



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟΝ
ΤΗΣ ΕΠΙΣΗΜΟΥ ΕΦΗΜΕΡΙΔΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
ὕπ' Ἀρ. 1563 τῆς 2ας ΝΟΕΜΒΡΙΟΥ 1979
ΝΟΜΟΘΕΣΙΑ

Ὁ περί τῆς Διεθνούς Συμφωνίας περί Συντηρήσεως Ὁρισμένων Φάρων ἐν τῇ Ἐρυθρᾷ Θαλάσῃ (Κυρωτικός) Νόμος τοῦ 1979 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἐφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφώνως τῷ ἄρθρῳ 52 τοῦ Συντάγματος.

Ἀριθμός 83 τοῦ 1979

**ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΔΙΕΘΝΗ ΣΥΜΦΩΝΙΑΝ
ΠΕΡΙ ΣΥΝΤΗΡΗΣΕΩΣ ὉΡΙΣΜΕΝΩΝ ΦΑΡΩΝ
ΕΝ Τῇ ΕΡΥΘΡΑΙ ΘΑΛΑΣΣῃ**

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Διεθνούς Συμφωνίας περί Συντηρήσεως Ὁρισμένων Φάρων ἐν τῇ Ἐρυθρᾷ Θαλάσῃ (Κυρωτικός) Νόμος τοῦ 1979. Συνοπτικὸς
τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἐὰν ἐκ τοῦ κειμένου προκύπτῃ Ἐρμηνεία.
διάφορος ἔννοια—

«Συμφωνία» σημαίνει τὴν Διεθνή Συμφωνίαν περί Συντηρήσεως Ὁρισμένων Φάρων ἐν τῇ Ἐρυθρᾷ Θαλάσῃ, τῆς ὁποίας τὸ κείμενον ἐν τῷ ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν ἑλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος :

Πίναξ.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξὺ τῶν δύο κειμένων ὑπερισχύει τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Ἡ Συμφωνία τῆς ὁποίας ἡ ὑπὸ τῆς Κυπριακῆς Δημοκρατίας ἀποδοχὴ ἀπεφασίσθη διὰ τῆς ὑπ' ἀριθμὸν 17.744 καὶ ἡμερομηνίαν 1ην Μαρτίου, 1979 Ἀποφάσεως τοῦ Ὑπουργικοῦ Συμβουλίου, διὰ τοῦ παρόντος Νόμου κυροῦται. Κύρωσις
Συμφωνίας.

ΠΙΝΑΞ :

("Άρθρον 2)

ΠΡΩΤΟΝ ΜΕΡΟΣ

INTERNATIONAL AGREEMENT
REGARDING THE MAINTENANCE OF CERTAIN LIGHTS
IN THE RED SEA

The contracting Government :

CONSIDERING that certain lights on the Islands of Abu Ail and Jabal at Tair in the Red Sea were constructed at the expense of the Ottoman Government and subsequently maintained on behalf and at the expense of the said Government; and

CONSIDERING that in the course of the 1914—18 war the above-mentioned Islands were occupied by the forces of His Britannic Majesty; and

CONSIDERING that by Article 16 of the Treaty of Peace with Turkey signed at Lausanne on 24th July, 1923, Turkey renounced all her rights and titles over the above-mentioned Islands, the future of these Islands being a matter for settlement by the Parties concerned; and that no agreement on the subject of the future of the above-mentioned Islands has been come to among the Parties concerned; and

CONSIDERING that in 1930 a Convention was signed on behalf of certain interested Governments, making provision for the maintenance of the lights on the above-mentioned Islands; and that the Convention of 1930 did not come into force but the lights continued to be maintained by the Government of the United Kingdom with contributions towards the cost thereof from the Governments of Germany, Italy and the Netherlands; and

CONSIDERING that the outbreak of the 1939—45 war put an end to the arrangement just recited and that the Government of the United Kingdom has maintained the two lights and since 1945 has received contributions towards the cost thereof from the Government of the Netherlands; and

DESIRING to conclude an agreement which will provide for the maintenance of the lights on the Islands of Abu Ail and Jabal at Tair in the interests of shipping and for the sharing of the cost of their maintenance in an equitable manner;

Have agreed as follows :

Article 1

In the present Agreement :

- (i) the word "tonnage" means net tonnage as ascertained in accordance with the tonnage measurement rules of the Suez Canal Authority;
- (ii) the expression "vessels of" a Government means vessels registered in the metropolitan territory of that Government;
- (iii) the expression "contributing Government" means a contracting Government which for the financial year in question has not relieved itself of liability to contribute by giving notice in accordance with the provisions of Article 5;
- (iv) the expression "financial year" means the twelve months ending 31st March; and
- (v) the expression "the lights" means the lights on the Islands of Abu Ail and Jabal at Tair.

Article 2

Subject to the provisions of Article 6, the Government of the United Kingdom of Great Britain and Northern Ireland shall be the Managing Government and as such shall continue to manage and maintain the lights. The Managing Government may appoint an agent to act on its behalf at a fee agreed between the Managing Government and such agent.

Article 3

(1) The contributing Governments shall defray the expense of managing and maintaining the said lights by contributions based on the total tonnage of the vessels of each contributing Government as ascertained in accordance with paragraphs (5) and (6) of the present Article.

(2) The Managing Government shall forward to the other contracting Governments, as soon as possible after 31st March in each year, particulars of the expenditure which it has incurred in managing and maintaining the lights during the previous financial year, a statement of the contribution due from each contributing Government and an estimate of the next year's expenditure. Should this estimate exceed £30,000, the Managing Government, at the request of any contributing Government, shall call a meeting of the contributing Governments to discuss the estimate.

(3) Should it become desirable to expend on renewals, replacements, or repairs, other than normal maintenance, more than £5,000 in any one financial year, the Managing Government shall consult the other contributing Governments, by a meeting of contributing Governments should any one so request, or in writing if not so requested, before incurring such expenditure in excess of £5,000 except in case it is necessary to provide for any sudden emergency; in that event the contributing Governments shall be informed as soon as possible.

(4) Each other contributing Government shall pay to the Managing Government the amount of its contribution as soon as practicable after the receipt from the Managing Government of the statement referred to in paragraph (2) of the present Article and in any event within twelve months after the statement is received.

(5) The Managing Government shall assess the contributions on the total tonnage of the vessels of each contributing Government passing through the Suez Canal as compared with the total tonnage of all vessels of all the contributing Governments passing through the Suez Canal: the tonnage in each case being the tonnage (as ascertained from publications issued by the Suez Canal Authority) passing through the Suez Canal during the calendar year ending 31st December immediately preceding the said 31st March.

(6) Where however a contributing Government has made representations before 31st March in any year to the Managing Government that the total tonnage of its vessels passing through the Suez Canal in the previous calendar year was substantially greater than the tonnage benefiting from the lights, and produces figures to that effect, the Managing Government shall assess the contribution of that Government in respect of that calendar year on the total tonnage of its vessels benefiting from the lights (this total tonnage to be determined by agreement between the Managing Government and the contributing Government concerned) as compared with the total tonnage of all vessels of all the contributing Governments passing through the Canal, and shall re-assess the contributions of all the other contributing Governments in respect of the calendar year proportionately.

(7) Subject to any declaration made under Article 9 (4) each contributing Government shall pay its first contribution under the present Agreement in respect of the expenditure incurred in whichever of the following financial years is the later, (a) the financial year in which the present Agreement comes into force in accordance with the provisions of Article 11, or (b) the financial year in which it becomes a party to the present Agreement in accordance with the provisions of Article 9.

Article 4

(1) If for any reason the contribution of a contributing Government in respect of any financial year has not been paid within the twelve months time limit referred to in Article 3 (4) the defaulting Government remains responsible for the contribution outstanding and the Managing Government shall use every endeavour to obtain the monies due.

(2) If such efforts prove abortive after a lapse of 2 years the other contributing Governments shall defray the amounts in default in the proportions laid down in Article 3 (1) and the rights under Article 3 (2) and (3) and under Article 7 shall be suspended with respect to the defaulting Government until outstanding payments are made and payment of contributions resumed.

Article 5

(1) Each contracting Government has the right to discontinue its contribution for any financial year upon giving written notice to the Managing Government before 1st October in the previous financial year; it shall continue to be responsible for its current contribution up to the 31st March following the date of giving such notice. Any Government giving such notice shall state the reasons therefor, and for the financial year in respect of which its contribution is thus discontinued the rights of that Government under Article 3 (2) and (3) and Article 7 of the present Agreement shall be suspended. It shall, however, remain a party to the present Agreement.

(2) The Managing Government shall inform all contracting Governments of any notice received in accordance with the provisions of the present Article.

Article 6

(1) The Government of the United Kingdom has the right to discontinue its obligation to be Managing Government by giving to the other contracting Governments written notice to this effect. Its obligation shall cease at the end of the financial year following the financial year in which notice was given.

(2) In such event, the contracting Governments shall consult among themselves with a view to appointing another Government as Managing Government or making other arrangements for the management of the lights. If no such arrangements are made before the obligation of the Government of the United Kingdom ceases in accordance with paragraph (1) of the present Article, the present Agreement shall cease to be in force.

Article 7

If any contracting Government desires that any amendment should be made in the provisions of the present Agreement, it shall communicate its proposals, together with the reasons therefor, to the Managing Government. The Managing Government shall inform all the other contracting

Governments of any proposal for amendment received by it with a request that they shall, as soon as possible, inform it whether they accept the proposal. A contracting Government shall be deemed to have accepted a proposal for amendment only after a notification of acceptance has been filed with the Managing Government. If a proposal for amendment is accepted by all the contributing Governments, the Managing Government shall draw up a certificate of the amendment which has been so agreed and communicate it to all the other contracting Governments, and the amendment shall be deemed to have come into force on the date of the certificate unless a different effective date has been provided in the accepted proposal.

Article 8

Nothing in the present Agreement shall be regarded as constituting a settlement of the future of the Islands or territories referred to in Article 16 of the Treaty of Lausanne or as prejudicing the conclusion of any such settlement in the future.

Article 9

(1) Subject to the provisions of paragraph (2) of the present Article, the Government of any State invited to attend the Diplomatic Conference regarding the maintenance of certain lights in the Red Sea held in London from 11th to 13th October, 1961, namely Denmark, Federal Republic of Germany, Finland, France, Greece, Italy, Liberia, Netherlands, Norway, Pakistan, Panama, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and the United States of America, may become a party to the present Agreement by:

- (i) signature without reservation as to acceptance; or
- (ii) signature subject to acceptance, followed by acceptance; or
- (iii) acceptance.

(2) The present Agreement shall be open for signature from the 20th of February to the 19th of August, 1962 and thereafter it shall remain open for acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Government of the United Kingdom.

(4) Any Government which deposits its instrument of acceptance after the present Agreement has come into force may declare that its acceptance shall not take effect until 1st April following the date of its signature or acceptance.

(5) The Government of the United Kingdom shall inform all signatory Governments and all Governments that have accepted the present Agreement of each signature or acceptance received and the date of its receipt and of any declaration made in accordance with paragraph (4) of the present Article.

Article 10

If in any calendar year the total tonnage of the vessels of any Government other than a contracting Government passing through the Suez Canal exceeds 1 per cent of the total tonnage of all vessels passing through the Suez Canal, the Managing Government, after obtaining the assent of all contracting Governments, shall invite that Government to become a party to the present Agreement.