

CYPRUS

**MERCHANT SHIPPING (SAFETY AND
SEAMEN)**

CHAPTER 292 OF THE LAWS

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1959

CHAPTER 292.

MERCHANT SHIPPING (SAFETY AND SEAMEN).

ARRANGEMENT OF SECTIONS.

| PART I. | | | | | | |
|----------------|---|-----|-----|-----|-----|-------------|
| PRELIMINARY. | | | | | | |
| <i>Section</i> | | | | | | <i>Page</i> |
| 1 | Short title ... | ... | ... | ... | ... | 2 |
| 2 | Interpretation | ... | ... | ... | ... | 2 |
| PART II. | | | | | | |
| SAFETY AT SEA. | | | | | | |
| 3 | Power to the Governor in Council to make Regulations as to safety | ... | ... | ... | ... | 3 |
| 4 | Penalties | ... | ... | ... | ... | 4 |
| 5 | Power to detain unsafe ships, and procedure for detention | ... | ... | ... | ... | 5 |
| 6 | Liability for costs and damages | ... | ... | ... | ... | 6 |
| 7 | Power to require from complainant security for costs | ... | ... | ... | ... | 7 |
| 8 | Application to foreign ships of provisions as to detention | ... | ... | ... | ... | 7 |
| PART III. | | | | | | |
| SEAMEN. | | | | | | |
| 9 | Certificated cooks | ... | ... | ... | ... | 9 |
| 10 | Complaints as to provisions or water | ... | ... | ... | ... | 10 |
| 11 | Allowance for short or bad provisions | ... | ... | ... | ... | 11 |

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

1 of 52.
17 of 53.

[15th January, 1952.]

PART I.

PRELIMINARY.

Short title. 1. This Law may be cited as the Merchant Shipping (Safety Regulation and Seamen) Law, 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.

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.

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:—

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

- (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 authorised 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.

Penalties.

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.

(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.

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:—

Power to detain unsafe ships, and procedure for detention.

- (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 perfor-

mance 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 authorised 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 and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

Liability for costs and damages.

(2) If a ship is finally detained under this Law, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this Part, the owner of the ship shall be liable to pay to the Government its costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purpose of this section the costs of and incidental to any proceeding before the Supreme Court, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Government, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to the Chief Registrar who shall, on request by the Governor, ascertain and certify the proper amount of those costs.

(4) An action for any costs or compensation payable by the Government under this section may be brought against the Attorney-General and the Rules of Court for the time being in force relating to civil cases shall apply to such action.

Power to require from complainant security for costs.

7. (1) Where a complaint is made to the Governor or a detaining officer that a British ship is unsafe, the Governor may, if he think fit, require the complainant to give security to the satisfaction of the Governor for the costs and compensation which the Government may become liable to pay as hereinafter mentioned:

Provided that such security shall not be required where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Governor or the detaining officer frivolous or vexatious, and the Governor or such officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(2) Where a ship is detained in consequence of any complaint and the circumstances are such that the Government is liable under this Law to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government all such costs and compensation as the Government incur or is liable to pay in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

8. (1) Where a foreign ship being in Cyprus is unsafe by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, or by reason of undermanning, the provisions of this Part with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(a) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs;

(b) where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Governor to survey the ship shall be accompanied by such person as a consular officer may select, and in that case, if the

surveyor and that person 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 to the Supreme Court touching the report of the surveyor as is hereinbefore provided in the case of a British ship.

(2) Nothing in subsection (1) shall affect any foreign ship not bound for the Colony which comes into the Colony for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal or oil fuel or any material for the purpose of refuelling, or taking in water or stores.

PART III.

SEAMEN.

9. (1) After the 1st day of January, 1953, every ship, to which this section applies, shall be provided with and carry a duly certificated cook who is able to prove one month's service at sea in some capacity. Certificated
cooks.

(2) A cook shall not be deemed to be duly certificated within the meaning of this section unless he is the holder of a certificate of competency in cooking granted by the Ministry of Transport in the United Kingdom or by some school of cookery or other institution approved for the purpose by the Governor or is the holder of certificates of discharge showing at least two year's service as cook previously to the said 1st day of January, 1953.

(3) If the Governor is satisfied that under the law of any country the conditions under which certificates of competency in cooking for the purposes of this section are granted require standards of competency not lower than those required for such grant in the United Kingdom or the Colony, he may, by an Order, direct that the holders of such certificates granted in that country shall be deemed to be duly certificated for the purposes of this section.

(4) The cook shall be rated in the ship's articles as ship's cook or in the case of ships of not more than two thousand tons gross tonnage, or ships in which the crew, or the majority of the crew, provide their own provisions, either as ship's cook or as cook and steward.

(5) If the requirements of this section are not complied with in the case of any ship, the master or owner of the ship shall, if there is no sufficient reason for the failure to comply with the requirements, for each offence be liable to a fine not exceeding twenty-five pounds.

(6) This section applies to—

(a) British ships registered in Cyprus of a thousand tons and upwards gross tonnage;

(b) other ships, while they are within any port in Cyprus, of a thousand tons and upwards gross tonnage:

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.

(7) The Governor may grant exemptions from the provisions of this section if, in his opinion, there are not enough certificated ships' cooks.

Complaints
as to
provisions
or water.

10. (1) If three or more of the crew of a British ship registered in Cyprus, consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to the Comptroller of Customs and Excise or any Collector of Customs, and the Comptroller or such Collector may either examine the provisions or water complained of or cause them to be examined.

(2) If the officer directing or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log book, and send a report

thereof to the Governor, and that report shall be admissible in evidence in manner provided by the Merchant Shipping Acts.

(4) If the said officer certifies in that statement that there was no reasonable grounds for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

11. In either of the following cases, that is to say—

Allowance
for short
or bad
provisions.

(a) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or

(b) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use,

the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its continuance, the following sums to be paid to him in addition to, and to be recoverable as wages, that is to say—

(i) if his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding twenty mils a day;

(ii) if his allowance is reduced by more than one-third of that quantity, forty mils a day;

(iii) in respect of bad quality as aforesaid, a sum not exceeding fifty mils a day:

Provided that if it is shown to the satisfaction of the Court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the Court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

This Law came into operation on the 13th August, 1953 (53 Vol. II, 458). By this Law section 2 (1) of the Merchant Shipping (Safety Convention) Act, 1949 (12 & 13 Geo. 6, c. 43) is repealed.

