



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3598 OF 16TH JANUARY, 1952.

LEGISLATION.

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THE STATUTE LAWS OF CYPRUS

No. 1 OF 1952.

A LAW TO CONSOLIDATE AND AMEND THE SHIPPING (REGULATIONS AS TO SAFETY) LAWS AND TO MAKE PROVISION FOR THE CERTIFICATION AND WELFARE OF SEAMEN.

A. B. WRIGHT,  
Governor.

[15th January, 1952.]

**B**E it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

PART I.—PRELIMINARY.

**1.** This Law may be cited as the Merchant Shipping (Safety Regulation and Seamen) Law, 1952, and shall be construed as one with the Merchant Shipping Acts, so far as the same are or shall be made applicable to the Colony. Short title.

Interpretation.

2. In this Law unless the context otherwise requires—

“Merchant Shipping Acts” means the Acts of Parliament cited as the Merchant Shipping Acts, 1894 to 1950, and any other Act amending or substituted for the same ;

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

#### PART II.—SAFETY AT SEA.

Power to the Governor in Council to make regulations as to safety.

3.—(1) The Governor in Council may, in relation to any ships to which this section applies, make regulations with respect to the maximum number of passengers to be carried on board and with respect to all or any of the following matters (in this Law called “regulations for life-saving appliances”), namely :—

- (a) the arranging of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried ;
- (b) the number, description, and mode of construction of the boats, life rafts, line-throwing appliances, life-jackets, and lifebuoys to be carried by ships, according to the classes in which the ships are arranged ;
- (c) the equipment to be carried by any such boats and rafts and the methods to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather ;
- (d) the provision in ships of a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys ;
- (e) the quantity, quality and description of buoyant apparatus to be carried on board ships carrying passengers, either in addition to or in substitution for boats, life rafts, life-jackets and lifebuoys ;
- (f) the position and means of securing the boats, life rafts, life-jackets, lifebuoys and buoyant apparatus ;
- (g) the marking of the boats, life rafts and buoyant apparatus so as to show their dimensions and the number of persons authorized to be carried on them ;
- (h) the manning of the lifeboats and the qualifications and certificates of lifeboat men ;
- (i) the provision to be made for mustering the persons on board, and for embarking them in the boats, including provision for the lighting of, and the means of ingress to and egress from, different parts of the ship ;

- (j) the provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented ;
  - (k) the assignment of specific duties to each member of the crew in the event of emergency ;
  - (l) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire ;
  - (m) the practice in ships of boat-drills and fire-drills ;
  - (n) the provision in ships of means of making effective distress-signals by day and by night ;
  - (o) the provision, in ships engaged on voyages in which pilots are likely to be embarked, of suitable pilot-ladders, and of ropes, lights and other appliances designed to make the use of such ladders safe ; and
  - (p) the examination at intervals to be prescribed by the regulations of any appliances or equipment required by the regulations to be carried.
- (2) This section applies to—
- (a) British ships registered in Cyprus ;
  - (b) other ships while they are within any port in Cyprus :

Provided that this paragraph shall not apply to a ship by reason of her being within a port in Cyprus if she would not have been in any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer, if any, of the ship could have prevented or forestalled.

4.—(1) In the case of any ship—

- (a) if the ship is required by the regulations for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the regulations applicable to the ship ; or
- (b) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master ; or
- (c) if the owner or master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion ; or
- (d) if such appliances are not kept so as to be at all times fit and ready for use,

then and in every such case the owner of the ship, if in fault, and the master of the ship, if in fault, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

Penalties.

(2) If the owner or master of any ship wilfully carries or attempts to carry passengers in excess of the number allowed under the provisions of the regulations, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds, together with an additional penalty not exceeding double the amount of the fares of all passengers above the number allowed reckoned at the highest rate of fare payable by any passenger on board.

Power to  
detain unsafe  
ships, and  
procedure  
for  
detention.

5.—(1) Where a British ship, being in Cyprus, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments or machinery, or by reason of undermanning, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed or for ascertaining the sufficiency of her crew, and either finally detained or released as follows :—

- (a) the Governor, if he has reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed ;
- (b) when a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Governor may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to the Governor ;
- (c) the Governor on receiving the report may either order the ship to be released or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship, as the Governor thinks necessary for the protection of human life, and the Governor may vary or add to any such order ;
- (d) before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after the service the owner or master of the ship may appeal to the Supreme Court and the Rules of Court for the time being in force relating to appeals in civil cases shall apply to an appeal under this paragraph ;
- (e) where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the

ship makes that survey, may require that he shall be accompanied by such person as the owner or master may appoint as an assessor for the purpose, and in that case if the surveyor and assessor agree, the Governor shall cause the ship to be detained or released accordingly, but if they differ, the Governor may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section ;

- (f) where a ship has been provisionally detained, the Governor may at any time, if he think it expedient, refer the matter to the Supreme Court ;
- (g) the Governor may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2) Any person appointed by the Governor for the purpose (in this Law referred to as a "detaining officer") shall have the same power as the Governor has under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3) A detaining officer shall forthwith report to the Governor any order made by him for the detention or release of a ship.

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6) The Collector of Customs of the Port shall be a detaining officer for the purposes of this Law and, in addition, the Governor may appoint any other fit persons to act as detaining officers, and may remove any such officers. A detaining officer shall be paid such salary or remuneration, if any, as the Governor may direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

(7) A detaining officer and a person authorized to survey a ship under this section shall for that purpose have the same power as a person appointed by a Court to survey a ship.

6.—(1) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part as an unsafe ship, the Government shall be liable to pay to the owner of the ship his costs of

Liability for costs and damages.