

Ε.Ε. Παρ. Ι(ΙΙΙ)
Αρ. 4071, 20.4.2006

Ν. 14(ΙΙΙ)/2006

Ο περί της Σύμβασης περί Εμπορικής Ναυτιλίας (Ελάχιστα Επίπεδα) (Κυρωτικός) και περί Συναφών Θεμάτων (Τροποποιητικός) Νόμος του 2006 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 14(ΙΙΙ) του 2006

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΟ ΠΡΩΤΟΚΟΛΛΟ ΤΟΥ 1996 ΤΗΣ ΣΥΜΒΑΣΗΣ ΑΡ. 147 ΤΗΣ ΔΙΕΘΝΟΥΣ ΟΡΓΑΝΩΣΗΣ ΕΡΓΑΣΙΑΣ ΠΕΡΙ ΕΛΑΧΙΣΤΩΝ ΕΠΙΠΕΔΩΝ ΣΕ ΕΜΠΟΡΙΚΑ ΠΛΟΙΑ, ΚΑΙ ΤΡΟΠΟΠΟΙΕΙ ΤΟΝ ΚΥΡΩΤΙΚΟ ΤΗΣ ΝΟΜΟ ΤΟΥ 1995

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Σύντοπικός
τίτλος.

13(ΙΙΙ) του 1995.

Τροποποίηση
του άρθρου 2
του βασικού
νόμου.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Σύμβασης περί Εμπορικής Ναυτιλίας (Ελάχιστα Επίπεδα) (Κυρωτικός) και περί Συναφών Θεμάτων (Τροποποιητικός) Νόμος του 2006 και θα διαβάζεται μαζί με τον περί της Σύμβασης περί Εμπορικής Ναυτιλίας (Ελάχιστα Επίπεδα) του 1976 (Κυρωτικό) και περί Συναφών Θεμάτων Νόμο του 1995 (που στη συνέχεια θα αναφέρεται ως «ο βασικός νόμος») και ο παρών Νόμος και ο βασικός νόμος θα αναφέρονται μαζί ως οι περί της Σύμβασης περί Εμπορικής Ναυτιλίας (Ελάχιστα Επίπεδα) (Κυρωτικοί) και περί Συναφών Θεμάτων Νόμοι του 1995 και 2006.

2. Το άρθρο 2 του βασικού νόμου τροποποιείται με την ένθεση σ' αυτό, στην κατάλληλη αλφαβητική σειρά, του ακόλουθου νέου όρου και του ορισμού του:

«<Πρωτόκολλο του 1996>" σημαίνει το Πρωτόκολλο του 1996 που αφορά στη Σύμβαση Αρ. 147 της Διεθνούς Οργάνωσης Εργασίας περί Ελαχίστων Επιπέδων σε Εμπορικά Πλοία του 1976, το οποίο υπογράφηκε στη Γενεύη στις 22 Οκτωβρίου 1996 και εισάγει Συμπληρωματικό Παράρτημα στην εν λόγω Σύμβαση, Μέρος Α' και Μέρος Β', το πρωτότυπο κείμενο του οποίου, στην αγγλική γλώσσα, εκτίθεται στο Μέρος ΙΙΙ του Πίνακα και, σε ελληνική μετάφραση, στο Μέρος ΙV του Πίνακα».

Πίνακας,
Μέρος ΙΙΙ,
Μέρος ΙV.

Τροποποίηση
του Πίνακα του
βασικού νόμου.
Παράρτημα.

3. Ο Πίνακας του βασικού νόμου τροποποιείται με την προσθήκη, στο τέλος του, των νέων Μερών ΙΙΙ και ΙV όπως αυτά

περιλαμβάνονται στο Παράρτημα του παρόντος Νόμου.

Κύρωση του
Πρωτοκόλλου
του 1996.

4. -(1) Με τον παρόντα Νόμο κυρώνεται το Πρωτόκολλο του 1996, η προσχώρηση στο οποίο αποφασίσθηκε με Απόφαση του Υπουργικού Συμβουλίου με ημερομηνία 2 Μαρτίου 2006.

(2) Σε περίπτωση αντίφασης μεταξύ του κειμένου στο Μέρος III του Πίνακα του βασικού νόμου και του κειμένου στο Μέρος IV αυτού, υπερισχύει το κείμενο στο Μέρος III του Πίνακα.

Παράρτημα
(άρθρο 3)

ΜΕΡΟΣ ΙΙΙPROTOCOL OF 1996 TO THE MERCHANT
SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour
Office and having met in its Eighty - fourth Session on 8 October 1996, and
Noting the provisions of Article 2 of the Merchant Shipping (Minimum Standards)
Convention, 1976 (referred to below as "the principal Convention), which states in part
that:

"Each Member which ratifies this Convention undertakes -

- (a) to have laws or regulations laying down, for ships registered in its territory -
 - (i) safety standards, including standards of competency, hours of work and manning,
so as to ensure the safety of life on boards ship;
 - (ii) appropriate social security measures; and
 - (iii) shipboard conditions of employment and shipboard living arrangements, in so far as
these, in the opinion of the Member, are not covered by collective agreements or laid
down by competent courts in a manner equally binding on the shipowners and
seafarers concerned;

and to satisfy itself that the provisions of such laws and regulations are substantially
equivalent to the Conventions or Articles of Conventions referred to in the Appendix to
this Convention, in so far as the Member is not otherwise bound to give effect to the
Conventions in question", and

Noting also the provisions of Article 4, paragraph 1, of the principal Convention, which
states that:

"If a member which has ratified this Convention and in whose port a ship calls in the
normal course of its business or for operational reasons receives a complaint or obtains
evidence that the ship does not conform to the standards of this Convention, after it has
come into force, it may prepare a report addressed to the government of the country in
which the ship is registered, with a copy to the Director - General of the International
Labour Office, and may take measures necessary to rectify and conditions on board which
are clearly hazardous to safety or health", and

Recalling the Discrimination (Employment and Occupation) Convention, 1958, Article 1,
paragraph 1, of which states that:

"For the purpose of this Convention the term discrimination includes-

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion,
political opinion, national extraction or social origin, which has the effect of nullifying
or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or
impairing equality of opportunity or treatment in employment or occupation as may
be determined by the Member concerned after consultation with representative
employers' and workers' organizations, where such exist, and with other appropriate
bodies"; and

Recalling the entry into force of the United Nations Convention on the Law of the Sea, 1982, on 16 November 1994, and

Recalling the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended in 1995, of the International Maritime Organization.

Having decided on the adoption of certain proposal with regard to the partial revision of the principal Convention, which is the fourth item on the agenda of the session, and
Having determined that these proposals should take the form of a Protocol to the principal Convention:

Adopts, this twenty - second day of October one thousand nine hundred and ninety - six, the following Protocol, which may be cited as the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976:

Article 1

1. Each Member which ratifies this Protocol shall extend the list of Conventions appearing in the Appendix to the principal Convention to include the Conventions in Part A of the Supplementary Appendix and such Conventions listed in part B of that Appendix as it accepts, if any, in accordance with Article 3 below.

2. Extension to the Convention listed in Part A of the Supplementary Appendix that is not yet in force shall take effect only when that Convention comes into force.

Article 2

A Member may ratify this Protocol at the same time as or at any time after it ratifies the principal Convention, by communicating its formal ratification of the Protocol to the Director - General of the International Labour Office for registration.

Article 3

1. Each Member which ratifies this Protocol shall, where applicable, in a declaration accompanying the instrument of ratification, specify which Convention or Conventions listed in Part B of the Supplementary Appendix it accepts.

2. A Member which has not accepted all of the Conventions listed in Part B or the Supplementary Appendix may, by subsequent declaration communicated to the Director-General of the International Labour Office, specify which other Convention or Conventions it accepts.

Article 4

1. For the purposes of Article 1, paragraph 1 and Article 3 of this Protocol, the competent authority shall hold prior consultations with the representative organizations of shipowners and seafarers.

2. The competent authority shall, as soon as practicable, make available to the representative organizations of shipowners and seafarers information as to ratifications, declarations and denunciations notified by the Director - General of the International Labour Office in conformity with Article 8, paragraph 1, below.

Article 5

For the purpose of this Protocol, the Repatriation of Seafarers Convention (Revised), 1987, shall, in the case of a Member which accepts that Convention, be regarded as a replacement of the Repatriation of Seamen Convention, 1926.

Article 6

1. This Protocol shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director General of the International Labour Office.

2. This Protocol shall come into force 12 months after the date on which the ratifications of five Members, three of which each have at least one million gross tonnage of shipping, have been registered.

3. Thereafter, this Protocol shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 7

A Member which has ratified this Protocol may denounce it whenever the principal Convention is open to denunciation in accordance with its Article 7, by an act communicated to the Director - General of the International Labour Office for registration. Denunciation of this Protocol shall not take effect until one year after the date on which it is registered.