
POWERBOATS ORDINANCE 1999

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Powerboats Ordinance 1999	8/1999	12/05/1999
Powerboats (Amendment) Ordinance 2001	5/2001	04/05/2001
Powerboats (Amendment)(No.2) Ordinance 2001	13/2001	22/08/2001
Powerboats (Amendment) Ordinance 2007	1/2007	01/06/2007
Powerboats (Amendment) Ordinance 2012	21/2012	01/04/2013
Powerboats (Amendment)(No.2) Ordinance 2012	34/2012	15/12/2012

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POWERBOATS ORDINANCE 1999

AN ORDINANCE TO REGULATE THE USE OF POWERBOATS AND OTHER RELATED MATTERS

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Powerboats Ordinance 1999.

Interpretation

- 2.—(1) ~~2.~~ In this Ordinance, unless the context otherwise requires— (a)

“appropriate Republican law” means the Speedboat Law 1992(b) and any law amending the same; (c)

“buoyancy aid” means a device for keeping a person afloat in water, designed to be worn and fitted easily and securely to the body of an adult or a child with a lifting power equal to at least 10% of the weight of the person wearing it, and manufactured in a colour or a combination of colours that is vivid and discernible;

~~*“competent authority” means the Chief Officer and includes any person authorised by him in that behalf; (d)*~~

~~*“competent authority” means the authority of the Republic vested with the power to issue licences under the appropriate Republican law; (e)*~~

~~*“competent authority” means—*~~

~~*(a) the Chief Officer; or*~~

~~*(b) the authority of the Republic vested with the power to issue licences under the appropriate Republican law; (f)*~~

“Court” means the Judge’s Court of the Sovereign Base Areas;

~~*“learner’s licence” means either a licence issued by the competent authority for the purpose of learning to operate a powerboat or, where a person wishing to learn to operate a powerboat will do so under the auspices of the Royal Yachting Association or similar responsible body, a certificate to that effect from a representative of such body; (g)*~~

“learner’s licence” means a licence issued for the purpose of learning to operate a powerboat by the authority of the Republic vested with the power to issue licences under the appropriate Republican law (see also subsection (2));

“operator” means a person who drives a powerboat and includes a person who has the control of a powerboat while it is moored and “operate” or “operating” shall be construed accordingly;

(a) Section 2 renumbered 2-(1) by Ordinance 34/2012 – came into force on 15 December 2012

(b) Law No. 56(I)/1992 (Republic)

(c) Definition inserted by Ordinance 5/2001 – came into force on 04 May 2001

(d) Definition repealed and replaced by Ordinance 5/2001 – came into force on 04 May 2001

(e) Definition repealed and replaced by Ordinance 21/2012 – came into force on 01 April 2013

(f) Definition repealed by Ordinance 34/2012 – came into force on 15 December 2012

(g) Definition repealed and replaced by Ordinance 34/2012 – came into force on 15 December 2012

“licence” or “licences” shall include learner’s licence, operator’s licence and powerboat circulation licence;(a)

“operator’s licence” means—

- ~~(e) a licence to operate a powerboat, issued by the competent authority; or~~
- ~~(d) until the coming into force of regulations made under section 22(2)(c) prescribing the process of issuing licences by the competent authority, until the date specified in a notice published in the Gazette by the Chief Officer (b) a valid and legally recognised licence to drive a motor vehicle; or~~
- ~~(e) a National Level 2 Powerboating Certificate issued by the Royal Yachting Association or such other certificate of like kind issued by a similar responsible body;~~
- ~~(f) any other document which under the appropriate Republican law authorises the holder to operate a powerboat.(e) (d)~~

“operator’s licence” means—

- (a) a licence to operate a powerboat issued by the authority of the Republic vested with the power to issue such licences under the appropriate Republican law;*
- (b) any other document under which the appropriate Republican law authorises the operator to operate a powerboat; or*
- (c) a level 2 powerboat certificate of competence issued by the RYA or a certificate for an equivalent qualification issued by another organisation recognised by the Chief Officer as a similar body; (e)*

~~“owner” means the person in whose name a powerboat is registered under the appropriate Republican Law or, where the powerboat is not yet registered as aforesaid, means the person who is in possession of the powerboat including a person who is in possession by virtue of a hire purchase or other agreement;(f)~~

“owner” means—

- (a) the person in whose name a powerboat is registered under the appropriate Republican law;*
- (b) a person who has been issued with a registration mark in relation to a powerboat which is recorded in the Register of Small Craft for the Areas; or*
- (c) a person who is in possession of a powerboat including a person who is in possession by virtue of a hire-purchase or other agreement;*

“person subject to service discipline” shall have the meaning as defined in section 1 of the Drinking and Driving Ordinance(g);

“police station” means any police station manned by the Sovereign Base Areas Police or in relation to a person subject to service discipline, any military or air force unit or establishment;

~~“powerboat circulation licence” means a licence issued by the competent authority to the owner on the competent authority being satisfied that the powerboat satisfies all the requirements relating to it under the appropriate Republican law;(h) (i)~~

~~“powerboat circulation licence” means a licence issued by the competent authority to the owner on the competent authority being satisfied that the powerboat satisfies all the~~

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- (a) Definition inserted by Ordinance 5/2001 – came into force on 04 May 2001
 - (b) Text deleted and new text inserted by Ordinance 5/2001 – came into force on 04 May 2001
 - (c) Definition inserted by Ordinance 5/2001 – came into force on 04 May 2001
 - (d) Definition repealed by Ordinance 1/2007 – came into force on 01 June 2007
 - (e) Definition inserted by Ordinance 34/2012 – came into force on 15 December 2012
 - (f) Definition repealed and replaced by Ordinance 34/2012 – came into force on 15 December 2012
 - (g) Ordinances 6/1993, 11/1993, 10/1995 and 8/1998
 - (h) Definition inserted by Ordinance 5/2001 – came into force on 04 May 2001
 - (i) Definition repealed and replaced by Ordinance 21/2012 – came into force on 01 April 2013

~~requirements relating to it under this Ordinance or (if the competent authority is an authority of the Republic) under the appropriate Republican law;~~ (a)

“powerboat circulation licence” means—

- (a) a powerboat circulation licence issued by the authority of the Republic vested with the power to issue such licences under the appropriate Republican law; or
- (b) a licence issued by the Chief Officer to the owner on being satisfied that the powerboat meets all the requirements relating to it under this Ordinance and regulations made under it;

“section”, “subsection” or “Part” shall mean respectively section, subsection or Part of this Ordinance;

“powerboat” means a mechanically propelled vessel not exceeding 15 metres in length, which is capable of attaining a speed of 15 knots or more;

“the “RYA” is the Royal Yachting Association; (b)

“towed object” means any object which does not have its own means of propulsion but which is towed by a powerboat and for the purposes of this Ordinance includes a person who is towed by the powerboat;

(2) A person is treated as holding a learner’s licence if the person is operating a powerboat for the purpose of obtaining a powerboat qualification under the instruction of a person who is qualified to provide tuition and is a representative of the RYA or another organisation recognised by the Chief Officer as a similar body. (c)

PART 1

Obligations by owners and operators of a powerboat

Operator’s licence and learner’s licence

~~3.—(1) No person shall operate a powerboat unless he is the holder of a valid operator’s licence or a learner’s licence:~~

~~Provided that no person under the age of eighteen years shall operate a powerboat unless accompanied by a person aged eighteen years or over who is the holder of an operator’s licence.~~

~~(2) A citizen of the Republic or of another country who is not permanently resident in the Areas, shall not be required to hold an operator’s licence providing he holds a licence or other document certifying his ability to operate a powerboat issued by the appropriate authority of the Republic or of the other country in which he resides. (d)~~

~~3.—(1) Except where otherwise exempt, no person shall operate a powerboat unless he is over the age of 18 years has attained the age of 17 (e) and is the holder of a valid operator’s licence or learner’s licence.~~

~~(2) For the purposes of subsection (1) above, a person shall be exempt if he is exempt from holding such licence under or by virtue of Republican law or regulations made under section 22 of this Ordinance.~~

(3) No person who is the holder of a learner’s licence shall operate a powerboat unless he is accompanied by a person who is the holder of an operator’s licence.

(4) Any person operating a powerboat shall on so being required by a police officer, give his name and address and the name and address of the owner of the powerboat and shall produce his

(a) Definition repealed and replaced by Ordinance 34/2012 – came into force on 15 December 2012
(b) Definition inserted by Ordinance 34/2012 – came into force on 15 December 2012
(c) Subsection (2) inserted by Ordinance 34/2012 – came into force on 15 December 2012
(d) Subsections (1) and (2) repealed and replaced by Ordinance 5/2001 – came into force on 04 May 2001
(e) Text deleted and new text inserted by Ordinance 13/2001 – came into force on 22 August 2001

operator's licence and any person contravening this subsection shall be guilty of an offence under this Ordinance:

Provided that if the operator of the powerboat within two days after the production of the operator's licence was so required produces such licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection by reason only of failure to produce the operator's licence to such police officer.

(5) Despite subsection (1), at the Chief Officer's discretion and subject to any conditions which the Chief Officer considers necessary, by way of an order made as a public instrument, the Chief Officer may authorise a person or a category of persons who may operate a powerboat if the person or persons—

- (a) have attained the age of 16; and*
- (b) hold an operator's licence or, in accordance with section 2(2), are treated as holding a learner's licence. (a)*

Operating a powerboat without the owner's consent prohibited

4. No person shall operate a powerboat without the consent of its owner or, in a case of the vessel being hired, without the written consent of the owner or other lawful authorisation.

Obligations of an operator of a powerboat

5.—(1) Any person who operates a powerboat shall wear a buoyancy aid at all times when on board and shall ensure that any person carried or towed by the powerboat also wears a buoyancy aid, and that when the powerboat is in motion, all persons on board remain seated.

(2) Any person who operates a powerboat shall exercise diligence and care to ensure the safety and comfort of other persons on board or in the sea or on the foreshore or on board other vessels and generally he shall ensure that no damage is caused to the property of other persons.

(3) Where an accident occurs involving a powerboat whereby injury or damage is caused to any person or property, any person operating a powerboat who was involved in or who witnessed the accident, shall be obliged to render all possible assistance and shall report the accident to a police station, as soon as possible, and in any event not later than 24 hours following the accident.

6. Owners and operators of powerboats shall be obliged to apply the operating requirements and safety precautions set out in the First Schedule to this Ordinance and where a powerboat is offered for hire it shall be the duty of the owner to ensure that the operator is fully aware of the said safety requirements or precautions.

7.—(1) An owner of a powerboat shall be obliged to display in a conspicuous place on the powerboat, a notice in the terms set out in the Second Schedule to this Ordinance, and where the powerboat is for hire, such notice shall include particulars of the fee payable for the hire thereof.

(2) An owner of a powerboat shall on being so required by a police officer, produce evidence that the vessel is registered in his name or if not so registered, evidence that he is in possession thereof by virtue of a hire purchase or other agreement and any person contravening this subsection shall be guilty of an offence under this Ordinance:

Provided that if the owner of the powerboat within two days after the production of evidence of ownership was so required produces such evidence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection by reason only of failure to produce evidence of ownership to such police officer.

(a) Subsection (5) inserted by Ordinance 34/2012 – came into force on 15 December 2012

7A.—(1) Except where otherwise exempt, it shall be unlawful for an owner of a powerboat to use or authorise to use or offer for hire a powerboat without there being in respect of that powerboat a valid powerboat circulation licence.

(2) For the purposes of subsection (1) above, a person shall be exempt if he is exempt from holding such licence under or by virtue of Republican law or regulations made under section 22 of this Ordinance.(a)

PART 2

Operating a powerboat under the influence of alcoholic drink etc.

Interpretation

8. In this Part, unless the context otherwise requires:—

“authorised analyst” means any person authorised by the Administrator to make analyses for the purposes of this Ordinance or any person holding an appointment as an analyst by whatever name called in the Public Service of the Government of, or of any Public Authority in the United Kingdom or the Republic of Cyprus, who is recognized by the Administrator as an authorised analyst for the purposes of this Ordinance;

“breath test” means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Administrator, an indication whether the proportion of alcohol in the breath of a person is likely to exceed the prescribed limit;

“drug” includes any intoxicant other than alcohol;

“fail” for the purposes of this Ordinance includes refuse;

“hospital” means any institution whether civil or military which provides medical or surgical treatment;

“laboratory test” means the analysis of a specimen provided for purposes of this Ordinance;

“medical practitioner” means a practitioner as defined in the Medical Practitioners’ Ordinance(b);

“member of the provost staff” means a provost officer or any person legally exercising authority under or on behalf of a provost officer;

“police officer” means any member of the Sovereign Base Areas Police and in relation to persons subject to service discipline, any member of the provost staff;

“prescribed limit” means as the case may require—

(a) 39 microgrammes of alcohol in 100 millilitres of breath;

(b) 90 milligrammes of alcohol in 100 millilitres of blood; or

(c) 120 milligrammes of alcohol in 100 millilitres of urine;

“provost officer” means a person who is a provost officer within the meaning of the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955;

“specimen of breath” means a quantity of breath which is—

(a) sufficient to enable the test or analysis to be carried out; and

(b) provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved;

“statement” means the indication of the quantity or proportion of alcohol in a specimen of breath automatically produced by the device and printed on paper or other material.

(a) Section 7A inserted by Ordinance 5/2001 – came into force on 04 May 2001

(b) Ordinance 10/1964

Operating a powerboat when under the influence of alcohol or drugs

9.—(1) A person who, when operating or attempting to operate a powerboat, is unfit to operate through alcoholic drink or drugs is guilty of an offence.

(2) For the purposes of this section, a person shall be taken to be unfit to operate if his ability to operate properly is for the time being impaired.

(3) A police officer may arrest a person without warrant if he has reasonable cause to suspect that, that person is or has been committing an offence under this section.

10. If a person operates or attempts to operate a powerboat after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit, he is guilty of an offence.

Preliminary breath test

11.—(1) Where a police officer has reasonable cause to suspect—

- (a) that a person operating or attempting to operate a powerboat has alcohol in his body; or
- (b) that a person has been operating or attempting to operate a powerboat with alcohol in his body and that person still has alcohol in his body,

he may, subject to section 14, require him to provide a specimen of breath for a breath test.

(2) If an accident occurs owing to the presence of a powerboat, a police officer may, subject to section 14 of this Ordinance require any person whom he has reasonable cause to believe was operating or attempting to operate the powerboat at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required, under subsections (1) or (2) above, to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) above and the police officer making the requirement thinks fit, at a police station specified by him.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so under the provisions of this section, is guilty of an offence.

(5) A police officer may arrest a person without warrant if—

- (a) as a result of a breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit; or
- (b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of this section and the police officer has reasonable cause to suspect that he has alcohol in his body,

but a person shall not be arrested under the provisions of this section when he is at a hospital as a patient.

Evidential breath test

12.—(1) In the course of an investigation whether a person has committed an offence under sections 9 or 10, a police officer may, subject to the following provisions of this section and section 14 require him—

- (a) to provide two specimens of breath for analysis by means of a device of a type approved by the Administrator; or
- (b) to provide a specimen of blood or urine for a laboratory test.

(2) A requirement under this section to provide specimens of breath can only be made at a police station.

(3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital and it cannot be made at a police station unless—

- (a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required; or
- (b) at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1)(a) above is not available at the police station or it is then for any other reason not practicable to use such a device there; or
- (c) a device mentioned in subsection (1) (a) above has been used at the police station but the police officer who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned; or
- (d) the suspected offence is one under section 9 and the police officer making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug,

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section, the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be a specimen of urine.

(5) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

(6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section, is guilty of an offence.

(7) A police officer must, on requiring any person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

13. Of any two specimens of breath provided by any person in pursuance of section 12, that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

Protection of person in hospital for treatment

14.—(1) While a person is at a hospital as a patient, he shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and

- (a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but
- (b) if the medical practitioner objects on the grounds specified in subsection (2) below, the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement of the provision of a specimen or, in the case of a specimen of blood or urine, the warning required under section 12, would be prejudicial to the proper care and treatment of the patient.

15.—(1) Subject to subsections (2) and (3) below, a person required to provide a specimen of breath, blood or urine, may afterwards be detained at a police station until it appears to the police officer that were that person then operating or attempting to operate a powerboat, he would not be committing an offence under sections 9 and 10.

(2) A person shall not be detained in pursuance of this section if it appears to a police officer that there is no likelihood of his operating or attempting to operate a powerboat whilst his ability to do so properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

(3) A police officer must consult a medical practitioner on any question arising under this section whether a person's ability to operate a powerboat properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Use of specimens in proceedings

16.—(1) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by the accused shall, in all cases, be taken into account and, subject to subsection (2) below, it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine, at the time of the alleged offence was not less than in the specimen.

(2) The assumption in subsection (1) above shall not be made if the accused proves—

- (a) that he consumed alcohol after he had ceased to operate or attempt to operate a powerboat and before he provided the specimen; and
- (b) that had he not done so, the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and if the proceedings are for an offence under section 9, would not have been such as to impair his ability to operate a powerboat properly.

(3) A specimen of blood shall be disregarded unless it was taken from the accused with his consent by a medical practitioner.

(4) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

- (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided; and
- (b) the other part was supplied to the accused or the accused refused to accept the said part.

Documentary evidence as to specimens for use in proceedings

17.—(1) Evidence of the proportion of alcohol or drug in a specimen of breath, blood or urine may, subject to subsections (3) and (4) below and to subsection (4) of section 16, be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say—

- (a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement; and
- (b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(2) Subject to subsections (3) and (4) below, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner.

(3) Subject to subsection (4) below—

- (a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (1)(a) above, is admissible in evidence on behalf of the prosecution in pursuance of this section, only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing; and
- (b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.

(4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the Court may in special circumstances allow, has served notice on the

prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

Offences and penalties

18. Any person who commits an offence under the provisions of sections 9, 10 or 11, shall on conviction, be liable to imprisonment not exceeding two years or to a fine not exceeding one thousand pounds or to both such penalties.

PART 3

Regulations

Automatic cut-out device

19.—(1) Every powerboat shall be fitted with a device which when attached to the body of an operator will cause the engine of the powerboat automatically to cut out if the operator falls overboard or is otherwise propelled away from the vessel.

(2) The operator of a powerboat shall ensure that the device referred to in subsection (1) above shall be fitted securely either to his wrist or ankle at all times when the vessel is in motion or in any other circumstances where the engine is running otherwise than at idling speed.

Movement of powerboats

20. Without prejudice to the provisions of the Sea Bathers' Protection Ordinance^(a), where a powerboat is in waters which, although not prescribed for sea bathers, are likely to be used by swimmers or other persons engaged in aquatic activities, the operator shall navigate such waters with extreme caution and at the lowest possible speed.

Boarding or interference prohibited

21. No person shall board a powerboat or any towed object or interfere with the mechanism of a powerboat without lawful authority or other reasonable excuse.

Regulations

22.—(1) The Administrator may make regulations for the better application of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for any of the following matter—

- (a) the classification into categories, *the marking* **(b)** the construction, the dimensions, the weight and the design of powerboats and the accessories, the apparatus and other constituents or annexes thereof, the towed objects, the life saving and fire extinguishing appliances, the first aid material and generally the conditions as to their maintenance and usage;
- (b) the number and age of the persons who may be on board any powerboat as well as their conduct and duties when on board;
- (c) ~~the granting and the form of an operator's licence, the relevant fees payable, the minimum age allowed and the necessary qualifications for acquiring such licences, as well as matters relating to the production and marking of such licences;~~ **(c)**

(a) Ordinance 4/1986

(b) Text inserted by Ordinance 5/2001 – came into force on 04 May 2001

(c) Paragraph (c) repealed and replaced by Ordinance 5/2001 – came into force on 04 May 2001

- (c) *the carrying and production for inspection of licences;*
- (d) the inspection of powerboats and towed objects, the time and place of inspection and fees payable therefor, as well as the appointment, the qualifications, the powers and duties of those persons who shall be competent to carry out such inspections;
- (e) the prohibition or restriction of excessive noise caused by powerboats;
- (f) the removal of any powerboat which may be either anchored or abandoned unlawfully or dangerously or in a manner which hinders the movement of other vessels;
- (g) the maximum distance from the coasts within or beyond which the movement of any class of powerboat is to be permitted, *a maximum speed thereof and notification of any movement of a powerboat;*(a)
- (h) the prescribing of penalties of imprisonment for a period not exceeding ~~six months~~ *two years* (b) or of fines not exceeding ~~five hundred~~ *three thousand* (c) pounds or of both such penalties for the contravention of any of the regulations made under this Ordinance;
- (i) *the maintenance of records of particulars and the production of copies of documents by owners;* (d)
- (j) *the prohibition of the operation of powerboats during specified periods;*
- (k) *exempting persons or classes of persons or powerboats or classes of powerboats from the application in part or in whole of the provision of the Ordinance or regulations made thereunder.*

PART 4

Offences and penalties

Offences

23. Any person who acts in contravention of, or who fails to comply with, any of the provisions of this Ordinance where no specific penalty is therein provided, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding two years or to a fine not exceeding three thousand pounds or to both such penalties.

Concurring responsibility of owner of a powerboat

24. Where with the consent of the owner (whether express or implied) any powerboat is used or is operated in such manner that its use or operation constitutes an offence against this Ordinance or any regulations made thereunder, the owner of such powerboat shall be deemed to be a party to the commission of such offence and may be charged and tried with actually committing the offence and may be punished accordingly, unless he establishes to the satisfaction of the Court that the offence was committed without his knowledge and was not due to any act or omission on his part.

Supply of information

25. Where it is alleged that an offence has been committed in relation to the use of a powerboat or that a powerboat has been used in a manner prejudicial to public order or in any other circumstances as shall make it desirable that the identity of the driver thereof shall be established—

(a) Text inserted by Ordinance 5/2001 – came into force on 04 May 2001
 (b) Text deleted and new text inserted by Ordinance 5/2001 – came into force on 04 May 2001
 (c) Text deleted and new text inserted by Ordinance 5/2001 – came into force on 04 May 2001
 (d) Paragraphs (i), (j) and (k) inserted by Ordinance 5/2001 – came into force on 04 May 2001

- (a) the owner of the powerboat shall give such information as he may be required by a police officer to give as to the identity of the operator and of any other person using the powerboat, and, if he fails to do so, shall be guilty of an offence unless he shows to the satisfaction of the Court that he did not know and could not with reasonable diligence have ascertained who was operating or using the powerboat; and
- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the operator or of any person using the powerboat, and, if he fails to do so, shall be guilty of an offence.

(2) Any person who is guilty of an offence against this section shall be liable, on conviction, to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both such penalties.

Issuing a licence or certificate under false particulars etc.

26. If any person for the purpose of obtaining a licence or certificate or other document under the provisions of this Ordinance or any regulations made thereunder makes any statement, either oral or written, which is false or misleading or withholds any material information, such person shall, unless he proves to the satisfaction of the Court that he acted without any intent to deceive, be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.

Forging of documents etc.

27. Any person who, with intent to deceive—

- (a) forges, alters, defaces or mutilates any licence, certificate or other document issued under the provisions of this Ordinance or any regulations made thereunder; or
- (b) uses or allows to be used by any other person any such forged, altered, defaced or mutilated licence, certificate or document; or
- (c) lends to or borrows from any other person any forged, altered, defaced or mutilated licence, certificate or document; or
- (d) makes or has in his possession any document so closely resembling a licence, certificate or document issued under the provisions of this Ordinance or any regulations made thereunder as to be calculated to deceive; or
- (e) issues any licence, certificate or other document to be issued under the provisions of this Ordinance or any regulations made thereunder,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding two years or to a fine not exceeding two thousand pounds or to both such penalties.

Additional powers of the Court

28.—(1) Any Court before which a person is convicted of any offence under this Ordinance or any regulations made thereunder or under any other Ordinance in connection with the operation of a powerboat may at the same time order such person to be disqualified from holding or obtaining a licence to operate a powerboat for such period as the Court thinks fit.

(2) Any person who by virtue of an order of the Court under subsection (1) is disqualified from holding or obtaining a licence to operate a powerboat may appeal against the order in the same manner as against a conviction and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.

(3) Where any person is convicted of any offence contrary to this Ordinance or any regulations made thereunder, the Court by which he is convicted may, in any case, and shall when such Court has ordered such person to be disqualified from holding an operator's licence or a learner's licence, order the particulars of such conviction and such disqualification to be endorsed upon the licence of such person.

(4) The Court may, for the purpose of ensuring that an order made under the provisions of subsection (3) of this section is complied with, or for ensuring that any person who has been disqualified from holding or obtaining a licence is prevented from using such licence during the period of such disqualification—

- (a) direct that any such licence held by such person (other than a licence issued to a Cypriot by a Republican authority) be surrendered to the police during the period of such disqualification; or
- (b) direct that any licence held by such person be produced to the Court for the purpose of endorsement.

(5) Any person who is disqualified from holding or obtaining an operator's licence or learner's licence, or prohibited from operating a powerboat by any Court of the Republic or any authority of the Republic under the provisions of any Republican legislation, shall be disqualified from operating in the Areas a powerboat (or a powerboat of the class specified in the order of the Court or authority of the Republic, as the case may be) for such period as he is so disqualified or prohibited in the Republic, as if he had been disqualified by the Judge's Court under the provisions of this section.

Obtaining licence while disqualification period continues

29. If any person who has been disqualified from holding or obtaining an operator's licence or learner's licence under the provisions of this Ordinance or any Ordinance amending or substituted for the same, applies for or obtains an operator's licence or learner's licence while he is so disqualified, or if any such person while he is so disqualified operates a powerboat, that person shall be liable to imprisonment not exceeding six months or, if the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding one thousand pounds, or to both such penalties, and an operator's licence or learner's licence obtained by any person disqualified as aforesaid shall be of no effect.

30.—(1) *In any criminal proceedings under this Ordinance the Court may take judicial notice of any appropriate Republican law, and any licence issued by the ~~competent authority~~ authority of the Republic vested with the power to issue licences under the appropriate Republican law.* (a)

(2) (i) *For the purposes of this section the production of a copy of any part of the appropriate Republican law—*

- (a) *contained in any printed collection of laws purported to be printed and published by any authority of the Republic; or*
- (b) *contained in any issue of the Gazette of the Republic; or*
- (c) *purported to be printed by the Government Printer of the Republic, by whatever name called,*

shall be incontrovertible evidence in Court and for all purposes whatsoever of the due and lawful making of such law;

(ii) *For the purposes of this section, a version of any part of the Republican law in the English language—*

- (a) *purported to be produced by any authority of the Republic; or*
- (b) *certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican law was published in the Republic; or*
- (c) *given or produced in the course of the oral evidence of any person whom the Court considers to be a competent translator for the purpose; or*

(a) Text deleted and new text inserted by Ordinance 34/2012 – came into force on 15 December 2012

(d) stated orally in Court or produced in writing by a Registrar or official Court interpreter,

may be held by the Court to be incontrovertible evidence for all purposes whatsoever that such version is the accurate English version of the appropriate Republican law or part thereof.

(3) For the purposes of this section the production of a copy of a licence referred to in ~~subsection (2)~~ subsection (1)(a) above or an English translation thereof, the accuracy of which or of its translation is certified in writing by a senior officer of the responsible Government Department of the Republic or by a recognised competent translator, as the case may be, may be held by the Court to be incontrovertible evidence for all purposes of the contents of such document. (b)

(a) Text deleted and new text inserted by Ordinance 13/2001 – came into force on 22 August 2001

(b) Section 30 inserted by Ordinance 5/2001 – came into force on 04 May 2001

SCHEDULE 1

(Section 6)

Operating requirements and safety precautions

- 1.** There shall be no smoking near the fuel tank.
- 2.** Fuel tanks shall be securely fitted and contain adequate fuel.
- 3.** Exhaust valves of the fuel tanks shall be open.
- 4.** The rubber fuel supply tube shall be free of any obstructions.
- 5.** The operator shall be conversant with the following—
 - (1) the electrical system of the engine;
 - (2) the use of the control levers for sailing ahead, slowing down, stopping and for going astern;
 - (3) the engine speed control system; and
 - (4) the steering system of the powerboat.
- 6.** The operator shall know how to re-start the engine by using the electric and the manually-operated system.
- 7.** The operator shall know how the engine is elevated and lowered for placing the engine at sailing point and at the point of landing and for avoiding obstacles.
- 8.** The operator shall have knowledge of how to pick up a swimmer from the sea.
- 9.** The operator shall have knowledge of the correct way in which a buoyancy aid is worn.
- 10.** The operator shall be aware of and apply the rule that in canals, corridors, and entrances as well as when passing a vessel in the opposite direction, the powerboat shall always navigate on the right hand side.
- 11.** The operator shall take all possible measures to avoid collision with other vessels and to avoid causing injury to swimmers, divers or to other persons at sea.
- 12.** The operator shall be aware of and take heed of the rule that flag “A” of the international alphabetical code of flags, and the red square flag with a white diagonal strip, indicate that there are divers in the area and that the powerboat must keep a safe distance and navigate at low speeds.
- 13.** The operator shall be familiar with the deployment of buoys in the waters of the Areas.

SCHEDULE 2

(Section 7)

Notice to be brought to the attention of operators

The attention of the operator or driver of the powerboat is drawn to the provisions of the Powerboats Ordinance 1999 and in particular to the following matters—

1. Operating or driving the powerboat without an appropriate licence is prohibited.
2. All persons on board the powerboat must at all times be equipped with and wear a buoyancy aid and must remain seated while the vessel is in motion.
3. The device for automatically cutting out the engine must always be attached to the operator or driver of the powerboat.
4. Operating or driving the powerboat in a manner that endangers the life or safety of others or causes damage to property or generally in a manner which may cause a nuisance is prohibited.
5. Operating or driving the powerboat while under the influence of alcoholic drinks or drugs is prohibited.
6. Operating or driving the powerboat in areas reserved for bathers or in areas where swimmers may otherwise be found is prohibited.