



REPUBLIC OF CYPRUS
MINISTRY
OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF
MERCHANT SHIPPING
LIMASSOL

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20 June 2012

Registered owners, registered bareboat charterers,
managers, operators and masters of
ships flying the Cyprus flag

Subject: **The Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012**

1 I refer to the above matter and wish to inform you of the enactment of the *Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012* (Law 77(I)/2012) which has been published in the Official Gazette of the Republic No. 4339, Supplement I(I), of 15 June 2012 and is now in force. The Table of Contents in the provisional English language translation is attached.

2 The *Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012* (the Law) has been designed to enhance the security of ships flying the Cyprus flag (Cyprus ships) whilst at sea and, *inter alia*, establishes the required legislative framework for permitting the use, in a regulated manner, of privately contracted unarmed and armed security personnel on board Cyprus ships when they are sailing through high risk areas such as the North West Indian Ocean or along the West coast of Africa in the Gulf of Guinea.

3 Its scope goes beyond acts or attempted acts of piracy and addresses all forms of unlawful acts against a ship or attempts to violate the security of the ship. To this end, the Law includes a broad definition of "unlawful acts"¹ which is void of

¹ *Unlawful act* means an act or suspicious act or circumstance which, by its nature or context, threatens the security of the ship or may cause damage to the ship or to the persons on board or to the cargo and includes the commissioning and attempted commissioning of following acts:

- (a) the seizure of the control of the ship, its capture, its immobilization, its detention, its looting, its kidnapping or its hostage-taking and includes acts of piracy; or
- (b) committing an act of violence against any one of the persons on board the ship or causing injury or death to them; or
- (c) the destruction of the ship or causing damage to the ship or to the cargo; or
- (d) the placement on board, in any way and by any means, of a device or substance which may destroy the ship or cause damage to it or to the cargo or cause bodily harm or death to any one of the persons on board; or
- (e) the abduction, detention or hostage-taking of one, some or all of the persons on board; or



motive and refers to any act or suspicious act or circumstance which, by its nature or context, threatens the security of the ship or may cause damage to the ship or to the persons on board or to the cargo.

4 The Law provides that Cyprus ships are required to implement, in addition to the special measures to enhance maritime security as set out in SOLAS chapter XI-2 and the ISPS Code, compulsory security measures when navigating through risk and high risk areas. These can be developed and implemented taking into account the related recommendations and guidelines published by International Maritime Organization (IMO) and/or the shipping industry.

5 The Law allows the registered owner, the registered bareboat charterer or the manager² of a Cyprus ship (the operator of the Cyprus ship) to request, on the basis of a reasoned and justified security risk assessment, a permission to engage the services of a private ship security company providing unarmed or armed private ship security guards when the ship is navigating through high-risk areas.

5.1 The use of the unarmed or armed private ship security guards is an additional protective measure which the operator of the Cyprus ship may desire to put in place beyond meeting its obligation in relation to the compulsory requirements.

5.2 However, the private ship security company and its security personnel should be one of those the Government of the Republic (the Government) has vetted and certified as being allowed to provide security-related services to Cyprus ships.

5.3 The circumstances for the use of force should be documented and its use is subject to the prior authorization of the master.

6 The Law has been based and incorporates the recommendations and guidance developed by IMO thus far in relation to the use of privately contracted armed security personnel on board ships navigating in high risk areas.

6.1 Furthermore, the Law takes into account the provisions of the United Nations Convention on the Law of the Sea and in particular the rights of a State as a port and a coastal State within its internal waters, territorial sea and contiguous zone.

7 The Law addresses a variety of issues relating to the position of the unarmed or armed private security guards whilst onboard; their embarkation and disembarkation; as well as, the movement and storage on board of their firearms, their ammunition and of other security-related equipment. It also addresses issues of civil liability of the operator of the Cyprus ship and of its shipboard personnel *vis-à-vis* the private ship security company and its employees and *vice versa*.

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- (f) the theft or the transportation out of the ship without prior permission of permanently installed or portable equipment or outfitting, documents, supplies, tools or of parts of the ship or of personal property or money belonging to those on board; or
 - (g) the exercise, or the threat, of violence or any other form of blackmail or intimidation for the commissioning or attempted commissioning of any of the acts referred to in (a) to (f) above; or
 - (h) the transmission of information that can assist in the commissioning or attempted commissioning of anyone of the acts referred to in (a) to (g) above.

² Company as defined in SOLAS regulations IX/1 and XI-2/1.

8 Taking into account that passenger ships or other ships which carry on board a large number of special or industrial personnel are increasingly tending to engage the services of contractors in relation to the security measures that they are required to have in place for compliance with the requirements of SOLAS chapter XI-2 and the ISPS Code, the Law also regulates this aspect.

9 Furthermore, the Law establishes new rights for seafarers and covers several issues, in particular in cases of the ship being hijacked, in connection with the ordinary rights and obligations of the shipboard personnel.

10 The Law includes provisions regulating the protection of Cyprus ships by the Armed Forces or Security Forces of other States, as well as, issues relating to intervention, immobilization and marking and tracking of Cyprus ships which have been unlawfully detained or seized.

11 Some of the Law's other provisions include:

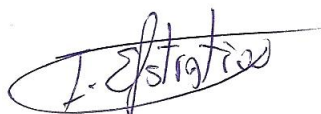
- (1) the right of the shipboard personnel for self-defense;
- (2) the right of the shipboard personnel to arrest and detain those attempting to commit or those who have committed an unlawful act against the ship and to seize their arms and equipment, when they are found on board the ship;
- (3) the submission by the operator of the Cyprus ship of an application requesting the issuing of a certificate to the ship which will allow the boarding of private ship security guards for the implementation of security measures and the use by them of firearms or other security-related equipment whilst within high-risk areas;
- (4) the submission by a private ship security company of an application requesting the issue of a certificate attesting that the applicant is allowed to provide the services of unarmed or armed security personnel it employs to Cyprus ships;
- (5) the conditions regarding the issuing, suspension and cancellation of the certificates;
- (6) the obligations of the master, the shipboard personnel, the operator of the Cyprus ship, in case of boarding of privately contracted unarmed or armed security personnel for the purpose of providing protection to the ship;
- (7) the obligations of the private ship security company and of its employees, in case of boarding of unarmed or armed private ship security guards for the purpose of providing protection to the ship; and
- (8) prohibitions and criminal offences.

12 Further detailed information on the implementation of the provisions of the *Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012* will be provided through subsequent Circulars. In case you need further information please send your request to e-mail address maritime.security@dms.mcw.gov.cy.

13 The *Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012* in the Greek language is available on the Department's web-site. An unofficial translation of the legislation in the English language will be made available in the near future.

14 The following circulars relating to acts of piracy and armed robbery against ships are hereby revoked:

| <i>Date</i> | <i>Circular No.</i> | <i>Title</i> |
|-------------|---------------------|---|
| 06.08.92 | | Reporting of Piracy Incidents |
| 23.09.93 | | Piracy and Armed Robbery against ships |
| 10.02.95 | | IMB - Piracy warning |
| 10.07.02 | 17/2002 | Piracy and Armed Robbery against ships in the Territorial Waters of Somalia |



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cc: Attorney General of the Republic
Permanent Secretary, Ministry of Communications and Works
Permanent Secretary, Ministry of Foreign Affairs
Permanent Secretary, Ministry of Defence
Permanent Secretary, Ministry of Justice and Public Order
Permanent Secretary, Ministry of Commerce, Industry and Tourism
Permanent Secretary, Ministry of Labour and Social Insurance
Maritime Offices of the Department of Merchant Shipping abroad
Diplomatic and Consular Missions and Honorary Consular Officers of the Republic
Chief of Cyprus Police
Director, Department of Customs and Excise
General Manager, Cyprus Ports Authority
Cyprus Shipping Chamber
Cyprus Union of Shipowners
Cyprus Bar Association
Seafarers' Unions PEO, SEK, DEOK

LMK/NLCh/

Provisional translation

(as of 20 June 2012)

**The Protection of Cyprus Ships Against Acts of Piracy
and Other Unlawful Acts Law of 2012
(Law No. 77(I) of 2012)**

CLASSIFICATION OF SECTIONS AND SCHEDULES

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- 2 Interpretation
- 3 Competent Authority

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SECURITY AND PROTECTION OF SHIPS – OBLIGATIONS AND RIGHTS

- 4 Measures to be taken by the master and the ship's operator for the ship security
- 5 Obligations and rights of the ship's master, personnel and of other persons on board
- 6 Obligation to inform the Competent Authority
- 7 Arrest, search, imprisonment, confiscation and detention on the high seas: Powers of the master and crew
- 8 Arrest, search, imprisonment, confiscation and detention on the high seas: Reporting and information
- 9 Arrest, search, imprisonment, confiscation and detention on the high seas: Obligations of the master
- 10 Arrest, search, imprisonment, confiscation and detention on the high seas: Obligations and powers of the Competent Authority
- 11 Arrest and/or detention in the territorial sea by the ship's master and/or crew
- 12 Use of the services of a private ship security company
- 13 Procedure for the issue of a certificate allowing the use of a private ship security company
- 14 Conclusion of a written private agreement with a private ship security company
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