on Cyprus ships are entitled to be repatriated at no cost to themselves in the following cases:

- (a) if their employment agreement expires while they are still abroad, or
 - (b) when the shipowner or the seafarer terminates the employment agreement for one of the following reasons:
 - (i) in the event of illness or injury or other medical condition requiring their repatriation when found medically fit to travel or
 - (ii) in the event of shipwreck, or
 - (iii) in the event of the shipowner not being able to fulfill his legal or contractual obligations in his capacity as the employer of the seafarers by reason of bankruptcy, sale of the ship, or change of the ship's flag, or
 - (iv) in the event of a ship being bound for a war zone to which the seafarer does not consent to go, or
 - (v) in the event of termination or interruption of employment in accordance with the collective agreement, where applicable, or termination of the employment for any other similar reason, or
 - (c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out under the specific circumstances.
- (2) The maximum duration of service periods on board following which a seafarer is entitled to repatriation at no cost, shall not

exceed 12 months.

- (3) Young seafarers of at least 16 years of age but not older than 18, who have served on a ship for at least four months and during their first foreign-going voyage it becomes evident that they are unsuitable for the maritime profession, they are entitled to be repatriated at no expense to themselves from the first port of call in which there are consular services of the Republic or the country of residence or nationality of the seafarer.
- (4) Time spent awaiting repatriation and repatriation travel time shall not be deducted from paid leave provided to seafarers.
- (5) With the exception of the provisions of section 65(5) of this Law, seafarers shall in no case be charged with repatriation expenses.

*Obligations of
the shipowner.*

65.—(1) The shipowner shall provide a financial security or other insurance coverage, in order to ensure the repatriation of seafarers in accordance with the provisions of this Part.

- (2) The costs to be borne by the shipowner for repatriation of a seafarer working on his ship, shall include at least the following:
 - (a) transportation costs to the destination chosen for repatriation in accordance with the provisions of subsection (3) of this section;
 - (b) accommodation and food costs from the moment the seafarer leaves the ship until he reaches the repatriation destination;
 - (c) pay and allowances from the moment the seafarer leaves the ship until he reaches the repatriation

destination;

- (d) transportation of the 30 kg of the seafarers' personal luggage to the repatriation destination; and
 - (e) medical treatment, when necessary, and at the place needed, until the seafarer is medically fit to travel to the repatriation destination.
- (3) The shipowner shall take responsibility for repatriation arrangements by appropriate and expeditious means. The normal mode of transport shall be by air and repatriation destinations shall include countries with which seafarers are deemed to have a substantial connection, including:
- (a) the place at which the seafarer agreed to enter into engagement,
 - (b) the place stipulated in the collective agreement,
 - (c) the seafarer's country of residence, or
 - (d) such other place as may be mutually agreed at the time of engagement.
- (4) Subject to the provisions of subsection (5) of this section, the shipowner is not entitled to require from the seafarer to make an advance payment towards the cost of repatriation at the beginning of his employment or to recover the cost of repatriation from the seafarer's wage or other entitlements.
- (5) An exception to the rule of subsection (4) of this section, is the case where the seafarer has been found to be in a serious breach of his employment obligations resulting from this Law.

*Obligations of
the Competent
Authority.*

66.-(1) If a shipowner fails to make arrangements for or to meet the costs of repatriation for a seafarer working on a ship under Cyprus flag who is entitled to repatriation at no cost to himself, then the Competent Authority undertakes this obligation.

(2) For the purposes of subsection (1) of this section, the Competent Authority shall arrange for the repatriation of the seafarer. If the Competent Authority fails to do so, the State from which the seafarer is to be repatriated, or the State of which the seafarer is a national, may arrange for the repatriation and recover the cost from the Republic.

(3) The Competent Authority, is entitled to recover from the shipowner any expenses-costs incurred in repatriating the seafarer, increased by 50%, in the sense that the Competent Authority subrogates the seafarer with respect to his/her rights vis-a vis the shipowner regarding paid repatriation expenses-costs .

(4) The repatriation of seafarers serving on ships calling at the ports of the Republic or passing through its territorial sea or internal waters as well as their replacement on board the ship shall be facilitated.

(5) The Competent Authority shall not refuse the right of repatriation to any seafarer because of the financial circumstances of the shipowner or because of the shipowner's inability or unwillingness to replace the seafarer.

*Copy of the
relevant
legislation
on board the
ship.*

67. Ships flying the Cyprus flag shall carry and make available to seafarers a copy with the applicable provisions regarding repatriation, written in a language they understand.

**PART XII – SEAFARER'S COMPENSATION FOR THE SHIP'S
LOSS OR FOUNDERING**

*Right to
compensation
arising from the
ship's loss
or foundering.*

- 68.**–(1) Every seafarer working on a Cyprus ship is entitled to compensation due to injury, loss or unemployment arising from the ship's loss or foundering.
- (2) The shipowner shall pay to each seafarer on board the ship a compensation against unemployment resulting from such loss or foundering.
- (3) The compensation against unemployment resulting from a ship's foundering or loss shall be paid for the days during which the seafarer remains unemployed, the duration of which cannot exceed two months and at the same rate as the wages payable to the seafarer under the employment agreement. The total compensation may not exceed two months' wages.
- (4) In case the shipowner proves that the seafarer's unemployment is not due to the ship's foundering or loss, the seafarer shall not be entitled to compensation stated in subsection (3) of this section.

PART XIII - MANNING LEVELS OF SEAFARERS

*Obligation
of the
shipowner
for sufficient
manning.*

- 69.**–(1) Every shipowner is required to man his ship with a crew that is adequate in terms of size and qualifications to ensure the safety of the ship and its personnel under all operating conditions.
- (2) For the purposes of subsection (1) of this section, the provisions of section 15 of the *Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law* shall apply.

105(I)/2000

162(I)/2004

64(I)/2005.

Certificate of Safe Manning.

70.—(1) It is the duty of the shipowner to ensure that a valid certificate of safe manning of the ship is kept at all instances aboard and that the ship's manning is always maintained at least at the levels required in the certificate.

(2) For the purposes of subsection (1) of this section, the provisions of section 24 of the *Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law* shall apply.

Obligation to avoid excessive hours of work.

71.—(1) Subject to the provisions of section 26(1) of the *Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law*, it is the duty of the shipowner to ensure that the master as well as all other seafarers do not work on the ship for more time than it is safe for the ship or more than required to sufficiently perform their duties.

(2) The master has vis-à-vis all other seafarers working on the ship a similar obligation as the one provided by subsection (1) of this section.

(3) Subject to the provisions of section 30(1) of the *Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law*, cases of emergency and especially those endangering the safety of the ship, human life or the environment constitute an exception to the application of the provisions of subsections (1) and (2) of this section.

Food and catering.

72.— Upon determining the manning levels of the ships, the requirements of Part XV of this Law on Food and Catering of Seafarers shall be taken into consideration.

PART XIV- ACCOMMODATION AND RECREATIONAL FACILITIES OF SEAFARERS ON SHIPS

Interpretation.

73.— For the purposes of this Part-

“passenger ship” means the passenger ship as defined in Regulation 2 (e) and (f) of the SOLAS Convention;

“special purpose ship” means a ship constructed in accordance with the provisions of The Code of Safety for Special Purpose Ships of 1983, of the International Maritime Organization, as amended or replaced from time to time;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea of 1974 (SOLAS), as ratified with the International Convention for the Safety of Life at Sea (Ratification) and for Matters Connected Therewith Law, as well as the Protocols and amendments of this Convention, as this Convention and its Protocols stand in their updated version;

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

“Accommodation facilities” include the sleeping rooms, mess rooms, sanitary facilities, hospital facilities and recreational rooms provided for use by the seafarers.

Scope of application.

74. - (1) The provisions of the present Part and of the Regulations made pursuant to this Law relating to ship construction and equipment shall apply to all Cyprus ships whose keel was laid on or after the date the Convention came into force for the Republic of Cyprus⁵, wherever they might be, and to all seafarers working on board those ships and to all foreign ships whose keel was laid on or after the date the Convention came into force in their flag State, which call at Cyprus ports, and to the seafarers who work on board such ships.

(2) For ships whose keel was laid before the Convention came into force, the requirements relating to ship construction and equipment that are set out in the ILO Accommodation of

⁵ Editorial Note : The MLC 2006 came into force for the Republic of Cyprus on 20 August 2013.

Crews Convention (Revised), 1949 (No. 92), and the ILO Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable on the date of their construction.

Application of minimum standards.

75. On every Cyprus ship it shall be ensured that safe and decent accommodation for seafarers who work and/or live on board applies.

General requirements for accommodation spaces.

76.-(1) The minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres. The Competent Authority may permit some limited reduction in minimum headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction is reasonable and will not result in discomfort to the seafarers.

(2) Accommodations shall be adequately insulated.

(3) There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas. That part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance, watertight and gas-tight.

(4) The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment.

(5) The bulkhead surfaces and deckheads shall be of material with a surface easily kept clean. No form of construction likely to harbour vermin shall be used.

(6) The bulkhead surfaces and deckheads in sleeping rooms and

mess rooms shall be capable of being easily kept clean and light in colour with a durable, non- toxic finish.

- (7) The decks in all seafarers' accommodation facilities shall be of approved material and construction and shall provide a non-slip surface impervious to damp and easily kept clean.
- (8) Where the floorings are made of composite materials, the joints with the sides shall be profiled to avoid crevices.
- (9) All crew accommodation shall have proper lighting and sufficient drainage.
- (10) All Cyprus ships shall be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by the Competent Authority from this requirement.
- (11) Ships regularly trading to mosquito-infested ports shall be equipped with appropriate devices to protect against them.
- (12) Accommodation and recreational and catering facilities shall meet the requirements of Part XVIII of this Law on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers.

Inspection of accommodation spaces.

77. The master, or an officer empowered by him, shall carry out inspections at regular intervals in order to ensure that seafarers' accommodation facilities are clean, decently habitable and maintained in a good state of repair. The results of each such inspection shall be recorded and available for review.

Variations due to

78. In the case of ships where there is a need to take into account,

*religious
or
social diversity
of seafarers.*

without discrimination, the interests of seafarers having differing and distinctive religious and social practices, the Competent Authority may permit variations in respect of this Law on condition that such variations do not result in overall facilities less favorable than those which would result from the application of the provisions of Part XIV of this Law.

*Exemptions
for ships of
less than
200 gross
tonnage.*

79. Taking into account the size of the ship and the number of seafarers, ships of less than 200 gross tonnage may be exempted on reasonable grounds from the requirements of the following provisions of this Law:

(a) section 86(7), section 89(1) and section 92(1); and

(b) section 82(1), section 82(3) and section 82(7), only with regard to floor area;

*Location/
equipment
of sleeping
rooms.*

80.—(1) In ships other than passenger ships, sleeping rooms shall be situated above the load line amidships or aft. In exceptional cases the Competent Authority may, if the size, type or intended service of the ship render any other location impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.

(2) In passenger ships and special purpose ships, the Competent Authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alleyways.

(3) Accommodation, leisure and catering facilities must be as far as possible from machinery, steering engine rooms, deck hoists, ventilation, heating and air-conditioning equipment and other noisy machines and appliances.

- (4) The system of ventilation for sleeping rooms and mess rooms shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.
- (5) In ships other than passenger ships, an individual sleeping room shall be provided for each seafarer. In the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by the Competent Authority.
- (6) There must be separate sleeping rooms for men and women.
- (7) As far as practicable, sleeping rooms of seafarers shall be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers.
- (8) Sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.
- (9) Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area of the sleeping rooms. Small or irregularly shaped spaces that do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

Berths.

- 81.**—(1) There shall be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer.
- (2) A separate berth for each seafarer shall in all circumstances be provided. The minimum inside dimensions of a berth shall be at least 198 cm by 80 cm.

- (3) Berths shall not be arranged in tiers of more than two. In the case of berths placed along the ship's side, there shall be only a single tier where a sidelight is situated above a berth.
- (4) The lower berth in a double tier shall not be less than 30 cm. above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.
- (5) The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.
- (6) If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.
- (7) Each berth shall be fitted with a comfortable mattress with cushioning bottom or a combined cushioning mattress, including a spring bottom or a spring mattress. The mattress and cushioning material used shall be made of approved material. Stuffing of material likely to harbour vermin shall not be used.
- (8) When one berth is placed over another, a dust-proof bottom shall be fitted beneath the bottom mattress or spring bottom of the upper berth.
- (9) An electric reading light must be installed at the head of each berth.

Size of sleeping rooms and number of occupants staying there.

- 82.**—(1) In single berth seafarers' sleeping rooms the floor area shall not be less than:
- (a) 4,5 square metres in ships of less than 3,000 gross

tonnage;

- (b) 5,5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
 - (c) 7 square metres in ships of 10,000 gross tonnage or over.
- (2) In order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the Competent Authority may allow a reduced floor area.
- (3) In ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than 7 square metres.
- (4) On passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers shall not be less than:
- (a) 7,5 square metres in rooms accommodating two persons;
 - (b) 11,5 square metres in rooms accommodating three persons;
 - (c) 14,5 square metres in rooms accommodating four persons.
- (5) On special purpose ships, sleeping rooms may accommodate more than four persons. The floor area of such sleeping rooms shall not be less than 3.6 square metres per person.

(6) On ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, shall have a floor area per person not less than:

(a) 7.5 square metres in ships of less than 3,000 gross tonnage;

(b) 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;

(c) 10 square metres in ships of 10,000 gross tonnage or over.

(7) On passenger ships and special purpose ships the floor area for seafarers performing the duties of ships' officers, where no private sitting room or day room is provided, shall be as follows: the floor area per person for junior officers shall not be less than 7.5 square metres; and not less than 8.5 square metres per person for senior officers.

Provided that for the purposes of this subsection, junior officers are deemed to be those occupied for operational duties, and senior officers those occupied at the management level.

(8) The master, the chief engineer and the chief mate shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space. Ships of less than 3,000 gross tonnage may be exempted by the Competent Authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned.

(9) Consideration should be given to extending the facility referred to in previous subsection (8) to the second engineer

officer when practicable.

*Sleeping
rooms
furnishings.*

- 83.**—(1) The furniture of each sleeping room shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres. If the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres. It shall be fitted with a shelf and be able to be locked by the occupant.
- (2) Each sleeping room shall be provided with a table or desk, which may be of a fixed, dropleaf or slide-out type, and with comfortable seat.
- (3) Sleeping rooms shall be fitted with curtains or equivalent shading for the sidelights.
- (4) Sleeping rooms shall be fitted with a mirror with a light, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

*Mess room
location and
size.*

- 84.**—(1) Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

Provided that ships of less than 3,000 gross tonnage may be exempted by the Competent Authority from this requirement.

- (2) Mess rooms shall be of adequate size and comfort and properly furnished and equipped, including ongoing facilities for refreshment, taking account of the number of seafarers likely to use them at any one time.
- (3) Where separate mess room facilities are provided to seafarers, then separate mess rooms shall be provided for the master and officers, and for petty officers and other seafarers.

- (4) In ships other than passenger ships, the floor area in crew mess rooms shall not be less than 1.5 sq. m. per person, according to its planned capacity.

*Mess room
furnishings
/equipment.*

85.—(1) Mess rooms shall be equipped with tables and suitable seats, fixed or portable, sufficient for the number of seafarers likely to use them at any one time.

- (2) The following shall be available at all times when seafarers are on board:

(a) refrigerators, which shall be conveniently situated and of sufficient capacity for the number of persons using the mess room or mess rooms,

(b) facilities for hot beverages, and

(c) cool water facilities.

- (3) Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

- (4) The tops of tables and seats should be of damp-resisting material.

*Sanitary
facilities.*

86.—(1) All sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation.

- (2) All seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health, hygiene and comfort, with separate sanitary facilities being provided for men and women.

- (3) Sanitary accommodation intended for the use of more than

one person shall comply with the following requirements:

- (a) floors shall be of approved durable material, that is impervious to damp, and properly drained;
 - (b) bulkheads shall be of steel or other approved material and watertight up to at least 23 cm. above the level of the deck,
 - (c) accommodation shall be sufficiently lighted, heated and ventilated.
- (4) Sanitary accommodation within easy access of the navigating bridge deck and machinery space or near the engine room control centre must be provided, and contain a toilet and a washbasin having hot and cold running fresh water.

Provided that ships of less than 3,000 gross tonnage may be exempted by the Competent Authority from this requirement.

- (5) In all ships a minimum of one toilet, one washbasin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location.
- (6) Hot and cold running fresh water shall be available in all wash places.
- (7) Each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided. Passenger ships are exempted from this requirement.
- (8) In passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given by the Competent Authority to special arrangements or to a

reduction in the number of facilities required.

Toilets.

87.—(1) All toilets shall be provided with an ample flow of water with flush or other suitable flushing means such as air, available at all times and independently controllable.

(2) All toilets shall be adequately ventilated so that they may be reasonably free of unpleasant odours.

(3) Toilets shall be conveniently situated, but separate from sleeping and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access.

Provided that this requirement does not apply where a toilet is situated in a compartment between two sleeping rooms accommodating a total of not more than four seafarers.

(4) Where there is more than one toilet in a compartment, they shall be sufficiently screened.

Ventilation.

88.—(1) Sleeping rooms and mess rooms shall be sufficiently ventilated.

(2) The system of ventilation for sleeping rooms and mess rooms shall be controlled so as to maintain the air in a satisfactory condition and to ensure sufficient air movement in all conditions of weather and climate.

Air-conditioning.

89.—(1) All Cyprus ships, except those regularly engaged in trade where temperate climatic conditions do not require so, shall be equipped with air conditioning for seafarers' accommodation facilities, for any separate radio room and for any machinery control room.

(2) Air-conditioning systems, whether of a centralized or

individual unit type, shall be designed to:

- (a) maintain the air at a satisfactory temperature and relative humidity as compared to air conditions outside, ensure sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and
 - (b) facilitate easy cleaning and disinfection to prevent or control the spread of disease.
- (3) Electric power for the operation of the air conditioning and other aids to ventilation required by the preceding subsections (1) and (2) of this section shall be available at all instances when seafarers live or work on board and conditions so require. However, this power need not be provided by an emergency source.

Heating.

- 90.**—(1) An adequate system of heating shall be provided via a suitable heating system, except in ships engaged exclusively in voyages in the tropics.
- (2) The heating system of accommodation facilities of seafarers shall be in operation at all times when seafarers live or work on board and the conditions require its use.
- (3) In all ships in which a heating system is required, the heating shall be provided by means of hot water, warm air, electricity, steam or equivalent means. However, in the accommodation facilities, steam shall not be used as a means for heat transmission. The heating system shall be capable of maintaining the temperature in seafarers' accommodation facilities at a satisfactory level under normal conditions of weather and climate, likely to be met within the route in which the ship is engaged.

- (4) Radiators and other heating apparatus shall be placed and, where necessary, shielded so as to avoid risk of fire or danger or discomfort to seafarers.

Lighting.

91.—(1) Subject to special arrangements concerning passenger ships, sleeping and mess rooms shall be properly lighted by natural light and provided with adequate artificial light.

- (2) In all ships, electric light shall be provided in seafarers' accommodation facilities. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

Laundry facilities.

92.—(1) Appropriately situated and furnished laundry facilities shall be available on every ship.

- (2) Taking into account the size of the crew and the normal duration of the voyage, laundry facilities provided for seafarers' use shall include:

- (a) washing machines;
- (b) drying machines or adequately heated and ventilated drying rooms; and
- (c) irons and ironing boards or their equivalent.

- (3) Ventilators from the laundry facilities shall not re-circulate the air into the accommodation spaces.

Hospital facilities.

93.—(1) Every Cyprus ship carrying 15 seafarers or more and engaged in a voyage of more than three days shall provide on board separate hospital facilities to be used exclusively for medical purposes. The Competent Authority may relax this

requirement for ships engaged in coastal trade.

(2) Hospital facilities shall in all weathers, be easy of access, provide comfortable stay to the patients and contribute to providing prompt and proper attention.

(3) The hospital facilities shall be designed so as to facilitate consultation and the giving of medical first aid as well as to help to prevent the spread of infectious diseases.

(4) The arrangement of the entrance, berths of the hospital facilities, lighting, ventilation, heating and water supply shall be designed to ensure comfort and facilitate the treatment of the patients.

(5) Sanitary facilities shall be provided for the exclusive use of the patients of the hospital facilities, either as part of the facilities or in close proximity thereto. Such sanitary facilities shall comprise a minimum of one toilet, one washbasin and one tub or shower.

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Clothes changing facilities.

94. Where separate facilities for engine department personnel to change their clothes are provided, they shall be:

- (a) located outside the machinery space but with easy access to it; and
- (b) fitted with individual clothes lockers as well as with washbasins having hot and cold running fresh water, tubs or showers or both.

Bedding.

95.-(1) Clean bedding and mess utensils shall be supplied by the shipowner to all seafarers for use on board during service on the ship, and seafarers shall be responsible for their return at the time specified by the master and upon completion of their service in the ship.

- (2) Bedding shall be of good quality, and plates, cups and other mess utensils shall be of approved material which can be easily cleaned.

Personal toiletries.

96. Towels, soap and toilet paper for all seafarers shall be provided by the shipowner.

Noise and vibrations.

97.—(1) Accommodation, recreational and catering facilities shall be located as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating, air-conditioning equipment and other noisy machinery and apparatus.

- (2) Acoustic insulation or other appropriate sound-absorbing materials shall be used in the construction and finishing of bulkheads, deckheads and decks within the sound-producing spaces as well as self-closing noise-isolating doors for machinery spaces.

- (3) Engine rooms and other machinery spaces shall be provided, wherever practicable, with soundproof centralized control rooms for engine-room personnel. Working spaces, such as the machine shop, shall be insulated from the general engine-room noise and measures shall be taken to reduce noise in the operation of machinery.

- (4) The limits for noise levels for working and living spaces shall be in conformity with the International Labour Organisation Guidelines on exposure levels, including those of the ILO Code of Practice entitled Ambient Factors in the Workplace, 2001, and of the International Maritime Organization, as possibly amended, for acceptable noise levels on board ships. A copy of the applicable above-mentioned instruments in English or in the working language of the ship shall be on board and easy of access to seafarers.

(5) No accommodation, recreational or catering facilities shall be exposed to excessive vibration.

Access to open spaces.

98. All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty; such spaces shall be of adequate area having regard to the size of the ship and the number of seafarers on board.

Recreational facilities and services.

99.—(1) Appropriate seafarers' recreational facilities, amenities and services shall be provided on board to the benefit of all seafarers. The planning and construction of recreational facilities shall take into account the provisions of Part XVIII of this Law, on health and safety protection and accident prevention.

(2) Furnishings for recreational facilities shall as a minimum include a bookcase and facilities for reading, writing and, where practicable, games.

(3) Consideration should also be given to the inclusion of the following facilities at no cost to the seafarer, where practicable:

- a smoking room;
- television viewing and the reception of radio broadcasts;
- projection of films;
- sports' equipment;
- where possible, swimming facilities;

- a library containing vocational and other books;
- facilities for recreational handicrafts;
- electronic equipment, such as radio, television, DVD/CD player, personal computer and software, and tape recorder;
- where appropriate, the provision of a bar on board for seafarers, unless this is contrary to national, religious or social custom, and
- reasonable access to ship-to-shore telephone communications, email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount.

PART XV – FOOD AND CATERING FOR SEAFARERS

Food and drinking water.

100. Every seafarer on board a Cyprus ship is entitled to food and drinking water of appropriate quantity, quality and nutritional value that takes into account different dietary habits and religious requirements of the ship's crew members.

Provision of food free of charge.

101. Seafarers shall be provided with food free of charge during the period of engagement on board the ship.

Food supplies.

102. Food and drinking water supplies having regard to the number of seafarers on board, their dietary, cultural and religious habits and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety.

Catering Department.

103.—(1) The organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions.

- (2) The catering staff shall be properly trained and informed for their positions.

Inspections.

104. The master or any officer duly authorized by the former shall carry out at frequent intervals documented inspections with respect to:

- (a) supplies of food and drinking water,
- (b) all spaces and equipment used for the storage and handling of food and drinking water,
- (c) galley and other equipment for the preparation and service of meals.

Cooks' training and qualifications.

105.– (1) No seafarer under the age of 18 shall be employed or engaged as a ship's cook.

- (2) Ships' cooks shall be trained, qualified, and found competent for the position in accordance with the requirements set out in this Law.

(3) Training of ships' cooks shall include the completion of a training course approved or recognized under the provisions of section 106 of this Law, covering practical cookery, food and personal hygiene, food storage, stock control, environmental protection and catering health and safety.

(4) Ships operating with a prescribed manning of less than ten persons, are not required to engage a cook. However, any crew member processing food in the galley shall be trained or informed in the area of food and personal hygiene, as well as in the area of storage of food on board ship.

(5) In circumstances of exceptional necessity, the Competent Authority may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene, as well as handling and storage of food on board ship.

*Certification
of ships'
cooks.*

106.– (1) Seafarers shall only be certified as ships' cooks if they have:

(a) served at sea for a minimum period of six months and successfully completed an approved training course for cooks; or

(b) served at sea as cooks for a minimum period of twenty-four months, six of which within the two years preceding the ratification of the Convention by the Republic.

(2) The approved course may be conducted and relevant certificates may be granted by an approved cooks' training school.

(3) The Competent Authority shall recognize the certificates of ships' cooks issued by other Members, which have ratified the Convention or the ILO Certification of Ships' Cooks Convention, 1946 (No. 69).

PART XVI – MEDICAL CARE ON BOARD SHIP AND ASHORE

Interpretation.

107. For the purposes of this Part-

“medical supplies” means medicines, medical equipment and antidotes;

“STCW Convention” has the meaning attributed to this term by section 24 of this Law.

Context & scope of medical care.

175(I)/2002.

108 .-(1) As regards the right of seafarers to health protection and medical care on board Cyprus ships, in addition to the provisions of this Law, *the Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law*, as well as any other relevant provision, shall apply.

(2) Given the working conditions in which seafarers exercise their profession, the protection provided to them shall be as comparable as possible to that which is legally provided to workers ashore, including prompt access to medical supplies, facilities for diagnosis and treatment and to medical advice.

(3) The protection provided under subsection (2) of this section includes, where practicable, the seafarer’s right to visit a qualified medical doctor or dentist without delay in ports of call at the shipowner’s expense.

Medical supplies, medicine chest, medical doctor on board ship and medical training of seafarers.

109.-(1) As regards the obligation of the shipowner to ensure that all medical supplies provided by law are permanently available on board, and that the ship carries a medical care facility and a qualified medical doctor, section 4 of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* shall apply.

(2) As regards the obligation of the shipowner to ensure that seafarers on board every ship have received first-aid and medical care training, and that the necessary medical guides are available on board, section 7 of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* shall apply.

(3) For the purposes of this section, the provisions of section 9(1) of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* shall also apply to the medical guides.

*On-board
medical doctor,
medical care,
first aid.*

110.—(1) The obligation for a ship for an on-board qualified medical doctor is subject to the provisions of section 4(4) of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law*.

(2) As regards ships which are not required to carry a medical doctor under subsection (1) of this section, the provisions of section 7 of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* shall apply as far as medical information and training are concerned.

(3) As regards ships which are not required to carry a medical doctor under subsections (1) and (2) hereof, shipowners shall take measures to have a doctor available on board when needed, taking into account the conditions of the voyage, previous experience from similar voyages and any risks involved, including the particular characteristics of the ports of call, the destination and duration of the voyage, the type of activities performed during the voyage, the cargo's nature and the number of seafarers on board.

(4) Ships which are not required to carry a medical doctor under the aforementioned subsections and which can have access to medical care and medical facilities within eight hours, shall

have at least one designated seafarer with the approved first-aid training required by the STCW Convention who will be able to make use of medical advice by radio or satellite communication and thus ensure immediate and effective action in case of accidents or illnesses likely to occur on board.

- (5) Ships which are not required to carry a medical doctor under the aforementioned subsections (1), (2) and (3) and which are not subject to the provisions of subsection (4), shall have at least one designated seafarer with the approved training in medical care required by the STCW Convention, including practical training and training in life-saving techniques such as intravenous therapy, thus making possible coordinated medical assistance to ships at sea, and providing of a satisfactory standard of medical care during the period spent on board to sick or injured patients.

Medical training and guides for use.

27(l) of 2008

111.—(1) Persons who are not qualified medical doctors but have the responsibility of providing first aid on board must have completed successfully a training in medical first aid that meets the requirements of section 29 of *the Merchant Shipping (Issue and Recognition of Certificates and Seafarers' Training) Law*.

- (2) Persons who are not qualified medical doctors but have the responsibility of providing medical care on board must have completed successfully a training in medical care that meets the requirements of section 30 of the *Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law*.

- (3) Persons referred to in subsections (1) and (2) of this section shall undergo at intervals not exceeding five years refresher courses to enable them to maintain, enrich and update their knowledge and skills.

(4) The training referred to in subsections (1) and (2) of this section shall be based on the contents of the latest editions of the International Medical Guide for Ships (all ships), the Guidance Document-International Maritime Training Guide and the medical section of the International Code of Signals, as well as similar guides.

Inspections by the Competent Authority.

112. Subject to the provisions of section 6(1)(b) of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* regarding the master's responsibility for the management of the ship's medical supplies, the Competent Authority shall inspect medical supplies found on board in accordance with the provisions of this Law and section 9 of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* .

Standard Medical Report.

113.-(1) The Competent Authority adopts a sample of the standard medical report for use by the master and the competent medical personnel on board the ship and ashore which is notified through a Director's Circular.

(2) The completed medical report of subsection (1) of this section and its contents shall be kept confidential and shall be used only for the facilitation of the treatment of the seafarers.

Medical advice by radio.

114.-(1) As regards medical advice transmitted to ships at sea by radio, the provisions of section 8 of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* shall apply.

(2) Medical advice by radio shall be extended free of charge to foreign ships as well.

(3) For the purposes of subsection (2) of this section, section 8(1) of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law* shall apply to each

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seafarer on board a Cyprus or foreign ship .

(4) For the purposes of this section, the standard medical report form shall be the health information form as provided for by section 8 (Annex VI) of the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board Ships) Law*.

Confidentiality of medical information and record.

115.—(1) When completed, the health information form and its contents shall be kept in confidential care of the Master.

(2) When files containing personal data are kept under the provisions of this Law, the provisions of the *Processing of Personal Data (Protection of the Individual) Law* shall also apply.

*138(I) of 2001
37(I) of 2003.*

Preventive health measures.

116. Seafarers engaged on board a Cyprus ship shall be duly informed by the shipowner about preventive measures aiming at the protection of their health, such as health programmes and medical training.

PART XVII – SHIPOWNERS’ LIABILITY

Interpretation.

117. For the purposes of this Part-

“private recognized organization” means a mutual protection and indemnity club (P & I Club) specified in a circular issued by the Competent Authority.

*Sickness
or injury.*

118.—(1) The shipowner shall be liable to bear the costs for the seafarer working on his ships, in the event of sickness or injury of the seafarer occurring between the date of commencing duty and the date upon which the seafarer is deemed duly repatriated, or arising from his employment between those dates.

(2) The shipowner shall be liable to defray medical care expenses, including medical treatment and the supply of the necessary medicines and therapeutic appliances, as well as the expense of board and lodging of the seafarer, away from home, until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.

Provided that the shipowner may contractually limit his above-mentioned liability to a period which shall not be less than sixteen weeks from the date of the injury or the commencement of the sickness, as the case may be.

(3) Shipowners are exempt from liability for the costs of medical and pharmaceutical care if the ill or injured seafarer—

(a) is entitled to medical and pharmaceutical care under any public or semi-public compulsory sickness or accident insurance scheme or occupational accident compensation scheme which is in force in the Republic or abroad, or

(b) is entitled to medical and pharmaceutical care provided or covered by a recognized private insurance organization, or

(c) would be entitled to medical and pharmaceutical care under any public, semi-public or private sickness insurance scheme, however, due to the seafarers'

negligence or omission, he is no longer entitled to such benefits, while under his employment agreement it was agreed that his salary would include an amount for the purposes of insuring under any of the above-mentioned sickness schemes.

- (4) (a) In the event of death or long-term disability of the seafarer as a result of an occupational injury, sickness or hazard, the shipowner shall provide suitable financial security to ensure compensation.
- (b) The financial security referred to in paragraph (a) of this subsection may be in the form of an insurance policy by a recognized private insurance organization.

*Incapacity
for work.*

119.—(1) In addition to the provisions of subsections (1) and (2) of section 118:

- (a) In the event where the sickness or injury results in an incapacity for work, the shipowner shall be liable to pay full wages as long as the sick or injured seafarer remains on board or until he has been legally repatriated.
- (b) The payment of full wages, as provided for above, is exclusive of bonuses.
- (c) In the event where the seafarer is repatriated or disembarks and his sickness or injury results in an incapacity for work, the shipowner shall be liable for the payment of his wages—
 - (i) from the time when the seafarer is repatriated until his recovery;
 - (ii) from the time when the seafarer disembarks until his recovery, or

- (iii) if this happens earlier, until the seafarer is entitled to benefits under any public or semi-public insurance scheme or under a policy by a private recognized organization, for the payment in whole or in part of his wages, as laid down in the seafarer's employment agreement.

Provided that the shipowner may contractually limit his above-mentioned liability for a period not less than sixteen weeks from the date of the injury or the commencement of the sickness, as the case may be.

- (2) The payment of full wages, as provided for hereinabove, is exclusive of bonuses.

Burial expenses.

120. The shipowner shall be liable for the payment of the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.

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Exemptions.

121. The shipowner is exempt from liability for compensation in respect of—

- (a) injury incurred otherwise than in the service on the ship;
- (b) injury or sickness incurred due to the willful misconduct of the sick, injured or deceased seafarer;
- (c) sickness or disability intentionally concealed when the engagement was entered into.

Responsibility for safeguarding personal

122. The shipowner or his representative is responsible for taking measures for safeguarding personal belongings and the property

belongings.

left on board by a sick, injured or deceased seafarer and for the return of such items to the seafarer or to his relatives.

PART XVIII- SEAFARERS' HEALTH PROTECTION AND ACCIDENT PREVENTION

Interpretation.

123. For the purposes of this Part-

"safety" means the state where, in accordance with applicable requirements, hazards for (human beings) seafarers on board ships or damage are reduced to an acceptable level;

"IMO" means the International Maritime Organization;

"ILO" means the International Labour Organization;

"occupational disease" means any disease caused or aggravated by the working activities of the seafarer;

"occupational accident" means an accident caused during or owing to the occupation of the seafarer;

"SOLAS Convention" has the meaning attributed to this term by section 73 of this Law;

"STCW Convention" has the meaning attributed to this term by section 24 of this Law;

Health and safety protection and accident prevention on board ships.

124.-(1) In accordance with this Law and any other provision in force in the Republic, every shipowner shall ensure health and safety protection of seafarers aboard, occupational accident prevention, unsafe working conditions prevention and occupational diseases prevention for all seafarers on

board ships.

(2) The obligations of the shipowner shall include the following:

- (a) the preparation of programmes and the organization of a health, safety and occupational diseases and accident prevention management system for seafarers;
- (b) the planning of the necessary stages to implement the provisions of paragraph (a) of this subsection, by means of risk assessment and of implementation of proper preventive measures;
- (c) the education and training of seafarers;
- (d) recording and reporting of accidents.

(3) During the preparation and implementation of the programme and the health, safety and occupational diseases and accident prevention management system for seafarers, the shipowner shall:

- (a) pay particular attention to the safety and health of seafarers who are under 18 of age; and
- (b) clearly define the role and the range of powers and obligations of each person involved, the master included.

Master's obligations.

125. (a) For the purposes of implementing the provisions of section 124(3)(b) of this Law, the master shall:

- (i) ensure that the requirements on health, safety and accident prevention for seafarers are properly observed;
- (ii) inform the shipowner about the observance of the policy as well as of the health, safety and accident prevention management system for seafarers;
- (iii) cooperate with the Competent Authority in view of carrying out inspections and exploiting the findings of the latter with the aim of improving safety conditions on board ships;
- (iv) address appropriate recommendations to seafarers who do not observe their obligations under this Law or any other provision in force with regard to health, safety and accident prevention on board ships.

- (b) For the purposes of implementation and compliance with the programme and the management system on health and safety protection and on accident prevention of seafarers, the master receives specific instructions by the shipowner or any other person appointed by him.

Risk assessment.

126.– (1) During the assessment of risks to which seafarers are exposed, and as part of both the programme and the health and safety protection and occupational accident and diseases prevention management system, the shipowner shall:

- (a) observe the provisions of Chapter IX (Management for the safe operation of ships) of SOLAS Convention and more specifically of paragraph 1.2.2.2. on the measures to be taken in order to deal with all the detected risks.
- (b) take account of relevant provisions of Chapter 1, Part 1 and of the four Annexes of the Chapter in question of the Cyprus Code of Safe Working Practices for Seafarers.

(2) During risk assessment, the shipowner shall refer to and explore appropriate statistical information from his ships and from general statistics provided by the Competent Authority.

Measures for the prevention of occupational accidents.

127.—(1) The shipowner shall ensure that all reasonable precautions are taken to prevent accidents, injuries and diseases on board ship, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships.

(2) For the purposes of subsection (1) above, the provisions of the Cyprus Code of Safe Working Practices for Seafarers are especially taken into account.

(3) A copy of the Code of subsection (2) above shall be on board every Cyprus ship.

Other requirements for accident prevention programmes.

128.—(1) Seafarers' and shipowners' representative organisations are involved in the elaboration of programmes for the prevention of accidents and diseases and for the continuous improvement of occupational safety and health protection.

(2) During the implementation of subsection (1) of this section,

the provisions of sections 124 to 127, as well as any other applicable provision, including engineering and design control, procedures for collective and individual tasks, and the use of personal protective equipment, are taken into consideration.

Use of Machinery.

14 of 1965.

129. In accordance with the provisions of the *Guarding of Machinery Convention of 1963 (Ratification) Law of 1965*, the shipowner shall ensure compliance with the requirement that machinery in use is properly guarded and that its use without appropriate guards is prevented.

*Protection from noise.
P.I. 317/2006.
89(I)/1996.*

130. In accordance with the provisions on *Safety and Health at Work (Protection from Noise) Regulations of 2006*, issued by virtue of the *Safety and Health at Work Law*, the shipowner shall ensure compliance with the requirements in force concerning noise.

*Protection from vibrations.
P.I. 332/2005.*

131. In accordance with the provisions on *Safety and Health at Work (Protection from Vibration) Regulations of 2005*, issued by virtue of the *Safety and Health at Work Law*, the shipowner shall ensure compliance with the requirements in force concerning vibrations.

Obligation to inform about accidents.

132. The shipowners is under the obligation to declare to the Competent Authority the occurrence of any accident involving seafarers without being confined to those involving the ship, which –

- (a) provokes the death of the seafarer or renders the seafarer incapable to perform his usual tasks for more than three calendar days, with the exception of the day where the accident occurred;
- (b) provokes the death or injury of a third person, having as a consequence his medical care by a doctor or to

hospital.

Written Information about unsafe conditions.

133. When an incident is considered to be serious and it notably concerns unsafe working conditions, the shipowner is under the obligation to inform the Competent Authority in writing, regardless of injuries to persons.

Information Form.

134. For the purposes of sections 132 and 133 of this Law, a relevant form is duly completed; this form shall notably include the nature, the cause and the effects of occupational accidents, injuries and diseases, with a clear indication, as applicable, of the department of the ship where the accident occurred, the type of accident and whether the accident occurred at sea or in port.

Rectification of unsafe working conditions.

135. The shipowner shall take all necessary measures by virtue of the provisions of this Law, to rectify, immediately, all unsafe working conditions, regardless of the occurrence of accident.

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Information about occupational diseases.

136. The shipowners is under the obligation to inform the Competent Authority of any disease affecting the seafarer during his work and which is directly related to his occupational tasks.

Data collection, record keeping and statistics.

137.—(1) The shipowner shall keep data of occupational accidents resulting in the incapacity of the seafarer for work for more than three consecutive days.

(2) The shipowner shall keep records of the accidents indicating the causes, the date of occurrence, the persons involved and the measures to deter similar incidents.

138(I)/2001.

Provided that during the execution of the above-mentioned provisions, subject to the provisions of the *Processing of Personal Data (Protection of the Individual) Law*, the shipowner shall ensure the confidentiality required with regard to seafarers' personal data, taking into account of the guidelines in the ILO Code of Practice on the Recording

and Notification of Occupational Accidents and Diseases (1996).

Training
and education.

138.– (1) During the preparation of the occupational health safety, diseases and accident prevention management system for seafarers, the shipowner shall ensure that seafarers receive continuous and updated training and education on the basic elements of such system.

(2) Training, according to subsection (1) of this section, constitutes a continuous process considering, among others, risk assessments, newly recruited seafarers, equipment related issues, special risks, new practices and working methods.

(3) Educational programmes, depending on their object, are carried out both on board and ashore.

(4) The shipowner shall document and record educational programmes on the crew files.

Obligations
of the
seafarers.

139.–(1) Seafarers are under the obligation to execute diligently any obligation with regard to safety and health protection and occupational accidents and diseases prevention concerning themselves or other persons who may be affected by their actions or omissions when they are aboard or when they are employed on the ship.

(2) The obligation of subsection (1) of this section includes *inter alia* the compulsory use of proper equipment supplied by the shipowner to the seafarer with regard to safety and health protection and occupational accidents and diseases prevention aboard;

(3) No seafarer shall, arbitrarily, intentionally or recklessly,

interfere, to any provision with regard to safety and health protection and occupational accidents prevention aboard.

(4) Seafarers are under the obligation not to use machinery without the guards being in position and not to make inoperative the available guards, as provided by virtue of the *Guarding of Machinery Convention, 1963, (Ratification) Law of 1965*.

(5) In the event where a seafarer has reasonable cause to believe that the situation sustained presents a direct and serious risk to his life or health or to the life or health of a third person, a risk that the seafarer cannot or does not have the competence to eliminate, the seafarer shall report the incident to his immediate superior or to the master.

*Establishment
of Safety
Committees.*

140.—(1) In view of the implementation of this Law, on board ships with at least five seafarers, Safety Committees shall be established.

(2) (a) the Safety Committee consists of safety representatives who are seafarers who express an interest in participating in a Safety Committee, and are either elected or appointed by the master for this purpose.

(b) The master or the person who is appointed by him to participate as the shipowner's representative in the Safety Committee shall assume the role of coordinator.

(c) In any event, the Safety Committee consists of at least three persons, including the master or the person appointed by him.

*Competencies
of the Safety*

141. The Safety Committee shall –

Committees.

- (a) meet when the shipowner, the master or a sufficient number of seafarers considers that it is useful and necessary;
- (b) submit proposals to the shipowner about measures to be taken to improve working conditions and prevent occupational accidents and diseases;
- (c) receive complaints about the seafarers' safety, health, occupational accident and disease protection;
- (d) promote cooperation on board the ship regarding the implementation of safety and health measures, as well as ways and methods of conduct of the work;
- (e) support all efforts for education and training of the seafarers on health and safety protection and accident prevention of seafarers;

Recording and investigation of accidents.

142.– (1) The Competent Authority shall ensure the investigation of accidents reported or detected ex officio.

(2) For the purposes of subsection (1) the Competent Authority, may, at its discretion–

order an interrogation to have the incident investigated, including the causes and circumstances of all occupational accidents, injuries and diseases resulting in death or serious personal injuries, and of any other circumstances deemed to justify such actions;

(3) During the investigation of occupational accidents, injuries

and diseases, the Competent Authority may notably take into account the following:

- (a) the working environment, such as working surfaces, layout of machinery, means of access, lighting and methods of work;
 - (b) the occurrence, in different age groups, of occupational accidents and occupational injuries and diseases;
 - (c) special physiological or physiological problems provoked by the shipboard environment;
 - (d) problems arising from physical stress on board the ship, in particular as a consequence of increased workload;
 - (e) problems arising from technical developments and effects as well as their influence on the composition of crews; and
 - (f) problems arising from any human failures.
- (4) (a) The Competent Authority shall ensure that comprehensive statistics of accidents and diseases are kept, properly analyzed and published, and, where appropriate, followed by research into general trends and into the hazards identified.
- (b) the statistics referred to in paragraph (a) above shall record the numbers, nature, causes and effects of occupational accidents, injuries and diseases, with a clear indication, as applicable, of the department of the ship where the accident occurred, the type of accident and the place of the occurrence

(at sea or in port).

Codes of practice and guidelines.

143. For the purpose of providing practical guidance with regard to the obligations imposed by the present Law and by any Regulation issued in virtue of the latter, the Minister may issue Codes of practice, which will be appropriate for the purpose in question and which may be revised, amended or revoked.

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PART XIX- ACCESS TO SEAFARERS' SHORE-BASED WELFARE FACILITIES

Interpretation.

144. For the purposes of this Part-

"welfare facilities" means the shore-based welfare facilities, where these exist, including those in ports, which contribute to the well-being and the entertainment of seafarers and which notably include meeting and recreation rooms, clubs, hostels, sports facilities and outdoor facilities, educational facilities and facilities for religious observances and personal counseling;

"Welfare Boards" means the boards at a port, regional or national (Cyprus) level, which notably consists of representatives of the Competent Authority, of shipowners' and seafarers' organizations and, where appropriate, voluntary organizations and social bodies, in order to monitor the adequacy and smooth operation of existing welfare facilities.

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Access to welfare facilities without discriminations.

145. Welfare facilities, wherever they exist within the Republic, shall be open to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed.

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Consultation of the Competent

146. The Competent Authority promotes the development of the

Authority with shipowners' and seafarers' organizations.

necessary welfare facilities in the ports of the Republic deemed to be appropriate for this purpose, after consultation with shipowners' and seafarers' organizations.

Welfare Boards.

147.- (1) Welfare Boards advise those responsible for providing welfare facilities and ensure coordination among them.

(2) Welfare Boards communicate, as appropriate, with the consuls of the States of the seafarers and the local representatives of foreign welfare organizations in order to better achieve their tasks.

Information about welfare facilities and facilitation measures.

148.-(1) Seafarers' organizations ensure that seafarers are kept informed about their transportation, welfare, recreation, education and religious observance facilities, whether these exist, in general for the public, or they are provided especially for seafarers.

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(2) For the purposes of subsection (1) above, the Competent Authority, seafarers' and shipowners' organizations as well as international seafarers' associations, shall use the appropriate forms or electronic means of information.

Seafarers' shore leave and transportation from ports.

149. The Competent Authority ensures that seafarers have the possibility of shore leave upon arrival in the port and of access to the urban centers of the Republic by public means of transportation.

PART XX- SOCIAL SECURITY OF SEAFARERS

Interpretation.

150. For the purposes of this Part-

"Competent Authority" for the purposes of this Part, means the Minister of Labour and Social Insurance and, in each case, the officers especially authorized by the Minister.

"Member State" means a Member State of the European Union;

"third country" means a country which is not a Member State.

Seafarers' right to full social security protection.

151. All seafarers employed on Cyprus ships are entitled, by virtue of any public, semi-public or private insurance scheme, to full social security protection, which shall include, at a minimum, medical care, sickness or disability benefit for employment due to an accident at work, and compensation for body injury.

Legal protection.

152. In case of violation of this Law, seafarers have the right to claim their rights extra-judicially by submitting a complaint to a seafarers' organization or any other organization which has a legal interest to ensure that this Law is observed, to institute a hierarchical recourse before the Minister, by written application, in accordance with section 83 of the *Social Insurance Law*, or any other provision in force; in the event, of non-satisfaction by the Minister's decision, seafarers have the right to institute a recourse before all competent Courts of justice, in accordance with the aforementioned section.

*59(I) of 2010
114(I) of 2010
2(I) of 2012
37(I) of 2012.*

Designation of social security protection branches in the employment agreement.

153. The seafarers' employment agreement shall designate the means by which the various branches of social security protection are provided to the seafarer by the shipowner as well as any other relevant information at the disposal of the shipowner.

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Supervision by the

154. The Competent Authority shall exercise, as appropriate, its

Competent Authority.

supervisory powers for the purpose of satisfying itself that the shipowners' responsibilities concerning social protection of seafarers employed on Cyprus ships that are insured under the social security system in the Republic, including the payment of the required social insurance contributions, are met.

Obligation to inform the International Labour Office.

155. The Competent Authority shall inform the Director General of the International Labour Office when social security protection is provided in relation to one or more of the branches cited in section 151 of this Law.

PART XXI – ADMINISTRATIVE AND CRIMINAL MEASURES

Prohibition of sailing.

156.–(1) The Competent Authority may prohibit the sailing of Cyprus and foreign ships which are subject to the provisions of this Law, in the event where these ships do not meet the requirements of this Law.

(2) In the event where the Competent Authority observes a violation of the provisions of this Law during inspections, it confirms the violation, draws up the relevant report, invites the master to make his plea and may prohibit the ship from sailing until it is made certain that the cause of non-compliance is rectified and, if applicable, until any administrative fine imposed in accordance with section 157 of this Law is paid.

(3) Inspection expenses of the ship in view of certifying the rectification of the violation are charged to the ship and must be paid by the shipowner before the prohibition of sailing is lifted.

(4) During the control and in accordance with the provisions of this Law, every possible effort must be made to avoid any

unjustified prohibition of sailing or ship delay.

- (5) In the event of unjustified prohibition of sailing or delay, the shipowner is entitled to a compensation for possible loss or damage sustained.

Provided that in case the argument of unjustified prohibition of sailing or delay is brought forward, the onus of proof is placed upon the shipowner.

Administrative fine.

157.– (1) Contravention of the provisions of this Law, and of the Regulations made there under, shall be punishable, notwithstanding whether a case of criminal or disciplinary liability arises under this Law or any other law, with an administrative fine not exceeding eight thousand five hundred Euros (5.000) depending on the seriousness of the contravention.

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- (2) The administrative fine is imposed on the shipowner or the master, by a reasoned decision of the Competent Authority confirming the contravention

- (3) The amount of the administrative fine shall be calculated in each case on the basis of indicative directions issued by the Minister, without thereby limiting, within the scope of the directions, the discretionary power of the Competent Authority, which confirms the particular contravention, to decide freely on the basis of the actual facts of each case.

- (4) The Competent Authority shall notify of its decision imposing the administrative fine the shipowner or the master, and it shall not allow the lifting of the prohibition of sailing imposed under section 156 of this Law, 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 .

*Hierarchical
recourse.*

158.–(1) A hierarchical recourse may be filed with the Minister by the shipowner or his representative in the Republic against a decision imposing a prohibition of sailing , or an administrative fine, within thirty days from the date of notification of the decision.

(2) The hierarchical recourse according to subsection (1), does not suspend the execution of the decision.

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

(4) After examining the recourse , the Minister may decide –

- (a) to confirm the challenged decision ; or
- (b) to declare the challenged decision null and void; or
- (c) to amend the challenged decision ; or
- (d) to issue a new decision in substitution for the challenged decision .

(5) The Competent Authority shall inform accordingly the master, of the ship for the right to file a recourse under subsection (1) of this section.

(6) The amount of the administrative fine or the bank guarantee shall fall and rests definitely to the Republic:

(a) in the event where an hierarchical recourse is instituted before the Minister, and no recourse to the Supreme Court is filed after the lapse of seventy-five days, from the date of the notification of the decision of the Minister to reject the hierarchical recourse.

(b) in the event where the time limit set in subsection (1) of this section for filing an hierarchical recourse lapses without action.

*Offences
and penalties.*

159.—(1) Subject to the provisions of subsections (2) and (3) of this section, any person to whom obligations are imposed under this Law and who fails to comply with the latter, commits an offence punishable upon conviction, to a fine not exceeding eight thousand five hundred Euros or imprisonment for a term not exceeding two years, or to both such sentences.

(2) Any master attempting to set sail against a prohibition of sailing imposed upon the ship in accordance with the provisions of section 156 of this Law commits an offence punishable upon conviction, to a fine not exceeding eight thousand five hundred Euros or imprisonment for a term not exceeding two years, or to both such sentences.

(3) The same offence, is committed by the shipowner or any other person who knowingly aids and/or assists in the commission of the offence under subsection (2) of this section.

PART XXII- FINAL PROVISIONS

Regulations. **160.** The Council of Ministers has power to make Regulations so that the provisions of this Law are better implemented.

Repeal. **161.** With this Law , the following are repealed:

(a) Sections 4, 4A, 5, 6 ,10, 11, 12, 13, 22, 23, 25, 31, 47, 48, 49, 52, 59, 90, 91, 92, 93, 94, 95, 96, 97 and 98 of the *Merchant Shipping (Masters and Seamen) Law;*
46 of 1963
33 of 1965
69 of 1968
25 of 1969
24 of 1976
85 of 1984
103(III) of 1997
101(III) of 2002
233(III)of 2002.

(b) *The Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea, (Revised 1936),(Ratification) and for Matters Connected Therewith Law ;*
8(III) of 1994

(c) *The Convention concerning the Repatriation of Seamen (Ratification) and for Matters Connected Therewith Law;*
12 (III) of 1995

(d) Sections 7, 8, 26, 27 and 28 of the Convention Concerning Minimum Standards in Merchant Ships of 1976 (Ratification) and for Matters Connected Therewith Law.
13 (III) of 1995
14(III) of 2006.

Entry into force. **162.** This Law shall enter in force by a Decision of the Council of Ministers, published in the Official Gazette of the Republic⁶.

⁶ Editorial Note: see relevant Decision of the Council of Ministers P.I. 438/2012 (Gazette No. 4603, Supplement III (I), dated 9.11.2012) setting the **20th of August 2013** as the date of entry into force of this Law pursuant to section 162.

Transitory provisions.

163. Any Shipowner has the right to apply for the Certification of his vessel in accordance with the provisions of sections 6, 7, 8 ,9 and 10 of this Law, before the Law enters in force, but following its publication in the Official Gazette of the Republic.

DMS Final Version, September 2013

DMS Version