

Ε.Ε. Παρ. Ι(ΙΙΙ)
Αρ. 4084, 2.3.2007

Ν. 13(ΙΙΙ)/2007

Ο περί της Διεθνούς Σύμβασης για τη Ναυτική Έρευνα και Διάσωση του 1979 (Κυρωτικός) και περί Συναφών Θεμάτων (Τροποποιητικός) Νόμος του 2007 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 13(ΙΙΙ) του 2007

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΙΣ ΑΠΟΦΑΣΕΙΣ MSC.70(69) ΤΗΣ 18ης ΜΑΪΟΥ 1998 ΚΑΙ MSC.155(78) ΤΗΣ 20ής ΜΑΪΟΥ 2004 ΠΟΥ ΤΡΟΠΟΠΟΙΟΥΝ ΤΗ ΔΙΕΘΝΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΗ ΝΑΥΤΙΚΗ ΕΡΕΥΝΑ ΚΑΙ ΔΙΑΣΩΣΗ ΤΟΥ 1979 ΚΑΙ ΠΟΥ ΤΡΟΠΟΠΟΙΕΙ ΤΟΝ ΚΥΡΩΤΙΚΟ ΑΥΤΗΣ ΝΟΜΟ ΤΟΥ 1994

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Διεθνούς Σύμβασης για τη Ναυτική Έρευνα και Διάσωση του 1979 (Κυρωτικός) και περί Συναφών Θεμάτων (Τροποποιητικός) Νόμος του 2007 και θα διαβάζεται μαζί με τον περί της Διεθνούς Σύμβασης για τη Ναυτική Έρευνα και Διάσωση του 1979 (Κυρωτικό) και περί Συναφών Θεμάτων Νόμο του 1994 (που στη συνέχεια θα αναφέρεται ως «ο βασικός νόμος») και ο παρών Νόμος και ο βασικός νόμος θα αναφέρονται μαζί ως οι περί της Διεθνούς Σύμβασης για τη Ναυτική Έρευνα και Διάσωση του 1979 (Κυρωτικοί) και περί Συναφών Θεμάτων Νόμοι του 1994 και 2007.

Συνοπτικός
τίτλος:
5(ΙΙΙ) του 1994.

2.—(1) Το εδάφιο (1) του άρθρου 2 του βασικού νόμου τροποποιείται με την ένθεση σ' αυτό, στην κατάλληλη αλφαβητική σειρά, του ακόλουθου νέου όρου και του ορισμού του:

Τροποποίηση
του άρθρου 2
του βασικού
νόμου.

«'Αποφάσεις MSC.70(69) και MSC.155(78)' σημαίνει τις Αποφάσεις με τους πιο πάνω αριθμούς της Ναυτιλιακής Επιτροπής Ασφάλειας του Διεθνούς Ναυτιλιακού Οργανισμού, που λήφθηκαν στο Λονδίνο στις 18 Μαΐου 1998 (με ισχύ από την 1η Ιανουαρίου 2000) και 20 Μαΐου 2004 (με ισχύ από την 1η Ιανουαρίου 2006), αντίστοιχα, με τις οποίες τροποποιείται η Σύμβαση και τις οποίες έχει υιοθετήσει το Υπουργικό Συμβούλιο με την Απόφασή του με Αριθμό 64.217 και ημερομηνία 31 Αυγούστου 2006'».

(2) Το εδάφιο (2) του άρθρου 2 του βασικού νόμου τροποποιείται με την αντικατάσταση της, στο τέλος του, τελείας, με κόμμα, και την, αμέσως μετά, προσθήκη των λέξεων «καθώς και τις Αποφάσεις MSC.70(69) και MSC. 155(78).».

3.—(1) Με τον παρόντα Νόμο κυρώνονται οι Αποφάσεις MSC. 70(69) και MSC. 155(78).

Κύρωση των
Αποφάσεων
MSC. 70(69) και
MSC. 155(78).

(2) Τα κείμενα των Αποφάσεων MSC. 70(69) και MSC. 155(78) εκτίθενται, στο αγγλικό πρωτότυπο, στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ του Πίνακα:

Πίνακας.
Μέρος Ι,
Μέρος ΙΙ.

Νοείται ότι, σε περίπτωση αντίθεσης μεταξύ των κειμένων που εκτίθενται στο Μέρος Ι του Πίνακα και εκείνων που εκτίθενται στο Μέρος ΙΙ του Πίνακα, υπερισχύουν τα κείμενα που εκτίθενται στο Μέρος Ι του Πίνακα.

ΠΙΝΑΚΑΣ

(Άρθρο 3)

ΜΕΡΟΣ Ι

RESOLUTION MSC.70(69)

(adopted on 18 May 1998)

ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION
ON MARITIME SEARCH AND RESCUE, 1979

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article III(2)(f) of the International Convention on Maritime Search and Rescue, 1979, hereinafter referred to as "the Convention", concerning the procedures for amending the Annex to the Convention, other than the provisions of paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 thereof,

HAVING CONSIDERED, at its sixty-ninth session, amendments to the Convention proposed and circulated in accordance with article III(2)(a) thereof,

1. ADOPTS, in accordance with article III(2)(c) of the Convention, amendments to the Convention, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article III(2)(f) of the Convention, that the amendments shall be deemed to have been accepted on 1 July 1999, unless, prior to that date, more than one third of the Parties, have notified their objections to the amendments;
3. INVITES Parties to the Convention to note that, in accordance with article III(2)(h) of the Convention, the amendments shall enter into force on 1 January 2000 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article III(2)(d) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Parties to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization, which are not Parties to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION
ON MARITIME SEARCH AND RESCUE, 1979

The existing text of the Annex to the Convention, except paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 and 3.1.3 is replaced by the following:

"CHAPTER I

TERMS AND DEFINITIONS

1.1 "Shall" is used in the Annex to indicate a provision, the uniform application of which by all Parties is required in the interest of safety of life at sea.

1.2 "Should" is used in the Annex to indicate a provision, the uniform application of which by all Parties is recommended in the interest of safety of life at sea.

1.3 The terms listed below are used in the Annex with the following meanings:

1. "Search". An operation, normally co-ordinated by a rescue co-ordination centre or rescue sub-centre, using available personnel and facilities to locate persons in distress;
2. "Rescue". An operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;
3. "Search and rescue service". The performance of distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources including co-operating aircraft, vessels and other craft and installations;
4. "Search and rescue region". An area of defined dimensions associated with a rescue co-ordination centre within which search and rescue services are provided;
5. "Rescue co-ordination centre". A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;
6. "Rescue sub-centre". A unit subordinate to a rescue co-ordination centre established to complement the latter according to particular provisions of the responsible authorities;
7. "Search and Rescue facility". Any mobile resource, including designated search and rescue units, used to conduct search and rescue operations;
8. "Search and rescue unit". A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations;
9. "Alerting post". Any facility intended to serve as an intermediary between a person reporting an emergency and a rescue co-ordination centre or rescue sub-centre;
10. "Emergency phase". A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase;

- .11 "Uncertainty phase". A situation wherein uncertainty exists as to the safety of a person, a vessel or other craft;
- .12 "Alert phase". A situation wherein apprehension exists as to the safety of a person, a vessel or other craft;
- .13 "Distress phase". A situation wherein there is a reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance;
- .14 "On-scene co-ordinator". A person designated to co-ordinate search and rescue operations within a specified area;
- .15 "Secretary-General". The Secretary-General of the International Maritime Organization.

CHAPTER 2

ORGANIZATION AND CO-ORDINATION

2.1 Arrangements for provision and co-ordination of search and rescue services

2.1.1 Parties shall, as they are able to do so individually or in co-operation with other States and, as appropriate, with the Organization, participate in the development of search and rescue services to ensure that assistance is rendered to any person in distress at sea. On receiving information that any person is, or appears to be, in distress at sea, the responsible authorities of a Party shall take urgent steps to ensure that the necessary assistance is provided.

2.1.2 Parties shall, either individually or, if appropriate, in co-operation with other States, establish the following basic elements of a search and rescue service:

- .1 legal framework;
- .2 assignment of a responsible authority;
- .3 organisation of available resources;
- .4 communication facilities;
- .5 co-ordination and operational functions; and
- .6 processes to improve the service including planning, domestic and international co-operative relationships and training.

Parties shall, as far as practicable, follow relevant minimum standards and guidelines developed by the Organization.

2.1.3 To help ensure the provision of adequate shore-based communication infrastructure, efficient distress alert routing, and proper operational co-ordination to effectively support search and rescue services, Parties shall, individually or in co-operation with other States, ensure that sufficient search and rescue regions are established within each sea area in accordance with paragraphs 2.1.4 and 2.1.5. Such regions should be contiguous and, as far as practicable, not overlap.

2.1.6 Agreement on the regions or arrangements referred to in paragraphs 2.1.4 and 2.1.5 shall be recorded by the Parties concerned, or in written plans accepted by the Parties.

2.1.3 Parties should seek to promote consistency, where applicable, between their maritime and aeronautical search and rescue services while considering the establishment of maritime search and rescue regions which shall be established by agreement in accordance with paragraph 2.1.4 or the reaching of agreement upon appropriate arrangements in accordance with paragraph 2.1.5.

2.1.9 Parties having accepted responsibility to provide search and rescue services for a specified area shall use search and rescue units and other available facilities for providing assistance to a person who is, or appears to be, in distress at sea.

2.1.11 Parties shall forward to the Secretary-General information on their search and rescue service, including the:

- 1 national authority responsible for the maritime search and rescue services;
- 2 location of the established rescue co-ordination centres or other centres providing search and rescue co-ordination, for the search and rescue region or regions and communications therein;
- 3 limits of their search and rescue region or regions and the coverage provided by their shore based distress and safety communication facilities; and
- 4 principal types of available search and rescue units.

Parties shall with priority, update the information provided with respect to any alterations of importance. The Secretary-General shall transmit to all Parties the information received.

2.1.12 The Secretary-General shall notify all Parties of the agreements or arrangements referred to in paragraphs 2.1.4 and 2.1.5.

2.2 Development of national search and rescue services

2.2.1 Parties shall establish appropriate national procedures for overall development, co-ordination, and improvement of search and rescue services.

2.2.2 To support efficient search and rescue operations, Parties shall:

- 1 ensure the co-ordinated use of available facilities; and
- 2 establish close co-operation between services and organizations which may contribute to improve the search and rescue service in areas such as operations, planning, training, exercises and research and development.

2.3 Establishment of rescue co-ordination centres and rescue sub-centres

2.3.1 To meet the requirements of paragraph 2.2, Parties shall individually or in co-operation with other States establish rescue co-ordination centres for their search and rescue services and such rescue sub-centres as they consider appropriate.

2.3.2 Each rescue co-ordination centre and rescue sub-centre, established in accordance with paragraph 2.3.1, shall arrange for the receipt of distress alerts originating from within its search and rescue region. Every such centre shall also arrange for communications with persons in distress, with search and rescue facilities, and with other rescue co-ordination centres or rescue sub-centres.