

CAP. 304.

CYPRUS

SUBMARINE TELEGRAPHS

CHAPTER 304 OF THE LAWS

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1959

CHAPTER 304.

SUBMARINE TELEGRAPHS.

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TO CARRY INTO EFFECT AN INTERNATIONAL CONVENTION
FOR THE PROTECTION OF SUBMARINE TELEGRAPH CABLES.

1949
Cap. 166.

[30th April, 1888.]

Short title.

1. This Law may be cited as the Submarine Telegraph Law.

Interpre-
tation.

2. In this Law—

"master" includes every person having command or charge of a vessel;

“vessel” means every description of vessel used in navigation in whatever way it is propelled; and any reference to a vessel shall include a reference to a boat belonging to it.

Confirmation
of Conven-
tion.

First
Schedule.

Second
Schedule.

3. Subject to the provisions of this Law the articles of the Convention of the 14th of March, 1884, set out in the First Schedule, and referred to in this Law as the Convention, and also the Declaration set out in the Second Schedule, shall be of the same force as if they were enacted in the body of this Law.

4. (1) A person shall not unlawfully and wilfully, or by culpable negligence, break or injure any submarine cable to which the Convention for the time being applies, in such manner as might interrupt or obstruct in whole or in part telegraphic communication.

Punishment
for violation
of Article 2
of Conven-
tion.

(2) Any person who acts or attempts to act in contravention of this section shall be guilty of an offence; and on conviction—

(a) if he acted wilfully, shall be liable to imprisonment for a term not exceeding two years and to a fine in lieu of or in addition to such imprisonment; and

(b) if he acted by culpable negligence, shall be liable to imprisonment for a term not exceeding three months, and to a fine not exceeding twenty pounds either in lieu of or in addition to such imprisonment.

(3) Where a person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to which he belongs or any other vessel, and takes all reasonable precautions to avoid injury to a submarine cable, he shall not be deemed to have acted unlawfully and wilfully within the meaning of this section.

(4) A person shall not be deemed to have unlawfully and wilfully broken or injured any submarine cable, where in the *bona fide* attempt to repair another submarine cable injury has been done to the first mentioned cable, or it has been broken; but this shall not apply so as to exempt him from any liability under this Law or otherwise to pay the cost of repairing such breakage or injury.

(5) Any person who in any manner procures, counsels, aids, abets, or is accessory to the commission of any offence under this section, shall be liable to be tried and punished for the offence as if he had been guilty as a principal.

5. (1) All such Regulations as shall from time to time be made by Her Majesty in Council, for carrying into effect Articles 5 and 6 of the Convention shall have the same force in Cyprus as if they formed part of this Law; and any person guilty of a breach of such Regulations shall be liable to a fine not exceeding twenty pounds or to imprisonment not exceeding two months.

Application
of Regula-
tions for
carrying
into effect
Articles 5
and 6 of
Convention

(2) If any vessels engaged in the laying or repairing of a submarine cable to which the Convention for the time being

applies, interferes contrary to the said Regulations or articles with any vessel engaged in fishing, or if the operations of any vessel in connection with any such submarine cable are wilfully delayed so as to interfere with sea fishing, the master of the vessel, or the owner thereof, if it appear that he was in fault, shall be deemed guilty of a breach of the said Regulations, and may be punished accordingly.

Powers of
British and
foreign
officers.

6. (1) For the purpose of carrying into effect the Convention, a person commanding a ship of war of Her Majesty or of any foreign state for the time being bound by the Convention, or a ship specially commissioned for the purpose of the Convention by Her Majesty or by the Government of such foreign state, may exercise and perform the powers and duties vested in and imposed on him by any article in the First Schedule.

(2) Any person who obstructs any such officer in such exercise or performance, or refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Law, shall be liable to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding two months.

(3) Any action, prosecution, or proceeding against any officer for any act done in pursuance or execution or intended execution of this Law, or in respect of any alleged neglect or default in the execution of this Law, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of.

(4) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client as from the time of such tender or payment.

(5) Any such action may be brought in any District Court in Cyprus.

Offence
where
deemed to
have been
committed.

7. For the purpose of giving jurisdiction under this Law, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in

which it was actually committed or arose, or in any place in which the offender or person complained against may be.

8. In all cases where any district within which any Court has jurisdiction under this Law is situate on the sea-coast every such Court shall for the purposes of this Law have jurisdiction over any ship or boat being or lying or passing off such coast, and over all persons on board such ships or for the time being belonging thereto, in the same manner as if such ship, boat or persons were within the limits of the original jurisdiction of such Court.

Jurisdiction
over ships
lying off
coast.

9. (1) Any document drawn up in pursuance of Article 7 or Article 10 of the First Schedule shall be admissible in any proceeding, civil or criminal, as *prima facie* evidence of the facts or matters therein stated.

Evidence.

(2) If evidence contained in any such document was taken on oath in the presence of the person charged in the evidence, and such person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer drawing up the document may certify the said facts, or any of them.

(3) Any document or certificate in this section mentioned purporting to be signed by an officer authorized to act under the First Schedule for carrying into effect the Convention, shall be admissible in evidence without proof of the signature, and, if purporting to be signed by any other person, shall, if certified by any such officer to have been so signed, be deemed, until the contrary is proved, to have been signed by such other person.

(4) Any person who forges the signature of any such officer to any such document as above-mentioned, or makes use of any such document knowing the signature thereto to be forged, shall be guilty of an offence and liable to imprisonment for a term not exceeding two years.

10. Where any offence against this Law has been committed by means of a vessel, or of any boat belonging to a vessel, the master of the vessel shall until some other person is shown to have been in charge of and navigating the vessel or boat, be deemed to have been in charge of and navigating it, and be liable to be punished accordingly.

Liability of
masters of
vessels.

11. Nothing in this Law shall prevent any person from being liable to any proceeding, punishment or penalty other

Savings.