

# THE WRECKS LAW CAP. 298<sup>1</sup>

## TO REGULATE INQUIRIES INTO WRECKS, AND TO PROVIDE FOR THE CUSTODY AND DISPOSAL OF WRECKED PROPERTY

1949  
Cap.280.

[ 3<sup>rd</sup> August, 1886.]

*Short title.*

1. This Law may be cited as the Wrecks Law.

*Interpretation.*

2. In this Law

"Commissioner" of a district includes any person having authority to act for the Commissioner;

"Consular Officer" includes any person for the time being discharging the duties of Consul or Vice-Consul;

"owner" in the case of a ship includes the master and every other person who is for the time being entitled, either as owner or agent for the owner, to receive the freight, demurrage or charges payable in respect of the ship, and, in the case of goods, includes every person who is for the time being entitled, either as owner or agent for the owner, to the possession of any goods, subject in the case of a lien, if any, to the lien;

"Receiver" means any person authorized by this Law to act as Receiver of Wreck;

"ship" includes any description of vessel, except boats and other craft usually impelled by oars and lighters under fifteen tons;

"wreck" includes the following, when found in the sea or any tidal water or the shores thereof; that is to say—

(a) goods which have been cast into the sea and sink and remain

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<sup>1</sup> Consolidation Note: This Law, Chapter 298 of the Statute Laws of Cyprus, is a colonial Cypriot maritime statute enacted in 1886 by the British authorities and is still in force - saved under Article 188 of the Constitution of the Republic of Cyprus .

*The present consolidation includes the latest amendments introduced by the Fines (Increase) Law of 1987 (Law 166/87). This is an "unofficial" consolidation prepared by the Department of Merchant Shipping, and does not intend to replace any consolidation prepared by the Law Commissioner's Office.*

*According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present English version is **not the authentic version**.*

*By virtue of the Official Languages of the Republic Laws of 1988 to 1994 and the Official Languages of the Republic ( Interpretation ) Law of 1993 , the Wrecks Law Cap.298 was translated into Greek , approved by the House of Representatives , published in the Official Gazette of the Republic of Cyprus and therefore presently its Greek version constitutes the authentic version .*

under water;

- (b) goods which have been cast or fall into the sea and remain floating on the surface;
- (c) goods which are sunk in the sea, but are attached to a floating object in order that they may be found again;
- (d) goods which are thrown away or abandoned, and any ship abandoned without hope or intention of recovery.

*Goods lost between ship and shore not to be considered as wreck.*

**3.** Goods washed away or cast into the sea or sunk from boats or lighters whilst engaged in carrying the goods to or from any ship lying at anchor in any port or harbour shall not be deemed to be wreck within the meaning of this Law, unless they are abandoned by the owner or shipper thereof, or unless the owner or shipper has required the assistance of the Receiver of Wreck in the recovery of them.

## **PART I INQUIRIES AS TO WRECKS ETC.**

*Inquiries to be instituted in cases of wreck and casualty.*

**4.** In any of the cases following :

whenever any ship is lost, stranded, abandoned, or materially damaged on or near the coasts of Cyprus;

whenever any ship causes material damage to another ship on or near the coasts;

whenever by reason of any casualty happening in or on board of any ship on or near the coasts loss of life ensues;

whenever such loss, stranding, abandonment, damage, or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place within Cyprus,

it shall be lawful for the Commissioner of the district in which, or nearest to the place where the loss, stranding, abandonment, damage or casualty occurred, if it occurred on or near the coasts of Cyprus, but if it occurred elsewhere, for the Commissioner of the district in which such witnesses as aforesaid are found or can conveniently be examined, or in either case for any person appointed for the purpose by the Council of Ministers, to make inquiry respecting the loss, stranding, abandonment, damage, or casualty.

*Powers of officer conducting.*

**5.-(1)** Every Commissioner or other person acting under the provisions of section 4 hereof, shall have the following powers-

- (a) he may go on board any ship, and may inspect it or any part of it, or any of the machinery, boats, equipments, or articles on board of it to which the provisions of this Law apply, not

unnecessarily detaining or delaying her from proceeding on any voyage;

- (b) he may enter and inspect any premises, the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;
- (c) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for that purpose, and may require answers or returns to any inquiries he thinks fit to make;
- (d) he may require and enforce the production of all books, papers, or documents which he considers important for that purpose;
- (e) he may administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him to subscribe a declaration of the truth of the statements made by him on his examination.

(2) Every witness so summoned shall be allowed such expenses as would be allowed to a witness attending on a summons to give evidence before the District Court; and in case of any dispute as to the amount of such expenses, the matter shall be referred to the President of the District Court.

(3) Every person who refuses to give evidence before the Commissioner or other person as aforesaid, or who refuses to make any answer, or to give any returns, or to produce any document in his possession, or to make or subscribe any declaration, which the Commissioner or other person is hereby empowered to require, shall for each offence be liable to a penalty not exceeding fifty pounds (£ 50)<sup>2</sup>.

*4 of 166 /87.*

*Matters to be  
inquired  
into.*

**6.** The Commissioner or other person shall examine the witnesses on the inquiry as to the following matters—

- (a) the name and description of the ship, her port of registry, official number and tonnage;
- (b) the names of the master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports or places from and to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered;

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<sup>2</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

- (g) such other matters or circumstances relating to the ship or to the cargo on board her, as he thinks necessary.

*Mode of inquiry.*

He shall take the examination down in writing, and shall make a report upon the nature and causes of the loss, damage, or casualty as to which the inquiry is held, and shall make three copies of the evidence and two copies of the report, and shall forward them to the Administrative Secretary, who shall retain a copy of the evidence and report and shall forward a copy of the evidence to the Secretary for managing the affairs of Lloyds in England, and a copy of the evidence and of the report to the Board of Trade in England.

*Penalty for impeding officer in the discharge of his duty.*

*4 of 166 /87.*

7. Any person who wilfully impedes any such Commissioner or other person in the execution of his duty, whether on board ship or otherwise, shall incur a penalty not exceeding fifty pounds (£ 50)<sup>3</sup>, and may be seized and detained by such Commissioner or by any person or persons whom he may call to his assistance until such offender can be conveniently taken before a Court or Magistrate.

## PART II RECEIVERS OF WRECK

*Receivers of Wreck.*

8. The Council of Ministers may from time to time, by writing under his hand and the Official Seal of the Republic, appoint such persons as he shall think fit to be Receivers of Wreck in each district in Cyprus, who shall perform the duties and exercise the powers hereinafter mentioned, and are hereinafter referred to as " the Receiver."<sup>4</sup>

*Duty of Receiver when any ship is stranded or in distress.*

*4 of 166 /87.*

9. Whenever a ship or boat is stranded or in distress at any place on the shore of the sea within the limits of the Republic , the Receiver in the district within which the place is situate shall, upon being made acquainted with the accident, forthwith proceed to the place; and upon his arrival there he shall take the command of all persons present, and assign such duties to such person, and issue such directions as he may think fit with a view to the preservation of the ship or boat and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys the directions, he shall be liable to a penalty not exceeding two hundred and fifty pounds (£ 250)<sup>5</sup>; but it shall not be lawful for the Receiver to interfere between the master of the ship or boat and his crew in

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<sup>3</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 ( Law 166/87)*.

<sup>4</sup> Consolidation Note: By virtue of a Decision of the Council of Ministers dated 7.06.1980, the Receiver of Wrecks for all the districts of the Republic of Cyprus is the *Director of the Department of Merchant Shipping* of the Ministry of Communications and Works.

<sup>5</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 ( Law 166/87)*.

matters relating to the management thereof, unless he is requested so to do by the master.

*Powers of Receiver to call on persons to help.*

**10.** The Receiver may with a view to such preservation as aforesaid of the ship or boat, persons, cargo and apparel, do the following things: —

- (a) summon such number of able-bodied men as he thinks necessary to assist him;
- (b) require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship or boats as may be in his power;
- (c) demand the use of any wagon, cart or horses or other beasts of burden that may be near at hand,

and any person refusing, without reasonable cause, to comply with any summons, requisition or demand so made shall for every such refusal be liable to a penalty not exceeding one hundred pounds (£ 100)<sup>6</sup>.

*4 of 166 /87.*

*Things washed ashore or lost or taken from any ship or boat to be delivered to Receiver.*  
*4 of 166 /87.*

**11.** All cargo and other articles belonging to the ship or boat that may be washed ashore, or otherwise be lost or taken from the ship or boat, shall be delivered to the Receiver; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver it to the Receiver or to any person authorized by him to demand it shall be liable to a penalty not exceeding five hundred pounds (£ 500)<sup>7</sup>; and the Receiver or other person so authorized may take the cargo or article by force from the person so refusing to deliver it.

*Power of Receiver to suppress plunder and disorder by force.*

**12.** Whenever any such accident occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of the ship, boat, lives or cargo, the Receiver may cause him to be apprehended, and may use force for the suppression of such plundering, disorder or obstruction, with power to command all able-bodied subjects of the Republic to assist him in the use of such force.

*Certain officers to exercise powers of Receiver in his absence.*

**13.** During the absence of the Receiver from the place where any such accident as aforesaid occurs, the following officers in succession, each in the absence of the other, in the order in which they are named; that is to say, any Principal Officer of Customs or Officer of Inland Revenue, and also any Magistrate, Commissioned Officer on full pay in the Naval Service of the Republic, or Commissioned Officer on full pay in the Military Service of the Republic, may do all matters and things hereby

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<sup>6</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

<sup>7</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

authorized to be done by the Receiver, with this exception, that with respect to any goods or articles belonging to any such ship or boat, the delivery up of which to the Receiver is hereinbefore required, any officer so acting shall be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver, and no person so acting as substitute for any Receiver shall be entitled to any fees payable to Receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

*Power in case of a ship being in distress to pass over adjoining lands with carriages etc.*

**14.** Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to the ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass, and repass, either with or without carriages or horses or other beasts of burden, over the adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible; and may also, on the like condition, deposit on such lands any cargo or other article recovered from the ship or boat; and all damages that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit shall be a charge on the ship, boat, cargo or articles, in respect of or by which the damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is hereby made recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is hereby in case of dispute directed to be determined.

*Penalty on owners and occupiers of land refusing to allow carriages, etc., to pass over their land.*

**15.** If the owner or occupier of any land over which any person is hereby authorized to pass or repass for any of the land refusing purposes hereinbefore mentioned, being present, does any, of the following things; that is to say—

- (a) impedes or hinders any such person from so passing or repassing, with or without carriages, horses and servants;
- (b) impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat;
- (c) prevents the cargo or other article from remaining so deposited for a reasonable time, until it can be removed to a safe place of public deposit,

*4 of 166 /87.*

he shall for every offence be liable to a penalty not exceeding fifty pounds (£ 50)<sup>8</sup>.

*Receiver not to act when owner and underwriter are present.*

**16.** Whenever the owner and, if the wreck is insured, the underwriter or his agent, is present, the Receiver shall not interfere with the wreck, except he is requested so to do by the owner or underwriter:

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<sup>8</sup> **Consolidation Note:** The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

Provided that the Receiver is always to act in all cases regarding the preservation of lives.

*Rules to be  
observed by  
persons  
finding  
wreck.*

**17.** (1) The following rules shall be observed by any person finding or taking possession of wreck in Cyprus; that is to say—

- (a) if he is the owner he shall as soon as possible give notice to the Receiver of the district within which the wreck is found, stating that he has so found or taken possession of it, and he shall describe in the notice the marks by which the wreck is distinguished;
- (b) if he is not the owner he shall as soon as possible deliver it to the Receiver.

(2) Any person making default in obeying the provisions of this section shall be liable to the following penalties; that is to say-

*4 of 166 /87.*

- (a) if he is the owner and makes default in performing the several things, the performance of which is hereby imposed on an owner, he shall be liable to a penalty not exceeding one hundred pounds (£ 100)<sup>9</sup>;
- (b) if he is not the owner and makes default in performing the several things, the performance of which is hereby imposed on any person not being an owner,

*4 of 166 /87.*

- (i) he shall forfeit all claim to salvage;
- (ii) he shall pay to the owner of the wreck, if it is claimed, but if it is unclaimed then the person entitled to the unclaimed wreck, the value of the wreck (such value to be recovered in the same way as a penalty of like amount); and
- (iii) he shall be liable to a penalty not exceeding one hundred pounds (£ 100)<sup>10</sup>.

(3) This section shall not apply to any person other than the owner, who has taken possession of any wreck *bonâ fide* for the purpose of restoring it to the owner of it, or who shall have actually restored it to the owner.

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<sup>9</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

<sup>10</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

*Powers of Receivers to search for concealed wreck.*

**18.** If any Receiver suspects or receives information that any wreck is secreted, or in the possession of some person who is not the owner of it, or otherwise improperly dealt with, he may, if he is a Magistrate, issue a warrant, or if he is not a Magistrate, he may apply to any Magistrate or Judge of the Supreme Court or of a District Court for a warrant, and the Magistrate or Judge shall have power to grant a warrant, by virtue whereof the Receiver may enter into any house or other place wherever situate, and also into any ship or boat, and search for, and seize and detain any such wreck there found; and if any such seizure is made in consequence of information given by any person to the Receiver, the informer shall be entitled by way of salvage to such sum not exceeding in any case five pounds as the Receiver may allow.

*Notice of wreck to be given by Receiver.*

**19.** Every Receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the Custom House of the port nearest to the place where the wreck was found or seized a description of it, and of any marks by which it is distinguished, and shall also transmit a similar description to the agent of Lloyds aforesaid in Cyprus.

*Wreck arriving from localities infected with contagious disease.*

**20.** In the event of the Receiver finding after inquiry that any wreck is a portion of a vessel or cargo coming from a port infected with contagious disease, he shall cause the property to be isolated, and shall inform the sanitary authorities, who will, as soon as possible, perform the required measures of disinfection.

*Goods deemed perishable or of small value may be sold immediately.*

**21.** Where any wreck in the custody of any Receiver is under the value of five pounds, or is of so perishable a nature or so much damaged that it cannot, in his opinion, be advantageously kept, or if the value of it is not sufficient to defray the charge of warehousing, the Receiver may sell it before the expiration of the period hereinafter mentioned, and the money raised by the sale, after defraying the expenses thereof, shall be held by the Receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

*Payment to be made to Receiver.*

**22.** There shall be paid to all Receivers under this Law the expenses properly incurred by them in the performance of their duties, and also such fees as the Council of Ministers shall from time to time by general rules prescribe in respect of the several matters specified in such rules<sup>11</sup>; and the Receiver may detain any wreck or cargo in respect of which such expenses or fees may have become due until payment is made or until process has been issued by some competent court for the detention of the wreck or cargo.

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<sup>11</sup> **Consolidation Note:** see *The Wrecks Receivers Fees Regulations and Directions, 1965* (Gazette No. 397, Supplement III, dated 25.3.65, P.I. No. 161/65).



*Disputes as to sums payable to Receiver : how determined.*

**23.** Whenever any dispute arises in any part of Cyprus as to the amount payable to any Receiver in respect of expenses or fees, it shall be determined by the President of the District Court, whose decision shall be final.

### **PART III SALVAGE**

*Salvage in respect of services rendered in Cyprus.*

**24.** In the following cases, that is to say—

- (a) whenever any ship or boat is stranded or otherwise in distress on the shore of any sea or tidal water situate within the limits of Cyprus, and services are rendered by any person;
  - (i) in assisting her;
  - (ii) in saving the lives of the persons belonging to her;
  - (iii) in saving her cargo or apparel, or any portion thereof;and
- (b) whenever any wreck is saved by any person other than a Receiver within Cyprus,

there shall be payable by the owners of the ship or boat, cargo, apparel, or wreck, to the person by whom the services or any of them are rendered or by whom the wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of the services or the saving of the wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

*Salvage of life to have priority and may be paid out of the Department of the Accountant-General.*

**25.** Salvage in respect of the preservation of the life of any person belonging to any such ship or boat shall be payable by the owners of the ship or boat in priority to all other claims for salvage; and in cases where the ship or boat is destroyed, or where the value is insufficient after payment of the actual expenses incurred to pay the amount of salvage due in respect of any life, the Council of Ministers may award to the salvors of the life out of the Department of the Accountant-General such sum or sums as he deems fit in whole or part satisfaction of any amount of salvage left unpaid in respect of any such life.

*Receiver may appoint a valuer in salvage cases.*

**26.** Whenever any salvage question arises, the Receiver of Wreck for the district shall, upon the application of either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made, and shall, when the valuation has been returned to him, give a copy of it to both parties; and any copy of the valuation purporting to be signed by the valuer and attested by the Receiver shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of the valuation by the party applying for it such fee as the Council of Ministers may

direct<sup>12</sup>.

*Disputes as to salvage how to be settled.*

**27.** (1) Whenever any dispute arises between the owners of any ship, boat, cargo, apparel or wreck, and the persons claiming to be the salvors thereof as to the amount of the salvage, it shall, on the application of any party, be determined by the President of the District Court of the district in which the services were rendered; and the President may call to his assistance any person conversant with nautical affairs as his assessor; and the decision of the President shall be subject to appeal in the ordinary manner to the Supreme Court:

Provided that the appeal shall be instituted within twenty days after the decision of the President has been given.

(2) There shall be paid to every assessor who may be so appointed in respect of his services such sum, not exceeding five pounds, as the Court may direct; and all the costs of the proceedings, including the assessor's fee, shall be paid by the parties to the dispute, in such shares and proportions as the Court may direct.

*Payment of salvage, to whom to be made in case of dispute as to apportionment.*

**28.** Whenever the aggregate amount of salvage payable in respect of salvage services rendered in Cyprus has been finally ascertained, but a dispute arises as to the apportionment thereof amongst several claimants, the party liable to pay the amount so due may apply to the Receiver of the district for liberty to pay the amount so ascertained to him; and he shall receive the same accordingly, and grant a certificate under his hand, stating the fact of the payment and the services in respect of which it is made; and the certificate shall be a full discharge and indemnity to the persons to whom it is given, and to their ship, boats, cargo, apparel, and effects, against the claims of all persons whomsoever in respect of the services therein mentioned.

*Apportionment of salvage.*

**29.** Upon the receipt of any such amount as aforesaid, the Receiver shall with all convenient speed proceed to distribute it among the persons entitled to it, upon such evidence and in such shares and proportions as he thinks fit, with power to retain any moneys that may appear to him to be payable to any absent parties; but any distribution made in pursuance of this section shall be final and conclusive against the rights of all persons claiming to be entitled to any portion of the moneys so distributed, in all cases where the total claim for salvage does not exceed twenty pounds, and in all other cases shall be subject to appeal to the District Court, such appeal to be made within twenty days from the date when the decision of the Receiver has been notified to the person desiring to appeal.

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<sup>12</sup> **Consolidation Note:** see *The Wrecks Receivers Fees Regulations and Directions, 1965* (Gazette No. 397, Supplement III, dated 25.3.65, P.I. No. 161/65).

*Manner of enforcing payment of salvage.*

**30.** Whenever any salvage is due to any person under this Law, the Receiver shall act as follows—

- (a) if it is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to her or her cargo or apparel, he shall detain the ship or boat, and the cargo and apparel belonging to her, until payment is made or process has been issued by Court for the detention of the ship, boat, cargo, or apparel;
- (b) if it is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained, he shall detain the wreck until payment is made or process has been issued in manner aforesaid.

But if, at any time previously to the issue of such process, security is given to his satisfaction for the amount of salvage due he may release from his custody any ship, boat, cargo, apparel, or wreck so detained by him; and in cases where the claim for salvage exceeds two hundred pounds any Judge of the Supreme Court or President of a District Court may, on the application of any party interested, determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where a bond or other security is given to the Receiver the salvor or the owner of the property salvaged, or their agents, may institute proceedings before the Judge or President for the purpose of having the questions arising between them adjudicated upon, and the Judge or President may enforce payment of the said bond or other security in the same manner as if bail had been given in the Court.

*Power of Receiver to sell property salvaged in cases of non-payment.*

**31.** Whenever any ship, boat, cargo, apparel, or wreck is detained by any Receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay are aware of the detention, then—

- (a) in cases where the amount is not disputed, and payment is not made within thirty days after it has become due;
- (b) in cases where the amount has been disputed, and decided by the Court of first instance, and payment is not made within twenty days after the decision and no proceedings by way of appeal have been instituted within the twenty days;
- (c) in cases where the amount has been disputed, and decided on appeal by the Supreme Court and payment has not been made within twenty days of that decision,

the Receiver may forthwith sell the ship, boat, cargo, apparel or wreck, or a sufficient part thereof, and out of the proceeds of the sale, after payment of all expenses thereof defray all sums of money due in respect of expenses, fees and salvage, paying the surplus, if any, to the owners of the property

sold, or other parties entitled to receive it.

*Subject to the payment of expenses, etc., the owner entitled to the wreck.*

**32.** Subject to the payment of the expenses, fees, and salvage as aforesaid, the owner of any wreck, who establishes his claim to it to the satisfaction of the Receiver within one year from the date at which the wreck has come into the possession of the Receiver, shall be entitled to have it or the money arising from the sale of it on any part thereof delivered up to him.

*Unclaimed wreck to be sold.*

**33.** In the event of no owner establishing a claim to any wreck found in any place in Cyprus before the expiration of a year from the date at which it has come into the possession of the Receiver, the Receiver shall forthwith sell it, and, after payment of all expenses attending the sale and deducting therefrom all fees and expenses (if any) due to and incurred by him and paying to the salvors such amount of salvage as may be agreed upon, pay the money arising from the sale into the Department of the Accountant-General to the account of the general revenue of the Republic:

Provided always that whenever any dispute arises between the Receiver and the persons claiming to be the salvors as to the amount of salvage, the dispute shall, on the application of either party, be determined in the manner provided by section 27 hereof in respect of disputes between owners and salvors.

*Method of determining amount of salvage.*

**34.** In determining any dispute as to the amount of salvage to be paid to any salvor, the Court or Judge determining it shall award such sum as appears just and reasonable in the circumstances of the case, having regard to—

- (a) the enterprise and promptitude of the salvors in rendering assistance;
- (b) the degree of damage and distress from which the property is rescued;
- (c) the degree of labour and skill displayed and the danger incurred by the salvors;
- (d) the value of the property saved;
- (e) the time employed in rendering the services;
- (f) the success of the effort to save the property:

Provided that no salvage shall be awarded unless the property in respect of which salvage is claimed shall have been exposed to actual peril threatening its destruction save for the assistance rendered by the salvor.

*No claim for salvage services to be allowed in respect of*

**35.** In cases where salvage services are rendered by any ship belonging to the Republic or by the commander or crew thereof, no claim shall be made or allowed for any loss, damage, or risk thereby caused to the ship or to the

*loss or risk of ships or property of the Republic.*

stores, tackle, or furniture thereof, or for the use of any stores or other articles belonging to the Republic supplied in order to effect the services, or for any other expense or loss sustained by the Republic by reason of the services.

*Claims for salvage by officers of the Republic not to be determined without consent of Admiralty.*

**36.** No claim whatever on account of any salvage services rendered to any ship or cargo, or to any appurtenances of any ship, by the commander or crew or part of the crew of any of the ships of the Republic shall be finally adjudicated upon unless the consent of the Admiralty has first been obtained; such consent to be signified by writing under the hand of the Secretary to the Admiralty; and if any person who has originated proceedings in respect of any such claim fails to prove such consent to the satisfaction of the Court or officer before whom the salvage claim is brought, the claim shall be dismissed, and he shall pay the cost of the proceedings; provided that any document purporting to give such consent, and to be signed by the Secretary to the Admiralty, shall be *prima facie* evidence of the consent having been given.

*Enforcing detention of ship.*

**37.** Where under this Law a ship is authorized or ordered to be detained, the officer detaining the same shall serve a notice in writing of the detention upon the master of the ship, or in the absence of the master may effect service of the notice by affixing it to the main mast or some other conspicuous part of the vessel, and if the ship after service of the notice proceeds to sea before it has been released by competent authority, the master of the ship and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to the Republic a penalty not exceeding five hundred pounds (£ 500)<sup>13</sup>.

*4 of 166 /87.*

*Carrying officer to sea.*

**38.** Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer being so taken to sea, and also a penalty not exceeding five hundred pounds (£ 500)<sup>14</sup>, or not exceeding fifty pounds (£ 50)<sup>15</sup> for every day until the officer returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken.

*4 of 166 /87.  
4 of 166 /87.*

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<sup>13</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

<sup>14</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

<sup>15</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

**PART IV**  
**OFFENCES IN RESPECT OF WRECK**

*Plundering,  
etc., in case  
of wreck.*

**39.** Every person who-

- (a) wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded, or otherwise in distress on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck; or
- (b) endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel, or wreck; or
- (c) secretes any wreck, or obliterates or defaces any marks thereon,

*4 of 166 /87.*

shall, in addition to any other penalty or punishment he may be subject to under this or any other Law, for each such offence be liable to a penalty not exceeding two hundred and fifty pounds (£ 250)<sup>16</sup>; and every person not being a Receiver or a person hereinbefore authorised to take the command in cases of a ship being stranded or in distress, or not acting under the orders of such Receiver or person, who, without the leave of the master, endeavours to board any such ship or boat, shall for each offence be liable to a penalty not exceeding two hundred and fifty pounds (£ 250)<sup>17</sup>; and it shall be lawful for the master of the ship or boat to repel by force any person so attempting to board the same.

*4 of 166 /87.*

*Selling wreck  
in foreign  
port.*

**40.** If any person shall take into any foreign port or place any ship or boat stranded, derelict, or otherwise in distress on or near the shore of the sea or of any tidal water situate within the limits of Cyprus, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within such limits as aforesaid, and shall there sell the same, he shall be liable to imprisonment for any term not exceeding five years.

**PART V**  
**MISCELLANEOUS**

*Foreign  
goods found  
derelict  
subject to  
the same  
duties as on  
importation.*

**41.** All wreck, being foreign goods, brought or coming into Cyprus, shall be subject to the same duties as if they were imported into Cyprus, due allowance being made for subject to their condition if damaged; and if any question arises as to their origin they shall be deemed to be the produce of such country as the Comptroller may upon investigation determine.

*In cases of  
wreck of  
foreign ship  
Consul*

**42.** Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of Cyprus, or belonging to or

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<sup>16</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

<sup>17</sup> Consolidation Note: The present amount of the fine is a result of an increase effected by the *Fines (Increase) Law of 1987 (Law 166/87)*.

*deemed  
agent of  
owner.*

forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in Cyprus, the Consul of the country to which the ship, or, in the case of cargo, to which the owners of the cargo, may have belonged, or any Consular Officer of that country authorized in that behalf by any treaty or agreement with that country, shall, in the absence of the owner of the ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

*Power to  
make Rules.*

**43.** The Council of Ministers may from time to time publish Rules prescribing the fees to be taken under this Law by Receivers of Wreck, and in respect of what services and by whom they shall be payable, and may also, with the advice and assistance of the Chief Justice, prescribe Rules for regulating the procedure in all matters coming before any Court or Judge, or before any Receiver under the provisions of this Law, and the fees to be taken in respect of any proceedings under the same. All Rules made under this section shall have the same force and effect as if they were part of this Law<sup>18</sup>.

*Recovery of  
penalties.*

**44.** Any person who incurs any penalty or forfeiture under the provisions of this Law shall be deemed to have been guilty of an offence, and the penalty may be recovered by criminal proceedings or by civil action at the suit of the Attorney-General.

**Consolidated DMS version  
December 2004**

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<sup>18</sup> Consolidation Note: It is recalled that the Rules presently in force, issued under this section are the following : *The Wrecks Receivers Fees Regulations and Directions, 1965 (Gazette No. 397, Supplement III, dated 25.3.65, P.I. No. 161/65).*