

REPUBLIC



OF CYPRUS

28(I) of 2011

**THE REGULATION OF THE INNOCENT PASSAGE OF SHIPS
IN THE TERRITORIAL WATERS LAW, 2011**

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NOTE FOR THE READER

This publication of the Office of the Law Commissioner is an English translation of Law No. 28(I) of 2011 enacted in Greek.

However useful the English translation of the Law is in practice, it does

Number 28(I) of 2011

A LAW TO PROVIDE FOR THE REGULATION OF THE INNOCENT

PART I
RULES APPLICABLE TO ALL SHIPS

Meaning of
passage.

3.—(1) Passage means navigation through the territorial
waters

if it engages in any of the following activities:

(a) any threat or use of force against the sovereignty, territorial integrity or political independence of the Republic or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) any exercise or practice with weapons of any kind;

(c) any act aimed at collecting information to the prejudice of the defence or security of the Republic;

Republic; and

(l) any other activity not having a direct bearing on passage.

Submarines
and other
underwater
vehicles.

5. In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Regulations.

6.

not apply to the design, construction, manning or equipment of foreign ships, unless they are giving effect to generally accepted international rules and standards.

(3) Foreign ships exercising the right of innocent passage through the territorial waters shall comply with this Law and the Regulations made thereunder and all generally accepted international regulations relating to the prevention of collisions at sea.

Sea lanes and traffic separation schemes in the territorial waters.

7. —(1) The Republic may, where necessary, having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial waters to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.

(2) In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.

(3) In the designation of sea lanes and the prescription of traffic separation schemes under this section, the Republic shall take into account -

(a) the recommendations of the competent International Organizations;

(b) any channels customarily used for international navigation;

channels; and

(d) the density of traffic.

(4) The Republic shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given:

Provided that the Republic shall exercise the competencies referred to in subsections (1) to (4) of this section, subject to the provisions of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law.

131(l) of 2004
98(l) of 2010.

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances.

8. Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial waters, carry documents and observe special precautionary measures established for such ships by international agreements.

Duties of the Republic.

9.—(1) The authorities of the Republic shall not hamper the innocent passage of foreign ships through the territorial waters except in accordance with the provisions of this Law and the Convention. In particular, in the application of the Convention or of any laws or regulations adopted in conformity with the Convention, the Republic shall not:

(a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage;

(b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf

of any State.

(2) The authorities of the Republic shall give appropriate

specific services rendered to the ship. These charges shall be levied without discrimination.

PART II
RULES APPLICABLE TO MERCHANT SHIPS AND

diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew:

Provided that, in cases of emergency this notification may be communicated while the measures are being taken.

(4) In considering whether or in what manner an arrest should be made, the authorities of the Republic shall have due regard to the interests of navigation.

(5) Except as provided in Part XII of the Convention or with respect to violations of laws and regulations adopted in accordance with Part V of the Convention, the Republic may not take any steps on board a foreign ship passing through the territorial waters to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial waters, if the ship, proceeding from a foreign port, is only passing through the territorial waters without entering internal waters.

Civil
jurisdiction
in relation
to foreign
ships.

13.—(1) The Republic should not stop or divert a foreign ship passing through the territorial waters for the purpose of

execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial waters, or passing through the territorial waters after leaving internal waters.

PART III
RULES APPLICABLE TO WARSHIPS AND OTHER
GOVERNMENT SHIPS OPERATED FOR NON -
COMMERCIAL PURPOSES

Warships.

14. For the purposes of this Law:

"warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate serv98 0 0 ia

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