

THE MERCHANT SHIPPING (MASTERS AND SEAMEN) LAWS OF 1963 TO 2002¹

LAW No 46 OF 1963 AS AMENDED A LAW TO PROVIDE FOR SEAMEN OF CYPRUS SHIPS, FOR THE COMPOSITION OF THE CREW THEREOF AND FOR OTHER MATTERS CONNECTED THEREWITH

The House of Representatives enacts as follows:

PART I – PRELIMINARY

Short title.

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

1. The Merchant Shipping (Masters and Seamen) Laws of 1963, 1965, 1968, 1969, 1976, 1984, 1997, and 2002 shall be cited as the Merchant Shipping (Masters and Seamen) Laws of 1963 to 2002, and shall be read and construed as one with the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law, the Code and the Merchant Shipping (Safety and Seamen) Law.

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.

Cap. 292
38 of 1963.

Interpretation.

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

“apprentice” means apprentice to the sea service;

“Competent Authority” means the Minister of Communications and

2 of 85/84.

¹ Consolidation Note: Includes the latest amendments introduced by Law 233(I)/2002. All these Laws were published in the Greek language in the Official Gazette of the Republic of Cyprus. This is an “unofficial” consolidated translation into English prepared by the Department of Merchant Shipping, and does not intend to replace any translation prepared by the Law Commissioner’s Office.

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

Works and any other person authorized by him for the purpose;

“consular officer of the Republic” means the member of the consular service of the Republic nominated by the Council of Ministers for this purpose and includes any other person nominated by the Council of Ministers to be a consular officer of the Republic for the purposes of this Law;

“crew” includes officers and other seamen;

*57 and 58 Vict.
c. 60 to 2 and 3
Eliz. II c. 18.*

“the Code” means the Merchant Shipping Acts 1894 to 1954, of the United Kingdom to the extent of their application to the Republic and subject to the necessary modification required under its Constitution;

“Cyprus ship” has the meaning assigned to such expression by section 5 of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law;

*38 of 38/73.
4 of 28/79.*

“Director” means the Director of the Department of Ports² of the Ministry of Communications and Works and includes any Port Officer authorized by the Director to perform any of his functions under this Law;

“foreign-going ship” includes every Cyprus ship employed in trading or going between some place or places situate beyond the prescribed limits;

² Consolidation Note: Originally according to Law 46 of 1963 the term “ Director ” meant the Director of the Department of Ports of the Ministry of Communications and Works and thus the relevant powers and duties were exercised by the Director of the Department of Ports of the Ministry of Communications and Works.

As from 31.7.1976 by virtue of section 38 of the *Cyprus Ports Authority Law (Law 38/73)* and *P.1. 167/76* the relevant powers and duties have been transferred to the Minister of Communications and Works.

Finally by virtue of section 38 of Law 38/73, as amended by section 4 of Law 28/79, the relevant powers and duties are exercised by the Director of the Department of Merchant Shipping of the Ministry of Communications and Works.

³ Consolidation Note: It is noted that under the *Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000 (Law 109(I)/2000)* the term “master” means the person which has command of a ship.

⁴ Consolidation Note: By virtue of section 38 of the *Cyprus Ports Authority Law (Law38/73)*, as amended by section 4 of Law 28/79 and the consequent transfer of the relevant powers and duties to the Director of the Department of Merchant Shipping, it is concluded that the term “Port Officer” means any person authorized by the Director of the Department of Merchant shipping to perform the relevant powers and duties.

2 of 85/84.

“General Services” means the Sanitary Department, the Telecommunications Department, the Purser’s Department, the Provisions Department and the Stewards and Catering Department;

“master” includes every person , except a pilot, having command or charge of any ship³;

“Minister” means the Minister of Communications and Works and includes any person duly authorized by the Minister for any of the purposes of this Law;

2 of 109(I)/2000.
53 of 109(I)/2000.

“officer” means a member of the crew, other than the master, designated as officer in accordance with the provisions of section 5 of the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000.

“passenger” means any person carried on a ship except-
(a) a person employed or engaged in any capacity on board the ship on the business of the ship;

(b) a person on board the ship either in pursuance of the obligation laid upon the master to carry ship-wrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled;

(c) a child under one year of age;

“passenger ship” means a ship which is construed for, or which is substantially or habitually (whether at regular or irregular intervals) used for, carrying more than twelve passengers;

2 of 85/84.

“Personnel of the ship” means the master and the crew of the ship;

2 of 33/65.

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

2 of 69/68.

“Port Health Officer” means the Medical Officer performing health duties in the port;

38 of 38/73.
4 of 28/79.

“Port Officer” means the officer in charge of a port⁴ ;

“Republic” means the Republic of Cyprus;

“seaman” includes every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

“ship articles” means the record kept, under the provisions of this Law, for recording therein the master and all the seamen engaged on the ship and the terms and conditions of their engagement.

(2) Expressions in this Law not otherwise defined shall, unless the context otherwise requires, have the meaning assigned to such expression by the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law, and the Code.

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.

3 of 85/84.

PART II - COMPOSITION OF PERSONNEL OF A SHIP (SAFE MANNING) - CERTIFICATES OF MARITIME COMPETENCY⁵

3. — (1) The personnel of a Cyprus ship shall consist of a master and seamen who are holders of the certificate of maritime competency and of a certificate of specialised training required under this Law and/or of other professionals who are not seamen, but are holders of a special license to practice their profession and who are employed with the approval of the Competent Authority.

Organic
composition
of personnel
of a ship
(Safe Manning).
3 of 85/84.
2 of 103 (I)/97.

(2) The safe manning of a Cyprus ship which shall secure the minimum standards of safety of a voyage shall be prescribed by Regulations to be made in accordance with the provisions of this Law.

(3) The master shall have command of the ship and shall exercise such other functions as are necessary for the safe navigation thereof. The master shall navigate the ship in person when the ship enters crosses or leaves ports, bays, canals or rivers.

⁵ Consolidation Note: Part II (sections 3 to 6C) as amended by section 3 of Law 85 of 1984. Relevant to the provisions of this Part are also the provisions of section 29 of the *Convention Concerning Minimum Standards in Merchant Ships of 1976 (Ratification) and for Matters Connected Therewith Law of 1995 (Law 13(III)/95)*.

(4) The crew shall perform such functions as may be assigned by this Law or by Regulations made under this Law to each member thereof.

(5) Any person who employs a master or a member of the crew in contravention of the provisions of this Law or the Regulations made for the purpose, in relation to the safe manning or the qualifications required for such employment, shall be guilty of an offence and shall on conviction be liable to imprisonment for a period not exceeding one year or to a fine not exceeding one thousand pounds (£1.000) or to both such imprisonment and fine⁶.

3(1) of 166/87.

*3 of 103(1)/97.
53(1) of 109(1)/2000.*

4. *[Section 4 which related to certificates of maritime competency was repealed by section 53(1) of the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000].*

*Certificate of
specialised
training,
4 of 103(1)/97.*

4A. — (1) No master or seamen is considered as a holder of all qualifications deemed necessary by the present Law, unless he holds the certificate of specialised training corresponding to his post.

(2) For the purposes of this section “a certificate of specialised training” means the certificate of specialised training required by the International Conventions, Codes or other legislation in force in the Republic and which was duly granted in the Republic or in any other country, and in the latter case the certificate of which is to be declared as recognized for the purposes of this Law through an order of the Council of Ministers.

*5 of 103(1)/97.
53(1) of 109(1)/2000.*

5. *[Section 5 which related to the production of certificates of maritime competency was repealed by section 53(1) of the Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2000].*

⁶ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

44 of 105 (I)/2000.

6. [Section 6 which related to defective manning in qualifications was repealed by section 44(a) of the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law of 2000].

44 of 105 (I)/2000.

6A. [Section 6A which related to defective manning in number was repealed by section 44(a) of the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law of 2000].

44 of 105(I)/2000.

6B. [Section 6B which related to special manning was repealed by section 44(a) of the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law of 2000].

44 of 105(I)/2000.

6C. [Section 6C which related to the prohibition to leave a port with a defective manning was repealed by section 44(a) of the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Law of 2000].

PART III - APPRENTICESHIP TO THE SEA SERVICE

*Assistance
to be given
by Director.*

7. The Director shall give to persons desirous of apprenticing boys to, or requiring apprentices for, the sea service such assistance as may be in his power.

*Special
provisions as to
apprenticeship.*

8. — (1) Every indenture of apprenticeship shall be executed in duplicate in the prescribed form and shall be exempt from stamp duty.

(2) Every indenture of apprenticeship made in the Republic and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion shall be recorded.

(3) For the purpose of the record

(a) a person to whom an apprentice is bound shall, within seven days of the execution of the indenture, take or transmit to the Director the indenture executed in duplicate, and the Director shall keep and record the one indenture and endorse on the other the fact that it has been recorded and redeliver it to the master of the apprentice;

(b) the master shall notify any assignment or cancellation of

the indenture or the death or desertion of the apprentice to the Director, within seven days of the occurrence, if it occurs within the Republic or, as soon as circumstances permit, if it occurs elsewhere.

4 of 166/87.

(4) Any person who fails to comply with any requirement of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty pounds (£ 250)⁷.

(5) There shall be paid in respect of the recording of an indenture under this section such fee as may be prescribed.

*Production
of indenture
to Director
before voyage.*

9. — (1) The master of a Cyprus ship shall, before carrying an apprentice to sea from a port in the Republic, cause the apprentice to appear before the Director and shall produce to the Director the indenture by which the apprentice is bound and every assignment thereof.

(2) The name of the apprentice, with the date of the indenture and of the assignment thereof, if any, and the names of the ports at which the same have been recorded, shall be entered on the agreement with the crew.

(3) Any master who fails, without reasonable cause, to comply with any requirement of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty pounds (£ 250)⁸.

4 of 166/87.

PART IV -ENGAGEMENT OF MASTER AND SEAMEN⁹

*Agreement
with the master.*

10. — (1) The agreement of engagement of a master is entered into with the shipowner or his duly authorized agent and is concluded by its entry in the ship's articles in the prescribed manner.

(2) Any such agreement may be repudiated by the shipowner or his duly authorized agent without any notice or payment of any

⁷ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁸ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁹ Consolidation Note: Relevant to the provisions of this Part are also sections 15 to 23 and 30 of the *Convention Concerning Minimum Standards in Merchant Ships of 1976 (Ratification) and for Matters Connected Therewith Law of 1995 (Law 13(III)/95)*.

compensation unless express provision is made therein to the contrary.

*Agreement
with crew.*

11. — (1) The master of every Cyprus ship, except ships of less than five tons exclusively employed in trading within such limits as may be prescribed, shall -

(a) enter into an agreement in accordance with this Part with every seaman whom he carries to sea from any port;

(b) on entering into such agreement make out and deliver to the seaman an account book in the prescribed form in which the prescribed particulars shall be entered.

(2) If a master of a Cyprus ship carries any seaman to sea without complying with any of the provisions of subsection (1), the master and the owner of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500)¹⁰.

4 of 166/87.

*Conclusion
and conditions
of agreement
with the crew.*

12. — (1) Every agreement with the crew shall be in the prescribed form, dated at the time of its first signature and signed by the master or his or the owner's agents before a seaman signs the same:

Provided that if a seaman is illiterate his signature shall be attested by the Director or the consular officer of the Republic.

(2) The agreement with the crew is concluded by its entry by the Director or the consular officer of the Republic in the ship's article.

(3) The agreement with the crew shall contain as terms thereof the following particulars-

(a) the full name of the seaman, the date and place of his birth and his domicile;

(b) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(c) the place and time at which each seaman is to be on board or to begin work;

(d) the capacity in which each seaman is to serve and the

¹⁰ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

nature of his duties;

(e) the amount of wages which each seaman is to receive;

(f) a scale of the provisions which are to be furnished to each seaman;

(g) any regulations as to conduct on board and as to fines, short allowance of provisions or other lawful punishment for misconduct which have been approved by the Council of Ministers as regulations proper to be adopted and which the parties agree to adopt.

(4) The agreement with the crew may be made either for a voyage or voyages defined in the agreement or for a definite period:

Provided that -

(a) the voyage shall include all the voyage in ballast to the loading port;

(b) the voyage shall be terminated upon the discharge of the cargo at the port of destination as provided in the agreement;

(c) if the definite period provided in the agreement shall expire in the course of a voyage such period shall be prolonged until the conclusion of the disembarkation of the passengers or of the discharge of the cargo or of both at the port of destination.

(5) The agreement with the crew shall be so framed as to admit of such stipulations, not being contrary to law, as may be agreed between the master and seaman in any case.

(6) The agreement with the crew may contain a reference to or incorporate the provisions of a collective agreement.

*Termination of
agreement with
the crew.*

13. — (1) An agreement with the crew shall be terminated -

(a) on the effluxion of the period for which it has been entered or on the termination of the voyage, by the disembarkation of the passengers or the discharge of the cargo or both, for which it was made;

(b) on the loss of the ship;

(c) on the wreck or loss of the Cyprus flag;

(d) on the sale of the ship by public auction.

- (2) The master may terminate the agreement
- (a) if the seaman fails, without reasonable cause, to join the ship on the date of its signature, or on his unjustifiable absence at any time;
 - (b) on grave misconduct of the seaman endangering the safety or the keeping of good discipline and order on the ship;
 - (c) when the ship becomes unseaworthy.
- (3) A seaman may terminate the agreement
- (a) if entered for a definite period on notice given in the prescribed form after a year of its entry or where the ship lies in a Cyprus port for a period of over three months;
 - (b) at any time when the master is guilty of grave infringement of his duties towards the seaman

Changes in crew of foreign-going ships to be reported.

14. — (1) The master of every foreign-going ship whose crew has been engaged before the Director or a consular officer of the Republic shall before finally leaving ports send to the Director or the consular officer of the Republic a full and accurate statement, in the prescribed form, of every change which takes place in his crew before finally leaving port and that statement shall be admissible in evidence in the manner provided by this Law.

(2) Any master who fails, without reasonable cause, to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500)¹¹.

4 of 166/87.

Forgery, etc., of agreement with crew etc.

15. Any person who fraudulently alters, makes any false entry in, or delivers, a false copy of any agreement with the crew or any account book or any identity card shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding two years or to a fine not exceeding one thousand five hundred pounds (£ 1.500) or to both such imprisonment and fine¹².

3(1) of 166/87.

¹¹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

¹² Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

*Alterations
in agreement
with crew, etc.*

16. Every erasure, interlineation or alteration in any agreement with the crew or account book, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship, shall be wholly inoperative unless proved to have been made, with the consent of all the persons interested in the erasure, interlineation or alteration, by the written attestation-

(a) if in the Republic, of a Port Officer;

(b) elsewhere, of a consular officer of the Republic, or where there is no such officer, of two respectable Cyprus or other Commonwealth merchants.

*Seaman not to
be bound to
produce agreement.*

17. In any legal or other proceeding, a seaman may bring forward evidence to prove the contents of any agreements with the crew or otherwise to support his case without producing, or giving notice to produce, the agreement or any copy thereof.

PART V - DISCHARGE OF SEAMEN

*Procedure on
discharge and
provision for
seaman left behind
or remaining
in the Republic.*

18. — (1) Save as provided in section 13 with regard to the termination of the agreement with the crew no master shall discharge in the Republic any seaman from any Cyprus or foreign ship without the sanction of the Port Officer or of the consular officer, if any, representing the nation to which such ship belongs, and unless due provision is made for the subsistence and maintenance of such seaman to the satisfaction of the Port Officer in the case of a Cyprus or a foreign ship whose flag is not represented in the Republic by a consular officer, or to the satisfaction of a consular officer in the case of a foreign ship whose flag is so represented; and any master who discharges a seaman in contravention of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500)¹³:

4 of 166/87.

Provided that no such provision shall be necessary in respect of any seaman who was engaged in the Republic and is discharged in accordance with the terms of his agreement.

(2) No seaman shall, except with the sanction of the Port Officer be discharged from any Cyprus ship or foreign ship whose flag is not

¹³ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

represented by a consular officer resident in the Republic elsewhere than at the Port Office.

4 of 166/87.

(3) Whenever any seaman is discharged at the Port Office, from any ship within the Republic the master of such ship shall give to such seaman at the time of such discharge a written certificate, specifying the time and nature of service, and the time and the place of discharge, of such seaman, signed by himself, and shall give him a true account in writing of his wages and of all deductions therefrom; and if the master fails to do so he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty pounds (£ 750)¹⁴.

(4) The master shall also, upon the discharge of every officer or seaman whose certificate of competency has been delivered to and retained by him, return the certificate to the officer or seaman, and, if without reasonable cause, he fails so to do he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500)¹⁵.

3(1) of 166/87.

(5) Any master or any other person belonging to any Cyprus ship who wrongfully forces on shore and leaves behind, or otherwise willfully and wrongfully leaves behind in the Republic any seaman or apprentice belonging to such ship before the completion of the voyage for which such seaman or apprentice was engaged, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or a fine not exceeding four hundred and fifty pounds (£ 450) or to both such imprisonment and fine¹⁶.

*Report of
seaman's
character.*

19. — (1) When a seaman is discharged before a Port Officer, the master shall make and sign, in the prescribed form, a report of the conduct, character and qualifications of the seaman discharged, or may state in that form that he declines to give any opinion upon such particulars or upon any of them.

(2) The Port Officer before whom such discharge is made shall, if the seaman desires, give to him or endorse on his discharge a copy of such

¹⁴ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

¹⁵ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

¹⁶ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

report.

*False
or forged
certificate
or report of characters.*

20. Any person who -

(a) makes a false report of character under this Law, knowing the same to be false;

(b) forges or fraudulently alters any certificate of discharge or report of character or a copy of a report of character;

(c) assists in committing or procures the commitment of any such offence aforesaid; or

(d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding two years or a fine not exceeding one thousand and five hundred pounds (£1,500) or to both such imprisonment and fine¹⁷.

3(1) of 166/87.

PART VI – WAGES

Payment of Wages

*Payment
of wages
before the
Port Officer.*

21. — (1) Where a seaman is discharged before the Port Officer or consular officer of the Republic he shall receive his wages through or in the presence of the Port Officer, or consular officer of the Republic, unless a Court otherwise directs.

(2) If in such a case the owner or master of a ship pays the seamen's wages within the Republic in any other manner, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and twenty-five pounds (£125)¹⁸.

4 of 166/87.

*Master
to deliver
account*

22. — (1) The master of every ship shall, before paying off or discharging a seaman deliver at the time and in the manner provided

¹⁷ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

¹⁸ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

of wages.

by this Law a full and true account in the prescribed form, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

(2) Such account shall be delivered-

(a) where the seaman is not to be discharged before the Port Officer or the consular officer of the Republic, to the seaman himself not less than twenty-four hours before his discharge or payment off; and

(b) where the seaman is to be discharged before the Port Officer or the consular officer of the Republic, either to the seaman himself at or before the time of his leaving the ship, or to the Port Officer or consular officer of the Republic not less than twenty-four hours before the discharge or payment off.

(3) Any master of a ship who fails, without reasonable cause, to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and twenty-five pounds (£125)¹⁹.

4 of 166/87.

*Deductions
from wages.*

23. — (1) A deduction from the wages of a seaman paid off or discharged shall not be allowed unless it is included in the account delivered in pursuance of section 22 except in respect of a matter happening after such delivery.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

*Disrating
of seaman.*

24. — (1) Where the master of a Cyprus ship disrates a seaman he shall forthwith enter, or cause to be entered, in the official log book a statement of the disrating, and shall furnish the seaman with a copy of the entry.

(2) Any reduction of wages, consequent on the disrating, shall not take effect until the entry has been so made and the copy so furnished.

(3) Any reduction of wages, consequent on the disrating of a seaman

¹⁹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

shall be deemed to be a deduction from wages within the meaning of sections 22 and 23.

*Time
of payment
of wages.*

25. — (1) The master or owner of every Cyprus ship shall pay to every seaman his wages in accordance with the terms of the agreement with the crew and on its termination or on the discharge of the seaman he shall pay any wages then due to such seaman.

(2) If a master or owner fails, without reasonable cause, to make payment at the appropriate time, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each day for which payment is delayed, but the sum payable shall not exceed ten days' double pay.

(3) Any sum payable under this section may be recovered as wages.

*Settlement
of wages.*

26. — (1) Where a seaman is discharged from a Cyprus ship, and the settlement of his wages completed, before a Port Officer or the consular officer of the Republic he shall sign in the presence of the Port Officer or the consular officer of the Republic a release, in the prescribed form, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship and attested by the Port Officer or the consular officer of the Republic.

(2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be retained by the Port Officer or the consular officer of the Republic and, on production from its place of custody, it shall be admissible as evidence for the release or satisfaction (discharge) of the claims in respect of which it was given.

(4) Upon any payment being made by a master before the Port Officer or the consular officer of the Republic, the Port Officer or the consular officer of the Republic shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall, as between the master and his employer, be admissible as evidence that the master has made the payments mentioned therein.

(5) A seaman may exempt from the release signed by him under this section any specified claim or demand against the owner or master of the ship, and a note for such exempted claim or demand shall be entered upon the release.

(6) Such release shall not operate as a discharge or settlement of any claim or demand so noted.

Rule as to payment of seamen in currency other than that mentioned in agreement.

27. Where a seaman has agreed with the master of a Cyprus ship for payment of his wages in local currency or any other currency, any payment of, or on account of, his wages, if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement at the time and place where the payment is made.

Advance and Allotment of Wages

Advances restricted.

28. — (1) Where an agreement with the crew is required to be made in a prescribed form-

(a) the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(b) stipulations for the allotment of a seaman's wages may be made in accordance with this Part.

(2) Save as aforesaid, each agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the Republic shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages; and a person shall not have any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

29. — (1) Any stipulation made under section 28 by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amount and time at which each payment is to be made.

(2) Where the agreement is required to be made in a prescribed form, the seaman may require a stipulation to be inserted in the agreement for the allotment, by means of an allotment note, of any part, not exceeding one half, of his wages for the benefit either of a close relative or of a savings bank.

(3) Allotment notes shall be in such form as may be prescribed.

(4) For the purposes of the provisions of this Law with respect to allotment notes -

(a) “close relative” means one of the following persons, namely , the wife, father, mother, grand-father, grand-mother, child, grand-child, brother or sister of the seaman; and

(b) “savings bank” means a prescribed savings bank.

(5) In order to give effect to the provisions of this section, the Director of the Department of Ports or the consular officer of the Republic shall, after the seaman has signed the agreement, inquire of the seaman whether he requires a stipulation for the allotment of his wages by means of an allotment note, and, if the seaman requires such a stipulation, shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master.

*Allotment
through
savings banks.*

30. — (1) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed.

(2) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made through the director or the consular officer of the Republic by the seaman himself, or, in case of his death, by some person to whom his property, if under seven hundred and fifty pounds in value, may be paid under this Part.

*Master to give
facilities
to seamen
for remitting wages.*

31. — (1) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seaman’s money orders, issued by superintendents in accordance with this Law.

(2) The Council of Ministers may make Regulations concerning seamen’s money orders, and in particular may specify in those Regulations the time and mode of payment, and the persons by or to whom the same are to be paid; and all such Regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same.

*Right of suing
on allotment
notes.*

32. — (1) The person in whose favor an allotment note under this Part is made may, unless the seaman is shown, in the manner in this Law specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and

as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorized the allotment in the same Court and in the same manner in which wages may be recovered under this Law;

Provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favor.

(2) In any proceeding for such recovery, it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorized agent; and the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the Court-

(a) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Law is required; or

(b) by a certified copy of some entry in the official log-book to the effect that he has left the ship; or

(c) by a credible letter from the master of the ship to the same effect; or

(d) by such other evidence as the Court, in its absolute discretion, considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

*Time for
payment of
an allotment
note.*

33. A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew, and shall be paid at the expiration of every subsequent month after the first month, and shall be paid only in respect of wages earned before the date of payment.

Rights of Seamen in respect of Wages

*Right to
wages, etc.
when to begin.*

34. The right of a seaman belonging to a Cyprus ship to wages and provisions shall be taken to begin either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

*Right
to recover
wages and
salvage not
to be forfeited.*

35. — (1) A seaman belonging to a Cyprus ship shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which, in the absence of the agreement, he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he has or obtains in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Law shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seaman belonging to any Cyprus ship which, according to the terms of the agreement, is to be employed on salvage service with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

*Wages not
to depend
on freight.*

36. — (1) The right of a seaman belonging to a Cyprus ship to wages shall not depend on the earning of freight.

(2) Every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same notwithstanding that freight has not been earned.

(3) In all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, shall bar his claim to wages.

(4) Where a seaman or apprentice who would, but for his death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in the manner provided by this Part with respect to the wages of a seaman who dies during a voyage.

*Wages on
termination
of service
by wreck, etc.*

37. — (1) When the service of a seaman employed on a Cyprus ship terminates before the date contemplated in the agreement, by reason of the wreck, loss or sale at public auction of a ship, he shall be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(2) A seaman shall not be entitled to receive wages under this section if the owner show that the unemployment was not due to the wreck, loss or sale by auction of the ship, and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

(3) In this section, “seaman” includes every person employed or engaged in any capacity on board any ship, but, in the case of a ship which does not exceed fifty tons burden, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the operation of the vessel.

Wages on termination of service by illness.

38. — (1) Where the service of a seaman belonging to a Cyprus ship terminates before the date contemplated in his agreement by reason of his being left on shore at any place not in Cyprus under a certificate granted in the manner provided in the Code, of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

(2) The master of a Cyprus ship shall not leave a seaman behind at any place outside the Republic ashore or at sea (except where the seaman is discharged under the provisions of this Law) unless he previously obtains endorsed on the agreement with the crew the certificate of the customs or port authorities of the place stating the cause of the seaman being left behind whether the cause be illness or inability to proceed to sea, desertion or otherwise.

Forfeiture of wages etc., of seaman when illness caused by his own default.

39. Where a seaman belonging to a Cyprus ship is, by reason of illness, incapable of performing his duty, and it is proved that the illness has been caused by his own willful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Wages not to accrue during refusal to work or imprisonment.

40. A seaman or apprentice belonging to a Cyprus ship shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Costs of procuring punishment may be deducted from wages.

41. Whenever in any proceeding relating to a seaman’s wages, it is shown that a seaman or apprentice belonging to a Cyprus ship, has in the course of the voyage, been convicted of an offence by a competent tribunal and rightfully punished for that offence by imprisonment or otherwise, the Court hearing the case may direct any part of the wages due to the seaman, not exceeding one month’s wages, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensation to seaman improperly discharged.

42. If a seaman, having signed an agreement to serve in a Cyprus ship, is discharged otherwise than in accordance with the terms of this Law

before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages which he has earned, due compensation for the damage caused to him by the discharge, not exceeding if the discharge takes place in the Republic one month's wages, and if the discharge takes place elsewhere, two months' wages, and may recover that compensation as if it were wages duly earned.

*Restriction
on sale of
and charge
upon wages.*

43. — (1) As respects wages due or accruing to a seaman or apprentice belonging to a Cyprus ship -

(a) they shall not be subject to attachment from any Court in the Republic;

(b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and

(d) a payment of wages to the seaman or apprentice shall be valid in law notwithstanding any previous sale or assignment of those wages, or any attachment, encumbrance or arrestment thereof.

(2) Nothing in this section shall affect the provisions of this Part with respect to allotment notes.

Mode of recovering Wages

*Proceedings
for wages.*

44. — (1) A seaman or apprentice, or a person duly authorized on his behalf, may, as soon as any wages, due to him, and not exceeding one hundred pounds become payable, sue for the same in a summary manner to be provided by Rules of Court, before any competent Court in the Republic, and the order of the Court in the manner shall be final.

(2) Nothing in this Part shall be construed as limiting the jurisdiction of a Court to refuse to entertain an action for wages by the master or a member of the crew of a ship if the ship is not a Cyprus ship.

(3) The master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Law.

(4) The master of a ship, and every person lawfully acting as master of

a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

Powers of Court in case of unreasonable delay in paying master's wages.

45. In any action or other legal proceeding by the master of a ship for the recovery of any sum due to him on account of wages, the Court may, if it appears to it that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as it thinks just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.

PART VII - POWERS OF COURTS TO RESCIND CONTRACTS

Powers of Court to rescind contract between owner or master and seaman or apprentice.

46. — (1) Where a proceeding is instituted in or before any Court in relation to any dispute between an owner or master of a ship and a seaman or apprentice, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the Court, if having regard to all the circumstances of the case it thinks fit, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the Court thinks just.

(2) This power shall be in addition to any other jurisdiction which the Court can exercise independently of this section.

PART VIII - PROPERTY OF DECEASED SEAMAN ²⁰

Property of seaman who dies during voyage.

47. — (1) If any seaman or apprentice belonging to a Cyprus ship, the crew of which are to be discharged in, or the final port of destination of which is in the Republic, dies during a voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

²⁰ Consolidation Note: Relevant to the provisions of this Part are also sections 9 and 10 of the *Convention Concerning Minimum Standards in Merchant Ships of 1976 (Ratification) and for Matters Connected Therewith Law of 1995 (Law 13(III)/95)*.

(2) The master may, if he thinks fit cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3) The master shall enter in the official log-book the following particulars-

(a) a statement of the amount of the money and a description of the effects;

(b) in case of a sale, a description of each article sold, and the sum received for each;

(c) a statement of the sum due to the deceased for wages, and of the amount of deductions, if any, to be made from the wages;

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5) The above-mentioned money, effects and balance of wages are in this Part referred to as the property of the seaman or apprentice.

*Dealing with
and account
of property
of seaman
who dies
during voyage.*

48. — (1) Where a seaman or apprentice dies as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the Republic deliver and pay the property to the Port Officer at that port.

(2) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Port Officer such account as, and in such form as, he requires of the property of the deceased.

(3) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Law, and also by such other vouchers, if any, as are reasonably required by the Port Officer.

(4) The Port Officer shall grant to the master, upon due compliance with such provision of this section relating to acts to be done at the port of destination, a certificate to that effect and shall forthwith notify the Probate Registrar.

*Penalty for
non-compliance
with provisions
as to property
of deceased*

49. — (1) Any master of a ship to which section 47 refers who fails to comply with the provisions of this Part with respect to-

seaman.

- (a) taking charge of the property of a deceased seaman or apprentice;
- (b) making in the official log-book the proper entries relating thereto;
- (c) procuring the proper attestation of those entries as required by this Part; or
- (d) the payment or delivery of the property,

4 of 166/87.

shall be accountable for the property to the Port Officer and shall pay and deliver the same accordingly, be guilty of an offence and shall on conviction be liable to a fine of triple the value of the property not accounted for, or if such value is not ascertained, of five hundred pounds (£500) ²¹.

4 of 166/87.

(2) If any such property is not duly paid, delivered or accounted for by the master, the owner of the ship shall pay, deliver and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall, in addition to his liability for the same be guilty of an offence and shall be liable on conviction to a fine of triple the value of the property not accounted for, delivered or paid over, or, if such value is not ascertained, of five hundred pounds (£500) ²².

(3) The property may be recovered in the same Court and manner in which the wages of seamen may be recovered under this Law.

*Recovery
of wages
of seaman lost
with the ship.*

50. — (1) Where a seaman or apprentice belonging to a ship to which section 47 refers is lost with the ship to which he belongs, the Port Officer at the port of destination in the Republic may recover the wages due to him from the owner of the ship in the same Court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Part.

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Port Officer, or by other evidence, that the ship has twelve months or upwards before

²¹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

²² Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time at which she was last heard of or at such later time as the Court hearing the case thinks probable.

(3) Any duplicate agreement made out, or statement of a change of the crew delivered, under this Part, or under the Code, at the time of the last departure of the ship from the Republic or a certificate purporting to be a certificate from a consular or other public officer at any port outside the Republic, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Port Officer, be in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of loss.

*Property of
seaman dying
in the Republic.*

51. If a seaman or apprentice belonging to a ship to which section 47 refers dies in the Republic, and was, at the time of his death, entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the Port Officer at the port where the seaman or apprentice was discharged, or was to have been discharged.

*Payment over
of property
of deceased
seaman by the
Port Officer.*

52. — (1) Where any property of a deceased seaman or apprentice belonging to a ship to which section 47 refers comes into the hands of the Port Officer, the Port Officer, after deducting expenses incurred in respect of that seaman or apprentice or of his property, such sum as he thinks proper to allow, shall transmit the same to the probate registrar.

(2) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

PART IX - PROVISIONS, HEALTH AND ACCOMMODATION ²³

*Complaints as
to provisions
or water.*

53. — (1) If three or more of the crew of a Cyprus ship, where such ship is within the Republic, consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use or deficient in quantity, they may complain thereof to the Port Officer or

²³ **Consolidation Note:** Relevant to the provisions of this Part are also sections 6 to 23 and 26 to 28 of the *Convention Concerning Minimum Standards in Merchant Ships of 1976 (Ratification) and for Matters Connected Therewith Law of 1995 (Law 13(III)/95)*; see also the provisions of the *Convention Concerning Crew Accommodation on Board Ships (Ratification) and for Matters Connected Therewith Law of 1995 (Law 14(III)/95)*.

a Port Health Officer, and such officer may either examine the provisions or water complained of or cause them to be examined.

(2) If such officer, or the person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty pounds (£ 750) ²⁴.

4 of 166/87.

(3) Such officer, or the person making the examination shall enter a statement of the result of the examination in the official log-book of the ship, and shall send a report thereof to the Port Officer, and that report shall be admissible in evidence in the manner provided by this Law.

(4) If such officer, or the person making the examination certifies in the statement entered in the official log-book that there were no reasonable grounds for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

*Inspection
of provisions
and water.*

54. — (1) An inspecting officer may inspect, either on board the ship or before shipment any provisions (other than provisions provided by the crew themselves) or water intended for the use of the crew of any Cyprus ship which is going from any port in the Republic and for which an agreement with the crew is required under this Law, and, if he finds that the provisions or water are in any respect deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction:

Provided that any inspection of provisions or water under this section shall be made before shipment whenever practicable; and, if the owner, agent or master of a ship gives notice to the inspecting officer that any provisions or water for the ship are ready for inspection, the inspecting officer shall not have power to inspect any such provisions or water under this section, if they are at a convenient place for inspection, except within forty-eight hours after the notice is given, without prejudice to the power of the inspecting officer to inspect any

²⁴ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

provisions or water not specified in the notice or, without unnecessarily delaying the ship, to proceed on board the ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship, or otherwise.

4 of 166/87.

(2) Where any provisions or water are found deficient in quality under this section, the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand pounds (£1.000)²⁵, unless the Court before which the case is tried thinks that the finding of the inspecting officer was not justified; but, if the master of the ship shows to the satisfaction of the Court that the responsibility for the defects in the provisions or water rests either with the owner of the ship, or any agent of the owner of the ship, or with the person who has supplied the provisions or water, that owner, agent or person shall be liable to conviction for the offence instead of the master, and the master shall be exempt.

4 of 166/87.

(3) The master of the ship and any other person having charge of any provisions or water liable to inspection under this section shall give the inspecting officer every reasonable facility for the purpose of his inspection under this section, and, if such master or other person refuses or fails to do so, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty pounds (£ 750)²⁶.

(4) Where any provisions are inspected under this section, either before shipment or on board a ship, there shall be payable in respect of such inspection such fees as may be prescribed:

Provided that, where provisions which have been inspected and sealed by an inspecting officer are found on board any ship within such time as may be prescribed as the time for which the seals are to hold good, no fee shall be charged for the verification of the seals.

(5) The Minister may appoint officers for the purposes of any inspection under this section, and the expression “inspecting officer”, wherever used in this section, means an officer so appointed.

²⁵ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

²⁶ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

*Allowance
for short
or bad provisions.
4 of 33/65.*

55. In either of the following cases, that is to say-

(a) if during a voyage of a Cyprus ship, where such ship is within Cyprus, the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced, or

(b) if it is shown that any of those provisions are or have been, during a voyage of any such ship as aforesaid, bad in quality and unfit for use,

the seaman shall receive, by way of compensation for that reduction or bad quality, such sums as may be prescribed; but, if it is shown to the satisfaction of the Court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the Court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

*Weights
and measures
on board.*

56. — (1) The master of a Cyprus ship, where the ship is within the Republic, shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2) If the master of any such ship fails, without reasonable cause, to comply with this section, he shall be guilty of an offence and shall be liable on conviction to a fine of five hundred pounds (£ 500)²⁷.

4 of 166/87.

2 of 233(I)/2002.

57. [Section 57 which related to the obligation of ships to carry medicines, medical stores was repealed by section 2 of the Merchant Shipping (Masters and Seamen) (Amendment) (No.2) Law of 2002]²⁸.

2 of 233(I)/2002.

58. [Section 58 which related to the inspection of medicines etc. carried by Cyprus ships was repealed by section 2 of the Merchant Shipping (Masters and Seamen) (Amendment) (No.2) Law of 2002] ²⁹.

²⁷ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

²⁸ Consolidation Note: Relevant provisions exist now in the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board ships) Law of 2002 (Law 175(I)/2002)*.

*Expenses
of medical
attendance
in case
of injury
or illness.*

59. — (1) If the master of , or a seaman or apprentice belonging to a Cyprus ship, receives any hurt or injury in the service of the ship, or suffers from any illness (not being an illness due to his own willful act or default or to his own misbehavior) the expenses of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master, seaman or apprentice until he is cured, or dies, or is returned either to the port at which he was engaged or to a port in the country to which he belongs, and of his conveyance to such port, and, in the case of death, the expenses, if any, of his burial, shall be defrayed by the owner of the ship without any deduction on that account from the wages of such master, seaman or apprentice:

Provided that nothing in this section shall prejudice the rights of any master, seaman or apprentice under the Social Insurance Law³⁰, however , no person, shall be entitled to periodical payments under that Law in respect of the period for which the owner of the ship is liable to defray the expenses of such person's maintenance under this Part.

*41 of 1980
48 of 1982
11 of 1983
7 of 1984
10 of 1985
116 of 1985
4 of 1987
199 of 1987
214 of 1987
68 of 1988
96 of 1989
136 of 1989
17 of 1990
218 of 1990
98(I) of 1992
64(I) of 1993
18(I) of 1995
55(I) of 1996.*

(2) If a master, seaman or apprentice as aforesaid is as a result of any illness temporarily removed from his ship, for the purpose of avoiding infection, or otherwise made necessary for the proper running of the ship, and subsequently returns to his duty, the expenses for its transfer (removal) and for the provision of the necessary medical advice and attendance and medicine, and for his maintenance while away from the ship, shall be defrayed in the manner provided in subsection (1).

²⁹ Consolidation Note: Relevant provisions exist now in the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board ships) Law of 2002 (Law 175(I)/2002)*.

³⁰ Consolidation Note: Originally this provision of Law 46 of 1963 referred to the *Workmen's Compensation Law (Cap. 188)* , which was repealed by the *Social Insurance Law , 1964 (Law 2/1964)*, which was subsequently repealed and substituted by the *Social Insurance Law of 1972 (Law 106/1972)*. Finally, Law 106/1972 was subsequently repealed and substituted by the *Social Insurance Law of 1980 (Law 41/1980)*.

(3) The expenses of all medicines, surgical and medical advice and attendance given to a master, seaman or apprentice as aforesaid whilst on board the ship shall be defrayed in the manner provided in subsection (1).

(4) In all other cases, any reasonable expenses duly incurred by the owner of any such ship, where such ship is within the Republic, for any seaman or apprentice in respect of illness, and also any reasonable expenses duly incurred by the owner of any such ship as aforesaid in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

*Recovery
of expenses
from owner.*

60. — (1) If any of the expenses incurred in respect of an illness, hurt or injury of a seaman or apprentice which are to be paid under this Part by the master or owner of the ship to which such seaman or apprentice belongs are paid by any authority on behalf of the Government, or if any other expenses in respect of an illness, hurt or injury of any seaman or apprentice belonging to any Cyprus ship whose wages are not accounted for under this Part to that authority, are so paid, those expenses shall be repaid to that authority by the master or owner of the ship.

(2) If any expenses are not repaid as required by subsection (1), the amount thereof, with costs, shall be a charge upon the ship and shall be recoverable from the master or from the owner of the ship for the time being, or, where the ship has been lost, from the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a citizen of the Republic, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt due to the Government, either by ordinary process of law or before the Court and in the manner in which wages may under this Law be recovered by seamen and apprentices.

(3) In any proceeding for such recovery, a certificate of the facts, signed by the aforesaid authority, together with such vouchers-receipts, if any, as the case requires, shall be sufficient proof that the expenses in respect of which the proceeding has been instituted were duly paid by that authority.

*Accommodation
for seamen, etc.*

61. The accommodation for seamen and apprentices in Cyprus ships shall be such as may be prescribed and provision may be made in the same manner for the inspection of such accommodation and for fees to

be paid in respect of such inspection³¹.

2 of 233(I)/2002.

62. [Section 62 which related to the obligation for certain ships to carry medical practitioners was repealed by section 2 of the Merchant Shipping (Masters and Seamen) (Amendment) (No.2) Law of 2002]³².

Penalty on
master on filthy
condition of
ship carrying passengers.

63. — (1) If any ship carrying passengers is found on arrival in Cyprus to be in a filthy and unsanitary condition, the master of that ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand pounds.

(2) The Port Health Officer may inspect any such ship on arrival in order to ascertain the sanitary condition thereof; and that officer shall, for that purpose, have all the powers of an inspector under this Law.

Medical
inspection
of seamen.

64. The Port Health Officer shall, on application by the owner or master of any Cyprus ship, and on payment by such owner or master of the prescribed fees, examine any seaman applying for employment in that ship, and shall give to the Port Officer a report under his hand stating whether the seaman is in a fit state for sea, and a copy of the report shall be given to the master or owner³³.

PART X - RELIEF AND REPATRIATION OF SEAMEN³⁴

Repatriation
of seamen.

65. — (1) Where the service of a seaman belonging to a Cyprus ship is terminated at a port outside the Republic the master of the ship shall give to the seaman a certificate of discharge in the prescribed form and return to him his certificate of competency and where the discharge is made without the consent of the seaman while the agreement is in force, the master shall, besides paying the seaman the wages to which

³¹ Consolidation Note: See in this respect the *Convention Concerning Crew Accommodation on Board Ships (Ratification) and for Matters Connected Therewith Law of 1995 (Law 14(III)/95)*.

³² Consolidation Note: Relevant provisions exist now in the *Merchant Shipping (Minimum Requirements of Medical Treatment on Board ships) Law of 2002 (Law 175(I)/2002)*.

³³ Consolidation Note: With regard to this section, see also the provisions of the *Merchant Shipping (Medical Examination of Seafarers and Issue of Certificates) Law of 2000 (Law107(I)/2000)*.

³⁴ Consolidation Note: Relevant to the provisions of this Part are also the provisions of the *Convention Concerning the Repatriation of Seamen (Ratification) and for Matters Connected Therewith Law of 1995 (Law 12(III)/95)*.

he is entitled, make adequate provision for his maintenance and for his return either to the port at which the seaman was engaged or a port in the country to which he belongs or to a port agreed to at the time of the discharge and the consular officer of the Republic shall endorse upon the agreement with the crew of the ship which the seaman is leaving the particulars of any provision so made.

(2) If the master fails, without reasonable cause, to comply with this section the expenses of the maintenance and repatriation -

(a) if defrayed by the seaman shall be recoverable as wages due to him;

(b) if defrayed by the consular officer of the Republic or by any other person, be a charge on the ship to which the seaman belongs, and are recoverable from the person who is, or in case of her loss or transfer, was, the owner of the ship.

(3) The provisions of this section shall apply to any seaman belonging to a Cyprus ship, discharged on the transfer or disposal of the ship at any port outside the Republic.

(4) The provisions of this section shall apply to any alien seaman who is a Commonwealth citizen or a citizen of the Republic of Greece or of the Republic of Turkey.

*Payment
of wages
to seaman
left behind.*

66. — (1) The master shall pay the amount of wages due to a seaman, who is left behind on the ground of his unfitness or inability to proceed to sea.

(2) Such payment shall be made to the consular officer of the Republic to whom the master shall also deliver a duplicate account of the wages due, one of which shall be retained by the consular officer and transmitted to the Director of the Department of Ports and the other shall be returned to the master with an endorsement thereon of the amount paid. The master shall deliver such duplicate to the Director of the Department of Ports on his return to the Republic.

(3) The consular officer of the Republic shall, if the seaman subsequently obtains employment at or quits the port at which the payment has been made, after deducting any expenses incurred by him in respect of the maintenance of the seaman under the Code, pay the remainder to the seaman and in any other case shall account to the Minister.

*Regulations
as to relief, etc.,
of distressed
seamen.*

67. The Council of Ministers shall make Regulations with respect to the relief, maintenance and repatriation of shipwrecked or otherwise distressed seamen found in any place outside the Republic.

*Relief of
distressed
seamen.*

68. — (1) All expenses incurred under the provisions of the Code or any Regulations made there under or under any Regulation made under this Law, in the relief of distressed seamen who, at the time of such relief being granted, are domiciled in the Republic and all expenses incurred elsewhere in relieving and returning to the Republic all such distressed seamen shall be borne by the revenue of the Republic.

(2) The Minister of Finance may order the payment out of the general revenue of all expenses incurred in the Republic in and about the relief and repatriation of such seamen as aforesaid.

(3) The Minister of Finance may order the repayment out of the general revenue of all sums expended under the provisions of subsection (1) or by the Government of any country or by any consular officer in any foreign country, in and about the relief and repatriation of such seamen as aforesaid, and such sums shall be refunded in such manner as the Minister of Finance may direct.

PART XI - FACILITIES FOR MAKING COMPLAINTS

*Facilities
for making
complaints.*

69. — (1) If a seaman or apprentice whilst on board a Cyprus ship, where such ship is within the Republic, states to the master of the ship his desire to make a complaint to the Port Officer or a Judge against the master or any of the crew, the master shall, as soon as the service of the ship will permit -

(a) if the ship is then at a port in the Republic; or

(b) if the ship is not then at such a port after her first arrival at any such port,

allow the complainant to go ashore or send him ashore properly accompanied, so that he may be enabled to make his complaint.

(2) If the master of a ship fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty pounds (£

4 of 166/87.

³⁵ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

750)³⁵.

PART XII - PROTECTION OF SEAMEN FROM IMPOSITION

*Assignment
or sale
of salvage invalid.*

70. Subject to the provisions of this Law, an assignment or sale of salvage payable to a seaman or apprentice belonging to a Cyprus ship made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt for any such salvage shall not be irrevocable.

*No debt
exceeding
three pounds
recoverable till
end of voyage.*

71. A debt exceeding in amount three pounds incurred by any seaman belonging to a Cyprus ship after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

*Penalty for
overcharges by
lodging
housekeepers.*

72. If a person demands or receives from a seaman or apprentice payment in respect of his board or lodging in the house of that person for a longer period than that during which the seaman or apprentice has actually resided or boarded therein, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and twenty-five pounds (£ 125)³⁶.

4 of 166/87.

*Penalty
for detaining
seaman's effects.*

73. — (1) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty pounds (£ 250)³⁷.

4 of 166/87.

(2) Notwithstanding any limitation of the ordinary jurisdiction of any Court by which an offence under subsection (1) is tried -

(a) the Court may, besides inflicting a fine, make an order directing the amount of the money, or the value of the effects, subject to such deduction as aforesaid, if any, or the effects themselves, to be forthwith paid or delivered to the seaman or

³⁶ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

³⁷ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

apprentice; and

(b) if the person to whom such order is addressed makes default in complying therewith, he may, at the discretion of the Court be ordered to pay a sum (which shall, for the purposes of the Criminal Procedure Law, be deemed to be a fine which he is sentenced to pay under any Law) not exceeding twenty-five pounds (£ 25)³⁸ for every day during which he is in default, or to be imprisoned until he has remedied his default, but so that he shall not, for non-compliance with such order, be liable under this section to imprisonment for a period or periods amounting in the aggregate to more than two months, or to the payment of any sums exceeding in the aggregate seven hundred and fifty pounds (£ 750)³⁹.

Cap. 155.

4 of 166/87.

4 of 166/87.

Penalty for solicitations by lodging housekeepers.

74. If, within twenty-four hours after the arrival of a ship at a port in the Republic, a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and twenty-five pounds (£ 125)⁴⁰.

4 of 166/87.

PART XIII - PROVISIONS AS TO DISCIPLINE

56 of 106(I)2000.

75. *[Section 75 which related to misconduct endangering life or ship was repealed by section 56 of the Merchant Shipping (Criminal and Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Law of 2000].*

2 of 24/76.
56 of 106(I)2000.

76. *[Section 76 which related to desertion and absence without leave was repealed by section 56 of the Merchant Shipping (Criminal and*

³⁸ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

³⁹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁴⁰ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Law of 2000].

3 of 24/1976.

77. *[Section 77 which related to the carriage of a deserter on board ship was repealed by section 3 of Amendment Law 24/1976].*

3 of 24/1976.

78. *[Section 78 which related to the power of Court to order the return of an offender-deserter on board ship was repealed by section 3 of Amendment Law 24/1976].*

4 of 24/76.
56 of 106(I)/2000.

79. *[Section 79 which related to general offences against discipline was repealed by section 56 of the Merchant Shipping (Criminal and Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Law of 2000].*

56 of 106(I)/2000.

80. *[Section 80 which related to summary remedies was repealed by section 56 of the Merchant Shipping (Criminal and Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Law of 2000].*

56 of 106(I)/2000.

81. *[Section 81 which related to penalty for false statement as to last ship or name was repealed by section 56 of the Merchant Shipping (Criminal and Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Law of 2000].*

*Entry
of offences
in official
log-book.*

82. If on or in respect of any Cyprus ship, any offence, within the meaning of this Part, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed, for which the offender's agreement imposes a fine and it is intended to enforce the fine-

(a) an entry of the offence or act shall be made in the official log-book and signed by the master and also by the mate or one of the crew;

(b) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure there from, either be furnished with a

copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit;

(c) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply, if any, made by the offender, shall likewise be entered and signed in manner aforesaid; and

(d) in any subsequent legal proceeding, the entries by this section required shall, if practicable, be produced or proved, and, in default of that production or proof, the Court hearing the case may, in its discretion, refuse to receive evidence of the offence or act of misconduct.

*Facilities
for proving
desertion in
proceedings
for forfeiture
of wages.*

83. — (1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited under this Part for desertion from a Cyprus ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and that he left the ship before the completion of the voyage or engagement, and that an entry of his desertion has been duly made in the official log-book.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court that he had sufficient reasons for leaving the ship.

*Application
of forfeitures.*

84. — (1) Where any wages or effects are, under this Part, forfeited for desertion from a ship, those effects may be converted into money; and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and, subject to that reimbursement, shall be paid into the public revenue.

(2) Where wages are forfeited under this Law in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

*Decision of
questions of
forfeiture and
deductions in
suits for wages.*

85. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice under this Law may be determined in any proceeding lawfully instituted with respect to those wages notwithstanding that the offence in respect of which the question arises, although by this Law made punishable by imprisonment as well

as forfeiture, has not been made the subject of any criminal proceeding.

*Ascertainment
of amount of
forfeiture out
of wages.*

86. If a seaman contracts for wages by the voyage, by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Law shall be an amount bearing the same proportion to the whole wages or share as a month, or any other period hereinbefore mentioned in fixing the amount of such forfeiture, as the case may be, bears to the whole time spent in the voyage or run; and, if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

*Deductions
of fines from
wages and
payment to
Port Officer.*

87. — (1) Every fine imposed on a seaman belonging to a Cyprus ship for any act of misconduct for which his agreement imposes a fine shall be deducted as if the offender is discharged in the Republic and the offence, and the entry in the log-book required by the Code or by this Law, as the case may be, in respect of the offence, are proved to the satisfaction of the Port Officer before whom the offender is discharged, the master or owner shall deduct the fine from the wages of the offender.

(2) Every fine so deducted shall be paid to the Port Officer.

(3) If a master or owner of a ship fails, without reasonable cause, to pay any fine as required by this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding six times the amount of the fine not so paid.

(4) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punishable under this Law.

*Penalty for
enticing to
desert and
harboring
deserters.*

4 of 166/87.

88. — (1) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in, or to desert from his ship, or otherwise to absent himself from his duty, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500)⁴¹, in respect of each seaman or apprentice whom he persuades or attempts to persuade as aforesaid.

(2) If a person willfully harbors or secretes a seaman or apprentice

⁴¹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

4 of 166/87.

who has willfully neglected or refused to join, or has deserted from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty pounds (£ 750)⁴², in respect of every seaman or apprentice so harbored or secreted.

Penalty on stowaways.

89. If a person secretes himself in any ship intending to go to sea in such ship without the consent either of the owner, agent or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding four hundred and fifty pounds (£ 450) or to both such imprisonment and fine⁴³.

3(1) of 166/87.

No forced labour may be imposed on persons sentenced to imprisonment for certain offences. 5 of 24/76.

89A. Notwithstanding any provisions of any Law or any Regulations providing for the contrary, no forced labour may be imposed on any person sentenced to imprisonment-

- (a) for any offence under section 76 or paragraph (c) of section 79;
- (b) for the offence of combining with any of the crew to disobey lawful commands under subparagraph (ii) of paragraph (e) of section 79.

PART XIV - SPECIAL PROVISIONS WITH REGARD TO EMPLOYMENT OF CHILDREN AND YOUNG PERSONS ON CYPRUS SHIPS⁴⁴

Interpretation.

90. In this Part, unless the context otherwise requires

“child” means a person under the age of sixteen years;

“Labour Inspector” means a public officer of his Ministry nominated by the Minister of Labour and Social Insurance for this purpose;

⁴² Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁴³ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁴⁴ Consolidation Note: Relevant to the provisions of this Part are also the provisions of the *Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea, (Revised 1936), (Ratification) and for Matters Connected Therewith Law of 1994 (Law 8(III)/94)*.

“young person” means a person who has attained the age of sixteen years and is under the age of eighteen years.

*This Part
to apply to
employment
of children and
young persons.*

91. Notwithstanding anything in this Law or in any other Law, the provisions of this Part shall apply in connection with the employment or work of any child or young person on a Cyprus ship.

*Prohibition and
restrictions on
the employment
of children and
young persons.*

92. — (1) No child shall be employed or work on a Cyprus ship other than a Cyprus ship upon which only members of the same family are employed.

(2) No young person shall be employed or work on a Cyprus ship as a trimmer or stoker.

(3) No young person shall be employed or work in any other capacity in the engine room of a Cyprus ship unless he has passed the final test in a recognized apprenticed course with regard to work in the engine room.

(4) Irrespective of any of the prohibitions or restrictions provided in the foregoing subsections or in any of the provisions of this Part, a Labour Inspector may in any individual case prohibit or restrict the employment or work of any young person on board a particular Cyprus ship or in particular operations if employment or work on board such ship or in such operations involves special dangers to life or health.

*Obligations
of master, etc.*

93. — (1) The master and any superior seaman of a young person shall ensure that such person is not employed in any operation exceeding his physical power.

(2) The master shall -

(a) take the necessary precautions and issue the necessary orders for the protection of the life, health and morals of young persons employed on the ship;

(b) inform any young person employed or working on the ship before the commencement of his employment as to the dangers of injury or disease to which he will be exposed during his employment or work particularly with regard to operations with engines or in dangerous workplaces and shall instruct him at intervals as to the use of appliances or other measures for the prevention of such dangers and the rules of conduct to be complied with during such employment or work.

Hours of work.

94. Any provisions relating to hours of work at sea and in port of young persons shall apply with the following modifications:-

On board Cyprus ships that are recognized as training ships by the Minister of Labour and Social Insurance and by the Minister, young persons may, for the purposes of their training, be employed or work beyond the daily hours of work at sea up to an average of two hours daily, this average being calculated weekly, in accordance with the Regulations prescribing the training for work as a seaman on board foreign going ships.

Overtime.

95. — (1) A young person may be employed or work overtime but so that the period of work shall not exceed nine hours a day and fifty hours a week.

(2) A young person shall only be employed or work overtime if no adult members of the crew are available.

(3) A young person shall be paid in respect of each hour of overtime a bonus as may be prescribed.

Rest breaks.

96. — (1) Every young person who is employed or works for a continuous spell of more than four-and-a-half hours shall be granted one rest break of at least half-an-hour or two rest breaks of at least a quarter-of-an-hour, which shall be fixed beforehand.

(2) No young person shall be employed or work for more than four-and-a-half hours at a time without a rest break of at least a quarter-of-an hour.

Nightly rest.

97. A young person shall not be employed or work at night between 8 p.m. and 6 a.m. except when such person is assigned to watchkeeping.

Uninterrupted period of rest.

98. — (1) A young person shall, in every week, as far as possible on Sunday, be granted an uninterrupted rest period of at least twenty-four hours immediately following a nightly rest.

(2) Such rest period shall also be granted on each holiday falling on a working day.

(3) If for service reasons a young person assigned to watch keeping cannot be granted the rest period provided by subsection (1) for one whole week at sea, such rest period shall be made up in one of the

succeeding weeks, but if for service reasons this cannot be made up before the commencement of annual leave, the leave shall be extended by the number of rest periods not granted.

PART XV - OFFICIAL LOG BOOKS AND ARTICLES OF THE SHIP

*Official
log-books.*

99. — (1) An official log-book, an engine room log-book and a radio log-book, shall be kept in every Cyprus ship, in the appropriate form for that ship approved by the Minister.

(2) Such official log-books, which may be different for different classes of ships, shall contain proper spaces for the entries required by this Law.

(3) The engine room log-book shall be kept by the Chief Engineer and the radio log-book by the radio operator. Entries in the log-books are made daily and signed by its keeper.

(4) The official log-book may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log-book, so that, in all cases, the spaces in the official log-book shall be duly filled up.

(5) An entry required by this Law in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and, if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, shall not be made more than twenty-four hours after that arrival.

(6) Every entry in the official log-book shall be signed by the master and by the mate or some other member of the crew, and also-

(a) if it is an entry of illness, injury or death, by the surgeon or medical practitioner on board, if any;

(b) if it is an entry of wages due to seaman or apprentice who dies, by the mate and by some member of the crew in addition to the master.

(7) Every entry made in an official log-book in the manner provided by this Law shall be admissible in evidence.

*Entries
required
in official
log-book..*

100. The master of a Cyprus ship shall enter or cause to be entered in the official log-book the following matters, that is to say-

(a) all navigational and meteorological indications and a report of every material occurrence;

(b) every conviction by a court of a member of his crew, and the punishment inflicted;

(c) every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply, if any, made to the charge, as is by this Law or by the Code, as the case may be, required;

(d) every offence for which punishment is inflicted on board, and the punishment inflicted;

(e) a statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion of those particulars;

(f) every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted, if any;

(g) every marriage taking place on board, with the names and ages of the parties;

(h) the name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof;

(i) the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made there from;

(j) the sale of the effects of any seaman or apprentice who dies during the voyage;

(k) every collision with any other ship, and the circumstances under which the same occurred;

(l) every accident sustained or caused by the ship which has

occasioned any loss of life, or any serious injury to any person, or any material damage to the ship affecting her seaworthiness or her efficiency in her hull, equipment or machinery, and every grounding of the ship; and

(m) any other matter either directed by this Law to be entered or as may be prescribed.

Ship's articles.

101. — (1) There shall be kept in every Cyprus ship, such ship's articles as may be prescribed for the class to which the ship belongs.

(2) There shall be entered in the ship's articles a record of all seamen engaged in the ship and the terms and conditions of their engagement and such other matters as may be prescribed.

(3) The ship's articles shall be delivered in the prescribed manner by the Port Officer to the master before the ship leaves the port.

(4) The master shall, during the voyage, cause the ship's articles to be available for inspection by any interested member of the crew.

Offences in respect of log-books and ship's articles.

102. — (1) If an official log-book or the ship's articles required by this Part to be kept is not kept in the manner required by this Part, or if an entry directed by this Law to be made therein is not made at the time and in the manner directed by this Law, the master of the ship shall, in respect of each such failure, be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty pounds (£ 250)⁴⁵, except for an offence under section 104 or 106.

4 of 166/87.

(2) If any person makes, or procures to be made, or assists in making, any entry in an official log-book or in the ship's articles as aforesaid in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500)⁴⁶.

4 of 166/87.

(3) If any person willfully destroys, mutilates or renders illegible any

⁴⁵ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁴⁶ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁴⁷ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

entry in an official log-book or ship's articles as aforesaid, or willfully makes or procures to be made or assists in making a false or fraudulent entry in, or omission from, any such official log-book, or ship's articles, he shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds (£1.000) or to both such imprisonment and fine⁴⁷.

3(1) of 166/87.

*Delivery
of log-books
to the
Port Officer.*

103. — (1) The master of every foreign-going ship shall, within twenty-four hours before the ship's departure from, or after the ship's arrival at, a port or upon the discharge of the crew, whichever first happens, deliver or transmit the official log-books and the ship's articles of the voyage to the Port Officer or the consular officer of the Republic.

(2) The master or owner of every Cyprus ship, other than a foreign-going ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log-books and the ship's articles for the preceding half-year to the Port-Officer.

(3) Upon the delivery or transmission of an official log-book or the ship's articles to the Port Officer or the consular officer of the Republic under the provisions of this section, the Port Officer or the consular officer of the Republic shall give to the master or owner of the ship a certificate of such delivery or transmission, and may detain any ship to which this section applies until the condition precedent to the giving of the certificate exists.

(4) The Port Officer or the consular officer of the Republic shall deliver to the master before departure from the port the official log-book and the ship's articles inspected and certified by him in the prescribed manner.

(5) If the master or owner of a ship fails, without reasonable cause, to deliver or transmit any official log-book or ship's articles as required by this section, he shall be guilty of an offence and shall be liable on conviction to a fine of two hundred and fifty pounds (£ 250)⁴⁸.

4 of 166/87.

*Official
log-books or
ship's articles
to be sent
home in case
of transfer of*

104. — (1) Where, by reason of transfer of ownership or change of the way of the operation of a Cyprus ship, the official log-books or the ship's articles cease to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the

⁴⁸ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

*ship, and in
case of loss.*

ship is then within the Republic, within one month, and if she is elsewhere, within six months after such cessation, deliver or transmit to the Port Officer the official log-books and the ship's articles duly made out to the time of the cessation.

(2) If a Cyprus ship is lost or abandoned, the master or owner thereof shall, if practicable and as soon as possible, deliver or transmit to the Port Officer the official log-books and the ship's articles duly made out to the time of the loss or abandonment.

(3) If the master or owner of a ship fails, without reasonable cause, to comply with any requirement of this section, he shall be guilty of an offence and shall be liable on conviction to a fine of two hundred and fifty pounds (£ 250)⁴⁹.

4 of 166/87.

PART XVI - REGISTRATION AND RETURNS

18 of 108(I)/2000.

105. *[Section 105 which related to the Register of seamen was repealed by section 18 of the Merchant Shipping (Registration of Seafarers and Seafarers' Register) Law of 2000].*

*Returns
of births
and deaths
in Cyprus ships.*

106. — (1) The master of every Cyprus ship shall as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his official log-book or otherwise the fact of the birth or death, and such particulars as may be prescribed concerning the birth or death, or such of them as may be known to him.

(2) The master of every ship as aforesaid shall, upon her arrival at a port in the Republic, deliver or transmit to the Director, in such form as may be prescribed a return of the facts recorded by him in respect of the birth of a child or the death of a person on board such ship.

(3) The Director shall send a certified copy of the returns relating to such births and deaths to the Registrar of Births and Deaths of the Republic, who shall cause the same to be filed, and such certified copy shall be deemed to be a certified copy of a register for the purposes of the Births and Deaths Registration Law⁵⁰.

Cap. 275.

(4) If the master of any ship fails to comply with any requirement of

⁴⁹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁵⁰ Consolidation Note: *The Births and Deaths Registration Law (Cap.275)*, was repealed and replaced by the *Births and Deaths Registration Law of 1973 (Law 85 of 1973)*.

4 of 166/87.

this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds (£ 500) ⁵¹.

Transmission of documents to Director.

107. The Port Officer or the consular officer of the Republic shall take charge of all documents which are delivered or transmitted to or retained by him in pursuance of this Law, and shall keep them for such time, if any, as may be necessary for the purpose of settling any business arising at his port, or for any other proper purpose, and shall, if required, produce them for any of those purposes and he shall then transmit such documents to the Director, who shall record and preserve them, and they shall be admissible in evidence in the manner provided by this Law, and they shall, on payment of the prescribed fee, be open to inspection by any person.

Documents to be handed over to successor on change of master.

108. — (1) If during the progress of a voyage of a Cyprus ship, the master is removed, superseded or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and, if he fails, without reasonable cause, so to do, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty pounds (£ 750) ⁵².

4 of 166/87.

(2) The successor to every master, shall immediately on assuming the command of a ship enter in the official log-book a list of the documents so delivered to him.

PART XVII - MISCELLANEOUS PROVISIONS

Regulations.

109. — (1) The Council of Ministers shall make Regulations to be published in the official Gazette of the Republic providing for all of the following matters:

- (a) prescribing any matter which under this Law is required or may be prescribed;

⁵¹ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁵² Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

2 of 25/69.
2 of 101(I)/2002.

(b) any matter for which Regulations may be made under this Law;

(c) the composition of the crew and the size of the crew with regard to each class of ships;

(d) [*This paragraph which related to the minimum number of Citizens of the Republic to be included in a crew was repealed as from the 1st of May 2004 –i.e. the date of accession of the Republic of Cyprus to the EU-, by section 2 of Amendment Law 101(I)/2002*] ;

(e) cadet officers and terms and conditions relating to such officers;

(f) hours of work, hours of rest and leave⁵³;

(g) the dietary of the crew and other matters relating to the welfare of the crew;

(h) the issue of identity cards to the crew, the form of such cards and the conditions of their issue and revocation;

(i) documents and forms, their admissibility in evidence and their exemption from any stamp duty;

(j) the fixing of fees payable in respect of any matter under this Law.

⁵³ Consolidation Note: See in this respect the *Merchant Shipping (Organisation of Working Time of Seafarers) Law of 2003 (Law 79(I)/2003)*.

⁵⁴ Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

⁵⁵ Consolidation Note: It is recalled that the Regulations presently in force, issued under this section are the following : - *The Merchant Shipping (Dietary of the Crew) Regulations, 1964. (Gazette No. 327, Supplement III, dated 25.6.64, P.I.No.204/64)*;

-*The Merchant Shipping (Certificate of Maritime Competency of Radiotelegraph Operators) Regulations, 1984. (Gazette No. 2015, Supplement III(I), dated 7.12.84, P.I.No. 338/84)*;

- *The Merchant Shipping (Official Log Books, Ship's Articles and Six-Month Lists) Regulations, 2001. (Gazette No. 3517, Supplement III (I), dated 27.7.2001, P.I.No. 297/2001)*.

(2) The Council of Ministers may make Regulations to be published in the official Gazette of the Republic generally for the better carrying into effect the provisions and purposes of this Law.

3(1) of 166/87.

(3) Any such Regulations may provide for a penalty of imprisonment not exceeding six months or a fine not exceeding four hundred and fifty pounds (£ 450) ⁵⁴ or to both such imprisonment and fine for any breach or contravention of any such Regulations⁵⁵.

Rules of Court.

110. The Supreme Court may make Rules of Court, to be published in the official Gazette of the Republic, regulating the practice and procedure in respect of any proceeding had or taken before any Court under this Law.

*Part II of
Merchant
Shipping Act,
etc., to cease
to have effect..*

111. Part II of the Merchant Shipping Act, 1894, containing sections 92 to 266, both inclusive, and sections 31, 32, 40 and 45 of the Merchant Shipping Act, 1906, shall cease to have effect in the Republic.

*Repeals.
Cap. 292.
38 of 1963.*

112. Sections 10 and 11 of the Merchant Shipping (Safety and Seamen) Law are hereby repealed.

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