



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟΝ

ΤΗΣ ΕΠΙΣΗΜΟΥ ΕΦΗΜΕΡΙΔΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ὕπ' Ἀρ. 1395 τῆς 14ης ΟΚΤΩΒΡΙΟΥ 1977

ΝΟΜΟΘΕΣΙΑ

Ὁ περί τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὄργανισμοῦ (Τροποποιήσεις) (Κυρωτικός) Νόμος τοῦ 1977 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἐφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφώνως τῷ ἄρθρῳ 52 τοῦ Συντάγματος.

Ἀριθμὸς 58 τοῦ 1977

ΝΟΜΟΣ ΚΥΡΩΝ ΤΡΟΠΟΠΟΙΗΣΕΙΣ ΤΗΣ ΣΥΜΒΑΣΕΩΣ ΠΕΡΙ ΤΟΥ ΔΙΑΚΥΒΕΡΝΗΤΙΚΟΥ ΝΑΥΤΙΛΙΑΚΟΥ ΣΥΜΒΟΥΛΕΥΤΙΚΟΥ ΟΡΓΑΝΙΣΜΟΥ

Ἐπειδὴ ἡ Συνέλευσις τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ δι' ἀποφάσεως αὐτῆς ὑπ' ἀριθμὸν Α358(ΙΧ) τῆς 14ης Νοεμβρίου, 1975, ἐψήφισε, συμφώνως τῷ ἄρθρῳ 52 τῆς Συμβάσεως περί τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ, ὠρισμένας τροποποιήσεις τῆς Συμβάσεως ὡς αὗται ἐκτίθενται ἐν τῷ Πίνακι.

Προόμιον.

Πίναξ.

Καὶ ἐπειδὴ αἱ τροποποιήσεις αὗται, ἐγκριθεῖσαι ὑπὸ τοῦ Ὑπουργικοῦ Συμβουλίου διὰ τῆς ὑπ' ἀρ. 15.919 καὶ ἡμερομηνίαν 9ην Ἰουνίου, 1977, Ἀποφάσεως αὐτοῦ, δεόν ὅπως κυρωθῶσι διὰ νόμου ψηφιζομένου ὑπὸ τῆς Βουλῆς τῶν Ἀντιπροσώπων.

Διὰ ταῦτα, ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως:

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὄργανισμοῦ (Τροποποιήσεις) (Κυρωτικός) Νόμος τοῦ 1977 καὶ θὰ ἀναγινώσκηται ὁμοῦ μετὰ τῶν περί τῆς Συμβάσεως περί τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ (Κυρωτικῶν) Νόμων τοῦ 1973 καὶ 1975 (ἐν τοῖς ἐφεξῆς ἀναφερομένων ὡς «ὁ βασικὸς νόμος»), ὁ δὲ βασικὸς νόμος καὶ ὁ παρὼν Νόμος θὰ ἀναφέρονται ὁμοῦ ὡς οἱ περί τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὄργανισμοῦ (Κυρωτικοὶ) Νόμοι τοῦ 1973 ἕως 1977.

Συνοπτικὸς τίτλος.

73 τοῦ 1973
59 τοῦ 1975.

2. Αἱ ὑπὸ τῆς Συνελεύσεως τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ δι' ἀποφάσεως αὐτῆς ὑπ' ἀρ. Α.358(ΙΧ) καὶ ἡμερομηνίαν 14ην Νοεμβρίου, 1975, γενόμεναι τροποποιήσεις τῆς Συμβάσεως, ὡς αὗται ἐκτίθενται ἐν τῷ ἀγγλικῷ

Κύρωσις τῶν τροποποιήσεων τῆς Συμβάσεως.

Πινάξ
Πρώτου
Μέρους,
Δεύτερου
Μέρους.

πρωτοτύπου εις τὸ Πρῶτον Μῆρος τοῦ Πίνακος τοῦ παρόντος Νόμου καὶ ἐν μεταφράσει εἰς τὸ Δεύτερον Μῆρος τοῦ Πίνακος, διὰ τοῦ παρόντος κυροῦνται:

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξύ τῶν δύο κειμένων ὑπερισχῆται τὸ εἰς τὸ Πρῶτον Μῆρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

ΠΙΝΑΞ

(Ἄρθρον 2)

ΠΡΩΤΟΝ ΜΕΡΟΣ

AMENDMENTS TO THE CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Title of the Convention

The existing title of the Convention is replaced by the following :

CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION

Article 1

The existing text of paragraph (a) is replaced by the following :

The purposes of the Organization are :

(a) To provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade ; to encourage the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and the prevention and control of marine pollution from ships ; and to deal with legal matters related to the purposes set out in this Article ;

Article 3

The existing text is replaced by the following :

In order to achieve the purposes set out in Part I, the Organization shall :

(a) Subject to the provisions of Article 4, consider and make recommendations upon matters arising under Article 1 (a), (b) and (c) that may be remitted to it by Members, by any organ or specialized agency of the United Nations or by any other inter-governmental organization or upon matters referred to it under Article 1 (d) ;

(b) Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to inter-governmental organizations, and convene such conferences as may be necessary ;

(c) Provide machinery for consultation among Members and the exchange of information among Governments ;

(d) Perform functions arising in connection with paragraphs (a), (b) and (c) of this Article, in particular those assigned to it under international instruments relating to maritime matters.

Article 12

The existing text is replaced by the following :

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, a Legal Committee, a Marine Environment Protection Committee and such subsidiary organs as the Organization may at any time consider necessary and a Secretariat.

Article 16

The existing text is replaced by the following :

The functions of the Assembly shall be :

- (a) To elect at each regular session from among its Members, other than Associate Members, its President and two Vice-presidents who shall hold office until the next regular session ;
- (b) To determine its own Rules of Procedure except as otherwise provided in the Convention ;
- (c) To establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary ;
- (d) To elect the Members to be represented on the Council as provided in Article 18 ;
- (e) To receive and consider the reports of the Council, and to decide upon any question referred to it by the Council ;
- (f) To approve the work programme of the Organization ;
- (g) To vote the budget and determine the financial arrangements of the Organization, in accordance with Part XI ;
- (h) To review the expenditures and approve the accounts of the Organization ;
- (i) To perform the functions of the Organization, provided that in matters relating to Article 3 (a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon ; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make ;
- (j) To recommend to Members for adoption regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships or amendments to such regulations and guidelines which have been referred to it ;
- (k) To take decisions in regard to convening any international conference or following any other appropriate procedure for the adoption of international conventions or of amendments to any international conventions which have been developed by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or other organs of the Organization ;
- (l) To refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (j) of this Article shall not be delegated.

Article 22

(i) A new paragraph (a) is added as follows :

(a) The Council shall consider the draft work programme and budget estimates prepared by the Secretary-General in the light of the proposals of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee and other organs of the Organization and, taking these into account, shall establish and submit to the Assembly the work programme and budget of the Organization, having regard to the general interest and priorities of the Organization.

(ii) Existing paragraph (a) is renumbered as paragraph (b) and the existing text is replaced by the following :

(b) The Council shall receive the reports, proposals and recommendations of the Maritime Safety Committee, the Legal Committee and the Marine Environment Protection Committee and other organs of the Organization and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

(iii) The existing paragraph (b) is renumbered as paragraph (c) and the existing text is replaced by the following :

(c) Matters within the scope of Articles 29, 34 and 39 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee or the Marine Environment Protection Committee, as may be appropriate.

Article 24

The existing text is replaced by the following :

The Council shall make a report to the Assembly at each regular session on the work performed by the Organization since the previous regular session of the Assembly.

Article 25

The existing text is replaced by the following :

The Council shall submit to the Assembly financial statements of the Organization, together with the Council's comments and recommendations.

Article 26

(i) The existing text is renumbered as paragraph (a) and the Part referred to therein is changed to PART XIV.

(ii) A new paragraph (b) is added as follows :

(b) Having regard to the provisions of Part XIV and to the relations maintained with other bodies by the respective Committees under Articles 29, 34 and 39, the Council shall, between sessions of the Assembly, be responsible for relations with other organizations.

Article 27

The existing text is replaced by the following :

Between sessions of the Assembly, the Council shall perform all the functions of the Organization, except the function of making recommendations under Article 16 (j). In particular, the Council shall co-ordinate the activities of the organs of the Organization and may make such adjustments in the work programme as are strictly necessary to ensure the efficient functioning of the Organization.

Article 29

The existing text is replaced by the following :

(a) The Maritime Safety Committee shall consider any matter within the scope of the Organization concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigation salvage and rescue, and any other matters directly affecting maritime safety.

(b) The Maritime Safety Committee shall provide machinery for performing any duties assigned to it by this Convention, the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

(c) Having regard to the provisions of Article 26, the Maritime Safety Committee, upon request by the Council or if it deems such action useful in the interests of its own work, shall maintain such close relationship with other bodies as may further the purposes of the Organization.

Article 30

The existing text is replaced by the following :

The Maritime Safety Committee shall submit to the Council :

(a) Proposals for safety regulations or for amendments to safety regulations which the Committee has developed ;

(b) Recommendations and guidelines which the Committee has developed ;

(c) A report on the work of the Committee since the previous session of the Council.

New Article 32

A new Article 32 is added at the end of PART VII, as follows :

Notwithstanding anything to the contrary in this Convention but subject to the provisions of Article 28, the Maritime Safety Committee when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedure to be followed.

New Parts (VIII) and (IX)

New PARTS (VIII and IX) are added after the existing PART VII as follows :

PART VIII — LEGAL COMMITTEE

Article 33

The Legal Committee shall consist of all the Members.

Article 34

(a) The Legal Committee shall consider any legal matters within the scope of the Organization.

(b) The Legal Committee shall take all necessary steps to perform any duties assigned to it by this Convention or by the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

(c) Having regard to the provisions of Article 26, the Legal Committee, upon request by the Council or, if it deems such action useful in the interests of its own work shall maintain such close relationship with other bodies as may further the purposes of the Organization.

Article 35

The Legal Committee shall submit to the Council :

(a) drafts of international conventions and of amendments to international conventions which the Committee has developed ;

(b) a report on the work of the Committee since the previous session of the Council.