

REPUBLIC



OF CYPRUS

28(I) of 2011

**THE REGULATION OF THE INNOCENT PASSAGE OF SHIPS  
IN THE TERRITORIAL WATERS LAW, 2011**  
*(English translation)*

**Office of the Law Commissioner**

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## CONTENTS

	<b>Page</b>
Note for the Reader.....	iii
The Regulation of the Innocent Passage of Ships in the Territorial Waters Law, 2011 (L.28 (I) of 2011) (English Translation).....	1



## **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 not replace the original text of the Law since only the Greek text of the Law published in the Official Gazette of the Republic of Cyprus is authentic.

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**Number 28(I) of 2011**

**A LAW TO PROVIDE FOR THE REGULATION OF THE INNOCENT  
PASSAGE OF SHIPS IN THE TERRITORIAL WATERS OF THE REPUBLIC**

Preamble.  
45 of 1964.  
203 of 1988.

For the purposes of implementation of the Territorial Sea Law and the relevant provisions of the United Nations Convention on the Law of the Sea ( Ratification ) Law,

The House of Representatives enacts as follows :

Short title.           **1.** This Law may be cited as the Regulation of the Innocent Passage of Ships in the Territorial Waters Law, 2011.

Interpretation.       **2.** — (1) In this Law, unless the context otherwise requires—

“Convention” means the United Nations Convention on the Law of the Sea, as ratified by the United Nations Convention on the Law of the Sea (Ratification) Law;

“Republic” means the Republic of Cyprus; and

“ territorial waters” or “ territorial sea ” means such part of the sea adjacent to the coast of the Republic, as is considered part of its territory and is subject to the sovereignty of the Republic and extending to a breadth up to a limit of twelve nautical miles from the baselines.

(2) Any other terms contained in this Law and not otherwise defined in subsection (1) of this section, shall have the meaning assigned to them by the Convention.

**PART I**  
**RULES APPLICABLE TO ALL SHIPS**

Meaning of passage.

**3.—(1)** Passage means navigation through the territorial waters for the purpose of:

(a) traversing that waters without entering internal waters or calling at a roadstead or port facility outside internal waters;  
or

(b) proceeding to or from internal waters or a call at such roadstead or port facility.

(2) Passage shall be continuous and expeditious:

Provided that, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress:

Provided further that if, upon the application of the method of straight baselines, sea areas have been rendered internal waters, which prior to such drawing were not considered as internal waters, then the right of innocent passage is also recognised for these areas.

Meaning of innocent passage.

**4.—(1)** Passage is innocent so long as it is not prejudicial to the peace, good order or security of the Republic. Such passage shall take place in conformity with the Convention and with other rules of international law.

(2) Passage of a foreign ship shall not be considered innocent,

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;

(d) any act of propaganda aimed at affecting the defence or security of the Republic;

(e) the launching, landing or taking on board of any aircraft;

(f) the launching, landing or taking on board of any military device;

(g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the Republic;

(h) any act of wilful and serious pollution contrary to the Convention;

(i) any fishing activities;

(j) the carrying out of research or survey activities;

(k) any act aimed at interfering with any systems of communication or any other facilities or installations of the



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.—(1)** The Council of Ministers may make regulations, in conformity with the provisions of the Convention and other rules of international law, relating to innocent passage through the territorial waters of the Republic, in respect of all or any of the following activities:

(a) the safety of navigation and the regulation of maritime traffic;

(b) the protection of navigational aids and facilities and other facilities or installations;

(c) the protection of cables and pipelines;

(d) the conservation of the living resources of the sea;

(e) the prevention of infringement of the fisheries laws and regulations of the Republic ;

(f) the preservation of the environment of the Republic and the prevention, reduction and control of pollution thereof;

(g) marine scientific research and hydrographic surveys;

(h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the Republic .

(2) Regulations made under subsection (1) of this section, shall

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;

(c) the special characteristics of particular ships and

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 publicity to any danger to navigation, of which it has knowledge, within its territorial waters:

Provided that the Republic shall exercise the competencies referred to in subsections (1) to (2) of this section, subject to the provisions of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law.

Rights of protection of the Republic.

**10.** — (1) The Republic may take the necessary steps in its territorial waters to prevent passage which is not innocent.

(2) In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the Republic also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

(3) The Republic may suspend temporarily in specified areas of its territorial waters the innocent passage of foreign ships, if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Charges which may be levied upon foreign ships.

**11.**—(1) Subject to the provisions of subsection (2) of this section, no charge may be levied by the Republic upon foreign ships by reason only of their passage through its territorial waters.

(2) Charges may be levied by the Republic upon a foreign ship passing through its territorial waters as payment only for

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

**PART II**  
**RULES APPLICABLE TO MERCHANT SHIPS AND**  
**GOVERNMENT SHIPS OPERATED FOR COMMERCIAL**  
**PURPOSES**

Criminal jurisdiction on board a foreign ship.

**12.—(1)** The criminal jurisdiction of the Republic should not be exercised 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 on board the ship during its passage, save only in the following cases:

- (a) if the consequences of the crime extend to the Republic;
- (b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial waters;
- (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

(2) The provisions of subsection (1) of this section do not affect the right of the Republic to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial waters after leaving internal waters.

(3) In the cases provided for in subsections (1) and (2) of this section, the Republic shall, if the master so requests, notify a

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 exercising civil jurisdiction in relation to a person on board the ship.

(2) The Republic may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the territorial waters of the Republic .

(3) Subsection (2) of this section is without prejudice to the right of the Republic, in accordance with its laws, to levy

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 service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

Non-compliance by warships with the laws and regulations of the Republic.

**15.** If any warship does not comply with the laws and regulations of the Republic concerning passage through the territorial waters and disregards any request for compliance therewith which is made to it, the Republic may require it to leave the territorial waters immediately.

Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes.

**16.** The flag State shall bear international responsibility for any loss or damage to the Republic resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the Republic concerning passage through the territorial waters or with the provisions of the Convention.

Immunities of warships and other government ships operated for non-commercial purposes.

**17.** With such exceptions as are contained in PART I and in sections 15 and 16, nothing in the Convention affects the immunities of warships and other government ships operated for non-commercial purposes.