

**THE INTERNATIONAL CONVENTION ON LOAD LINES 1966
(RATIFICATION) AND FOR MATTERS CONNECTED THEREWITH LAWS OF
1969 TO 1997¹**

LAW NO 39 of 1969 AS AMENDED

A LAW TO PROVIDE FOR THE RATIFICATION OF THE INTERNATIONAL
CONVENTION ON LOAD LINES 1966 AND OF ITS PROTOCOL OF 1988

The House of Representatives enacts as follows:

Short title.

*39 of 1969
24 of 1973
17 of 1974
43 of 1977
7 of 1982
53 of 1984
90 of 1986
25(III) of 1997.*

1. This Law shall be cited as the International Convention on Load Lines 1966 (Ratification) and for Matters Connected Therewith Laws of 1969 to 1997.

*Interpretation.
2(a) of 7/82.*

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

2(b) of 25(III)/97.

“Convention” means the International Convention on Load Lines of 1966, annexed in the Final Act of the International Conference held in London from 3 March to 5 April, the text of which is set out in the English original and in Greek translation in the Schedule, as amended by the Resolutions of the Assembly of the International Maritime Organization A.231 (VII) dated 12th October 1971, A.319(IX), dated 12th November 1975, A.411(XI), dated 15th November 1979, A.513(XIII) dated 17th November 1983 and as amended from time to time by resolutions of the organs of the Organization in question, that are ratified by law:

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

2(b) of 7/82.

“Competent Authority” means the Minister and for the purposes of the Convention, this Law and the Regulations made there under, includes any person specially authorized by him.

2(a) of 25(III)/97.

“Protocol of 1988” means the Protocol to the Convention, signed at London on 11th November 1988 and includes the Annexes and Regulations attached thereto.

¹ **Consolidation Note:** Includes the latest amendments introduced by Law 25(III)/1997. 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. The authentic and therefore legally binding version, is the Greek version of this Law.**

It is recalled that relevant to this Ratification Law, are also the provisions of section 8 of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005 (Law 45/1963 as amended).

2(b) of 7/82.

“Minister” means the Minister of Communications and Works.

2(c) of 7/82.

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

*Ratification of
the Convention and
of its Protocol 1988.
3 of 17/74
2 of 43/77
2 of 53/84
2 of 90/86
3 of 25(III)/97.
Schedule.
Part I.
Part II.*

3. —(1) The Convention and its Protocol of 1988 are hereby ratified.

(2) The texts of the Convention and the Protocol of 1988 are set out in the English original in Part I of the Schedule and in translation in Greek in Part II of the Schedule²:

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

*Scope of
application.*

4 of 25(III)/97.

4. —(1) The application, of this Law is extended –

(a) To Cyprus ships which are subject to the provisions of the Convention, of the Protocol of 1988 and of the Regulations made for their implementation; and

(b) to foreign ships which are subject to the provisions of the Convention and of the Protocol of 1988 when sailing within the territorial waters of the Republic.

*Powers of
the
Competent
Authority.
4 of 25(III)/97.*

5. Apart from the powers granted to it expressly by the forthcoming sections, the Competent Authority has the general responsibility for the application and control of the observation of the provisions of this Law, the Convention, the Protocol of 1988 and of the Regulations made for the implementation thereof.

*Equivalents.
4 of 25(III)/97.*

6. The Minister may, by a decision published in the Official Gazette of the Republic, allow equivalents provided under Article 8 of the Convention.

*Prohibition
of sailing.
4 of 25(III)/97.*

7. —(1) The sailing of ships which are subject to the provisions of this Law shall be prohibited as long as these ships do not comply with the requirements specified in the Convention, the Protocol of 1988 and the Regulations made for the implementation thereof.

(2) If during the inspection of a ship the Competent Authority ascertains any contravention of the provisions of this Law, the Convention, the Protocol of 1988 and the Regulations made in execution thereof, the Competent Authority shall confirm the contravention, make a relevant report, call the master to explain the situation and prohibit the sailing of the ship until the cause affecting her ability for safe sailing is rectified

² **Consolidation Note:** The present consolidation does not include the *Schedule*, i.e. the full text of the Convention, the amending Resolutions and the Protocol 1988 obtainable from the International Maritime Organization (IMO) publications.

and, provided this is the case, the fine prescribed in section 8 is paid.

(3) The expenses that derive from the inspection of the ship for ascertaining her ability thereof for safe sailing burdens the ship and are paid before the lifting of the prohibition of sailing.

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*Contraventions
and sanctions.
4 of 25(III)/97.*

8. —(1) Contravention of the provisions of this Law, of the Convention, of the Protocol of 1988 and of the Regulations made there under, shall be punishable, notwithstanding whether a case of criminal or disciplinary liability arises under any other legal provision, with an administrative fine of one hundred (£100) up to five thousand (£5.000) pounds depending on the seriousness of the contravention confirmed.

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

(3) The Competent Authority shall notify the master of its decision imposing the administrative fine and it shall not allow the lifting of a prohibition of sailing imposed under the preceding section, until the administrative fine has been paid, or a bank guarantee issued by a recognized bank of equal amount for the benefit of and with terms satisfying the Competent Authority has been deposited.

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

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

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

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

*Criminal
offence.
4 of 25(III)/97.*

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

*Court
proceedings
to collect
fine
under
section 8.
4 of 25(III)/97.*

10. In case of failure to pay the administrative fine imposed under section 8, the Competent Authority shall institute court proceedings and collect the amount due as a civil debt owed to the Republic.

*Fine a
charge
on the ship.
4 of 25(III)/97.*

11. Notwithstanding the provisions of any other Law, the fine imposed under sections 8 or section 9, constitutes a charge on the ship in connection with which the contravention was ascertained, or as the case may be, the offence has been committed, which is satisfied in priority against any other creditors, subject to its ranking after the last mortgage.

*Regulations.
4 of 25(III)/97.*

12. —(1) For the better carrying out of the provisions of this Law, the Convention or the Protocol of 1988, the Council of Ministers has power to make Regulations for prescribing any matter which is required to be or may be prescribed.

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

- (a) Provide for analogous application of the provisions of the Convention to Cyprus ships that do not fall within its provisions to the extent that analogous application is possible;
- (b) fix the time periods of the inspections by virtue of Article 14 of the Convention;
- (c) prescribe a sentence of imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds (£5.000) or to both such sentences for the offences provided under the Regulations.
- (d) provide for the obligations of the masters of Cyprus ships, according to the category of their ships and the performed sailings by these; and
- (e) provide for the manner of writing and sending the required reports by the masters of the Cyprus ships.

(3) Regulations made under this section shall be laid before the House of Representatives. If after the lapse of sixty days of their laying, the House of Representatives does not amend or reject the Regulations wholly or partly, then the Regulations shall be immediately published in the Official Gazette of the Republic and shall come into force as from such publication. In case of an amendment to the Regulations by the House of Representatives, wholly or partly, then the Regulations shall be published in the Official Gazette of the Republic as amended and shall come into force as from such publication.

**Consolidated DMS Version
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