

**SMALL VESSELS / HIGH SPEED SMALL VESSELS AND
RECREATIONAL CRAFTS IN THE REPUBLIC OF CYPRUS
REQUIRING REGISTRATION WITH
THE DEPARTMENT OF MERCHANT SHIPPING**

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1. General information

All recreational crafts (as defined herebelow in section 5 below) should be registered either in the Register of Cyprus Ships (these vessels are permitted to sail in national and international waters) or in the Register of Small Vessels (these vessels are permitted to sail only in the territorial waters of the Republic of Cyprus).

Recreational crafts are registered in the Register of Cyprus Ships, in accordance with the provisions of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law 45/63, as amended or the Register of Small Vessels, in accordance with the Emergency Powers (Control of Small Vessels) Regulations of 1955.

Ships that are not registered in Registry of Cyprus Ships are:

- (a) ships having an overall length less than thirteen (13) meters, employed solely in navigation on the coast of the Republic or of the Sovereign Base Areas;
- (b) ships not having a whole or fixed deck and employed solely in fishing, lightering or trading coastwise on the shore of the Republic or of the Sovereign Base Areas or within such a radius therefrom as may be prescribed.

2. The legislation in connection with the registration of recreational crafts and small vessels in the Republic of Cyprus

The following legislation acts mainly cover the registration of recreational crafts and small vessels in the Republic of Cyprus:

- a) The Merchant Shipping (Registration of Ships, Sales and Mortgages) Law 45/63, as amended (“the Merchant Shipping Law”).
- b) The Emergency Powers (Control of Small Vessels) Regulations of 1955 and any other legislation amending or substituting the same (the “Emergency Powers Regulations”).
- c) The High Speed Small Vessels Regulations of 1992 to 1999; P.I. 121/1999 (the “High Speed Small Vessels Laws”).
- d) The High Speed Small Vessels Laws of 1992 to 2001; Law No. 56(I) of 1992 as amended, covering the matters relating to the movement of high speed small vessels and for other relevant matters (the “High Speed Small Vessels Movement and Other Matters Regulations”).
- e) European Directive 94/25/EC on recreational craft was adopted by the Basic Requirements (Recreational Craft) Regulations of 2003, P.I. 307/2003 which were published in Official Gazette No. 3706 on 18.4.2003, Supplement III(I). These regulations have been in force since 1st May 2004.
- f) European Directive 2003/44/EC which amends European Directive 94/25/EC on recreational craft was adopted by the Basic Requirements (Recreational Craft) (Amendment) Regulations of 2004, P.I. 537/2004 which were published in Official Gazette No. 3853 on 30.4.2004, Supplement III(I).¹

3. The Emergency Powers Regulations and Small Vessels Registration

Accordingly, under the Emergency Powers Regulations ‘vessel’ means every ship, boat, lighter and floatable craft of every kind used in navigation whether operated by power or otherwise.

¹ From 1st January 2006, the Basic Requirements (Recreational Craft) (as amended) Regulations of 2004 have been implemented as follows:

- a) Recreational Craft and partly completed boats
 - b) Personal watercraft- Jet skis
 - c) Components referred to in Annex II when placed on the Community Market separately and when intended for installation.
 - d) For Propulsion Engines- Compression ignition (diesel) and four- stroke spark ignition (petrol) engines
- From 1st January 2007 the Basic Requirements (Recreational Craft) (as amended) Regulations of 2004 have been implemented also on the two stroke spark ignition engines and the engines exhaust emission.

Under regulation 3 of the Emergency Powers Regulations, all fishing vessels and pleasure or other vessels (other than portable or collapsible craft for use of bathers) of or below fifteen (15) net registered tons operating or plying exclusively in any port or shipping place in Cyprus or plying between such ports or shipping places or otherwise within the territorial waters of Cyprus or on any inland waters or reservoir therein must be recorded at the office of the Director of the Department of Merchant Shipping of the Republic of Cyprus (“DMS”).

The owners or person in possession or having control of any of the aforesaid vessel or into whose possession or under whose control any such vessel may come must notify the Director of DMS and furnish him with the following particulars together with tonnage of the vessel as ascertained by him will be entered in the record by him:

- a) the name of the vessel (if any);
- b) description and dimensions of the vessel;
- c) the name and address of the owner;
- d) how and when the vessel has been acquired.

On completion of the recording of a vessel, the Director of DMS will issue a note of record and he will allot to such a vessel a registration number with a letter prefix distinguishing the series of the number s of each port from those of other ports. The said registration number will need to be displayed on each bow and stern.²

It should be noted that in accordance with regulation 13 of the Emergency Powers Regulations, failure to register the aforesaid vessels by any person who owns, possesses or has under his control constitutes a criminal offence and will be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding EUR 2,562 or to both imprisonment and fine.

4. The High Speed Small Vessels Regulations and High Speed Small Vessels Registration

4.1 General information

Under the High Speed Small Vessels Movement and Other Matters Regulations, a ‘high speed small vessel’ means a mechanically propelled vessel of a length not exceeding fifteen (15) meters which can attain a speed of at least fifteen (15) knots (the “High Speed Small Vessel”). ‘Jet ski’ means a high speed small vessel which is propelled by an outboard engine or an inboard water jet propulsion system and which is capable of carrying one or more persons carried either seated or standing on it. ‘Operator’ includes any person who operates a high speed small vessel at a specific time and also any person who has the responsibility of handling the vessel while it is anchored at any place whereas in the case of an object in tow means the operator of the vessel by which such object is in tow, accordingly ‘owner’ means a person in whose name a high speed small

² The figures comprising of the registration number need to be at least four inches high.

vessel is registered in accordance with the Emergency Powers Regulations described above or any other legislation which amends or substitutes the same.

Accordingly, no person can be entitled to be the operator of the High Speed Small Vessel unless he is in possession of a licence to operate the High Speed Small Vessel (the “Operator’s Licence”) or of a licence for a learner to operate High Speed Small Vessel (the “Learner’s Licence”) issued by the competent authority. It should be noted that operation of the High Speed Small Vessel without an operator’s licence is prohibited.

The High Speed Small Vessels are classified under the High Speed Small Vessels Law in the following categories according to their use:

- a) high speed small vessels of category A’ which are the high speed small vessels of private use which are used exclusively for the purposes of recreation without a reward; and
- b) high speed small vessels of category B’ which are the high speed small vessels of public use which are offered by the registered owners to third parties for a reward.

The competent authority³ will make the classification of the high speed vessel after inspection either upon registration in accordance with the Emergency Powers Regulations upon application by the owner. The said inspection is carried out by natural or legal persons which the competent authority which is authorised by the competent authority upon payment of the prescribed fees.

The inspection of high speed small vessels include:

- a) an initial inspection;
- b) a periodical inspection which is made every year for high speed small vessels of category B’;
- c) a periodical inspection which is made every five years for high speed small vessel of category A’(all periodical inspections are carried out with in the first six (6) months of every year);
- d) an occasional inspection, if damage occurs or changes are made in construction of the vessel or whenever the competent authority deems it appropriate.

4.2 Circulation Licence of the high speed small vessel

If following an inspection carried out as aforesaid, the competent authority is satisfied that the high speed small vessel fulfills the requirements of the High Speed Small Vessels Law and that in the case of the high speed small vessel of category B’, its owner possesses a permit for the provision of facilities under the Foreshore Protection Law, it will grant or renew the circulation licence of the vessel upon payment of the prescribed

³ According to the High Speed Small Vessels Movement and Other Matters Regulations ‘competent authority’ means the Minister of Communications and Works and includes any person authorised by him in that behalf.

fees as well as a sign in the form of a sticker which includes the serial number and expiry date of the circulation licence. A copy of the circulation licence must be kept in the vessel and the sticker sign referred above must be attached on the windscreen of the vessel (if there is one) or on other conspicuous spot.

Additionally, the category of the high speed small vessel will be also recorded in the circulation licence. The high speed small vessel needs to satisfy the requirements of construction, mechanical and electrical equipment of the relevant legislation. The High Speed Small Vessels Regulations also lists the necessary equipment which all high speed small vessels must be equipped with (if the construction of the same so permits).

The maximum permitted capacity of the high speed small vessel depends on the maximum length of the said vessel (e.g. maximum length 8 m- total number of passengers seven).

The high speed small vessels must carry the distinctive letters and the registration number of the Register of Small Vessels on the either side of the stern of the vessel and in the case of high-speed small vessels of category B', the letter "B" will be written after the registration number. The High Speed Small Vessels Regulations also prescribe the manner of marking of the high speed small vessel needs to be carried out.⁴

No high speed small vessel may be used, unless it has a valid circulation licence.

4.3 Learner's Licence of the high speed small vessel

Every person who has completed seventeen (17) years of age may acquire a learner's license and may operate a high speed small vessel on the condition that he shall always be accompanied by a person who has an operator's licence. An application forms for High Speed Small Vessel Learner's License (attached to the High Speed Small Vessels Regulations as third schedule) from persons over the age of seventeen (17) years should be submitted together with the following:

- a) Two passport size photographs;

⁴ The marking of high speed small vessels provided in the High Speed Small Vessels Regulations should be made as follows:

- a. each digit must be at least 20 centimeters in height and have a proportional width;
- b. if the implementation of the above subparagraph is not possible because of the small size of the vessel, then each digit may be at least five centimeters in height and have a proportional width;
- c. the number shall be placed above the middle of the height of the freeboard of the vessel;
- d. the color of the number must be intensely in contrast with the color of the careen so as to be easily distinguishable from a long distance;
- e. in case the competent authority deems it expedient, it may request the marking of the vessel on a different place and with different dimensions.

- b) Photocopy of Identity Card or passport; and
- c) Application fee of €17,09.

The learner's licence is valid for a period of six months.

4.4 Operator's Licence of the high speed small vessel

According to the High Speed Small Vessels Regulations, every person who has completed the eighteen (18) years of age and he / she is already a holder of a valid learner's license can apply to obtain an operator's license.

Unless a person is a holder of a certificate or a diploma as per the provisions of Regulation 21 of the High Speed Small Vessels Regulations, every person wishing to obtain an operator's license will need undergo both practical and theoretical exams (Regulations 19 and 20 respectively). These exams are carried out by nautical clubs (regulations 14 and 15) which are appointed by the Minister of Communications and Works.

The nautical clubs inform all applicants whose forms are accepted and forwarded to them by the Department of Merchant Shipping of the date, time and place of both the practical and theoretical examinations.

Practical examinations are carried out with vessels provided by the nautical clubs.

In order to apply for an examination, every person should submit an application form (attached to the High Speed Small Vessels Regulations as fifth schedule) with:

- b) A certificate of physical fitness issued by a doctor within six months prior to the date of application.
- c) Application fee €76,88 (€8,54 for the processing of the application form and €68,34 examination fees).

Persons to be exempted from the obligation of sitting the examinations should also submit the said application form accompanied with:

- a) A copy of the certificate or diploma as these is described in Regulation 21.1.
- b) A copy of their passport or identity card.
- c) Two passport size photographs.
- d) The application fee of €8,54 for the processing of the application.

Upon completion of both the practical and theoretical examinations, a certificate of success is issued by the competent authority or organization (as the case may be) (in the form attached to the High Speed Small Vessels Regulations as seventh schedule). The operator's licence will be issued by the competent authority after the interested party

presents a certificate of success in the examinations for an operator's licence of the high speed small vessel and pays the relevant fees within three months at the latest.

The operator's licence is issued for one (1) or five (5) years or for a continuous period of time up to the 70 years of age of operator.⁵

When the licence of an operator expires, it may be renewed by the competent authority in accordance with Regulation 24 of the High Speed Small Vessels Regulations.

Moreover, in the case any person who contravenes or fails to comply with any provision of the High Speed Small Vessels Regulations will be guilty of an offence and, in case of conviction, he will be liable to imprisonment for a term not exceeding two (2) years or to a fine not exceeding €5,125.00 or to both such imprisonment and fine.

It should be noted that temporary visitors staying in Cyprus for a period of less than thirty days (30) and that are not holders of the above licenses, can operate a hired high speed small vessel provided they have signed a binding declaration with the owner of the vessel who is responsible to examine whether the temporary visitor possesses the necessary knowledge for operating a high speed small vessel according to the requirements of the High Speed Small Vessel Regulations.

4.5 Usage of a mobile maritime radio station licence and radio licence for a small vessel

A. Issuance of a radio license for a small vessel

According to the Radio Communications Laws of 2002 to 2004 and the Radio Communications Regulations of 2004, the usage of a maritime mobile station must be registered and a usage licence must be issued,

The application form (M.S. 34A) for the registration of a mobile maritime radio station for a small vessel should be submitted to the Offices of the Department of Merchant Shipping and must be accompanied by:

1. A copy of the certificate of registration (M.S. 36) of a small vessel
2. The fee of €34.17.

The right for use of radio frequencies (radio license) is issued upon receipt of the above for a period of one (1) year and it is renewed on a yearly basis.

B. Radio license renewal for a small vessel

The fee for the renewal of the radio license is €17.09.

⁵ Provided that when the applicant is above 70 years old, the operator's licence will be issued only for one (1) year with the right of annual renewal.

In case that the fee for the renewal of the registration Certificate of the Mobile Radio Station, which is in accordance with paragraph 2 of the Section 2 of the Third Annex of the Radio communications (Fees) Regulations of 2004, is not paid within one month from the due date, then the right of use of radio frequencies is terminated and the holder of a mobile maritime radio station is not allowed to use it. Anyone using such equipment with no valid radio license is subject to prosecution and / or fines as these are described in Article 52 of the Radio Communications Laws of 2002 to 2004.

If the holder of the radio station wishes to continue its operation, a new registration form (MS 34A) of a mobile maritime radio station must be submitted with the application fees, which are in accordance with the Radio communications (Fees) Regulations of 2004.

5. Recreational craft legislation

- a) Basic Requirements (Recreational Craft) Regulations of 2003 were published in the Official Gazette number 3706 on 18/4/2003 EE Section III (I) PI 307/ 2003; and
- b) Basic Requirements (Recreational Craft) (as amended) Regulations of 2004, were published in the Official Gazette number 3853 on 30/4/2004 EE Section III (I) PI 537/ 2004

The above Regulations have been adopted for harmonizing the national Cypriot legislation with the European Directive 94/ 25/EC for Recreational Craft as amended by the directive 2003/44/EC. The Regulations PI 307/2003 have been implemented from 1st May 2004 whilst PI 537/ 2004 from 1st January 2005 (with a transition period ending as analysed below).

A) From 1st January 2006 the basic Requirements (Recreational Craft) (as amended) Regulations of 2004 have been implemented as follows:

- 1. Recreational Craft and partly completed boats
- 2. Personal watercraft – Jet Skis
- 3. Components referred to in Annex II when placed on the Community Market separately and when intended for installation
- 4. For Propulsion Engines- Compression ignition (diesel) and four- stroke spark ignition (petrol) engines

B) From 1st January 2007 the basic Requirements (Recreational Craft) (as amended) Regulations of 2004 have been implemented also on the two stroke spark ignition engines.

The implementation for the engines exhaust emission is as follows:

- i. Propulsion engines which are installed or specifically intended for installation on or in recreational craft and personal watercraft
- ii. Propulsion engines installed on or in these craft that are subject to a ‘major engine modification
- iii. The implementation for the engines noise emission is as follows

- iv. Recreational Craft with stern drive engines without integral exhaust or inboard propulsion engines installations
- v. Recreational Craft with stern drive engines without integral exhausts or with inboard propulsion installations, which are subject to a major conversion and subsequently placed on the market within five years following conversion.
- vi. Personal watercraft
- vii. Outboard engines and stern drive engines with integral exhausts intended for installation on recreational craft

The Recreational Craft as well as the propulsion engines shall bear the CE marking and shall be accompanied by a written Declaration of Conformity as it is described in the Annex XV of the Regulations, the EC Type Examination Certificate (when a Notified body has been involved) and the Owner's Manual in Greek and in another language of a member state (Annex I of the Regulations).

Definition of Recreational Craft. It should be noted that for the purpose of the aforesaid Recreational Craft Directive 94/25/EC as amended by directive 2003/44/EC a **'recreational craft'** means any boat of any type intended for sports and leisure purposes of hull length from 2,5 m to 24 m, measured according to the harmonized standard, regardless of the means of propulsion; the fact that the same boat could be used for charter or for recreational boating training shall not prevent it being covered by this Directive when it is placed on the Community market for recreational purposes.⁶

⁶ The following craft are excluded from the scope of the directive 94/25/EC as amended by 2003/44/EC:
(a) with regard to paragraph 1(a):

- i. craft intended solely for racing, including rowing racing boats and training rowing boats, labelled as such by the manufacturer;
- ii. canoes and kayaks, gondolas and pedalos;
- iii. sailing surfboards;
- iv. surfboards, including powered surfboards;
- v. original historical craft and individual replicas thereof designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;
- vi. experimental craft, provided that they are not subsequently placed on the Community market;
- vii. craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years;
- viii. craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3(a), in particular those defined in Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels (1), regardless of the number of passengers;
- ix. submersibles;
- x. air cushion vehicles;
- xi. hydrofoils;
- xii. external combustion steam powered craft, fuelled by coal, coke, wood, oil or gas;

All recreational crafts including personal watercraft (jet skis) as well as all propulsion engines for recreational craft, which have been manufactured in Cyprus or in any other country of the European Union or have been imported from a third country and which will be placed on the Cyprus market after the 1st January 2006 need to comply with the provisions of the Basic Requirements (Recreational Craft) (as amended) Regulations of 2004, (PI 537/ 2004).

6. Craft built for own use

If any person is interested to build a recreational craft for his/her own use, then he/ she needs to inform the Department of Merchant Shipping (the “DMS”) the following:

- a) The owner should inform the DMS in advance of his/her intention to build a recreational craft for own use giving exact details of the location so as inspections will need to be carried out by the DMS during the construction period.
- b) The owner must submit to the DMS a Builder Certificate of a Small Vessel (MS48) certified by a Certifying Officer.
- c) The owner of the craft must submit to the DMS details of construction drawings as well as objective evidence that the vessel was built by the prospective owner for own use (such as photographs, receipts of purchased material used for the construction etc).

With reference to the Basic Requirements (Recreational Craft) Regulations of 2003 were published in the Official Gazette number 3706 on 18/4/2003 EE Section III (I) PI 307/ 2003 and Basic Requirements (Recreational Craft) (as amended) Regulations of 2004, were published in the Official Gazette number 3853 on 30/4/2004 EE Section III (I) PI 537/ 2004, recreational craft built for own use cannot be placed on the market and put into service for a period of five (5) years.

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