

**Law No. (18) of 1992
on security, order, and discipline on ships**

The General People's Congress:

- In implementation of the resolutions of the Basic People's Congresses in their second ordinary session of 1400 FDP, corresponding to 1990 AD, drafted by the General Forum of People's Congresses, the People's Committees, the professional syndicates, unions, and associations (the General People's Congress) in its seventeenth session from 29 Dhu al-Qaada to 5 Dhu al-Hijja 1400 FDP, corresponding to 11-17 June 1991 AD;

Upon review of:

- The Libyan Maritime Law and amendments thereto;
- Law No. (81) of 1970 on maritime ports;
- Law No. (57) of 1974 on security, order, and discipline on ships;

the following Law was formulated:

Article (1)

Ship captains shall have the authority required to preserve the order and security of the ship, the persons travelling and working thereon, the goods it carries, and the safety of the voyage. They may undertake measures required to preserve order and security on the ship and request the assistance of the competent maritime entities in foreign ports or the consul, as the case may be. If a felony is committed during the voyage, the shipmaster must conduct the preliminary investigation and write a report thereon, and may, when required, arrest the accused and place them in preventative detention.

Article (2)

Any sailor who commits one of the following petty offenses shall be punishable by deduction of wages for a period from one to five days' wages or by detention for a period of not more than five days:

- Failure to obey an order related to service.
- Failure to respect superiors.
- Negligence in ship service or protection.
- Bringing alcoholic beverages onto the ship or possession of weapons.
- Damage of ship instruments.
- Absence from the ship at the time of setting sail.
- Any act that involves violation of order or ship service.

The maximum penalty shall be doubled in the event of a repeated offence, without prejudice to any more severe penalty set out in any other legislation.

Article (3)

Any person on the ship, who is not a sailor, that refuses to comply with measures ordered by the captain, violates an officer's order, or causes disturbance on the ship shall be punishable with imprisonment from one to four days. The captain shall impose the penalty and record it in the ship incident register.

Article (4)

Each of the following shall hold competence to hear petty offenses and impose the penalties set out in Article (2) hereof:

- The competent entity at the port, if the ship is mooring at a Libyan Arab Port.
 - The consul, if the ship is mooring at a foreign port that has consular representation.
 - The captain, if the ship is at sea or a foreign port where there is no consular representation.
- Decisions on the imposition of penalties shall not be subject to appeal.

Article (5)

None of the penalties set out in Articles (2) and (3) of this Law may be imposed except after conducting a written investigation whose content is recorded in the decision issued imposing the penalty. Violators may be accused of a petty offense and the penalty imposed without recourse to an investigation if the violation was witnessed when it occurred.

Article (6)

Without prejudice to the right to file a criminal and civil case, any captain or sailor who commits negligence that results in a maritime incident that involves a danger to lives or property or could have led to the possibility of such an incident, shall be disciplined by one of the following procedures:

- a. Barred from working on ships for a period of not more than one year.
- b. Reduction of grade.
- c. Dismissal from service.

Article (7)

The competent entity at the General People's Committee for Utilities, Communications, and Tourism shall transfer anyone established to have committed the negligence set out in the preceding Article to a disciplinary board to be formed for each case individually, pursuant to a decision from the Secretary of the People's Committee containing the charge attributed to the offender. Among the members of such board shall be a legal member and a maritime member holding a rank higher than that of the person transferred for disciplinary action.

Article (8)

Offenders may not be presented to the board set out in the preceding Article until after a preliminary investigation has been conducted to collect information on the incident wherein the statements of the party to whom the error is attributed are heard.

The board shall set a session for the hearing and invite the concerned party to appear before it by registered letter with return receipt ten days prior to the session. The board may hear the party's statements and investigate their defence. In the event that the offender or the offender's lawyer does not appear despite having been served notice of the hearing, the board may issue a decision in absentia.

Article (9)

Persons sentenced in absentia may appeal by objecting to the decision of the disciplinary board. The same board that issued the decision shall review the objection.

Article (10)

Concerned parties may appeal by filing a grievance against the decision of the disciplinary board. This appeal shall be reviewed by a higher disciplinary board formed pursuant to the decision of the General People's Committee, as follows:

- A consultant at the Court of Appeals, selected by the People's Committee for Justice and Public Security, Chairman.
- Director of the Department of Maritime Affairs, Member
- A maritime member holding a rank higher than that of the offender, chosen by the Secretary of the General People's Committee for Utilities, Communications, and Tourism, Member

The decisions of this board shall be deemed final and may not be reviewed except by petitioning for a review based on the appearance of new facts or documents in the offender's interest that were not considered by the disciplinary board.

Article (11)

Appeals by objection or grievance shall not result in the suspension of the board's decision. The issuance of a decision to prevent the offender from working shall result in the suspension of their maritime passport.

Article (12)

The procedures to be followed in investigations and disciplinary hearings and appeals by objection or grievance or petition for review referred to in the preceding Articles shall be regulated under a decree from the General People's Committee for Utilities, Communications, and Tourism.

Article (13)

Without prejudice to any more severe penalty, anyone who forcibly assaults a ship captain, officer, or engineer while they are performing their work shall be punishable by imprisonment for a period of not more than two years and a fine of not more than two hundred LYD or either of the two penalties. The penalty shall be doubled if the incident was committed by a ship officer or engineer.

Article (14)

Without prejudice to any more severe penalty, anyone who sinks, sets fire to, seizes, or illegally attempts any of these acts shall be punishable with imprisonment.

Article (15)

Anyone who holds authority on a ship and orders, allows, or permits anything that involves an abuse of their authority, is negligent in the performance of their duties, or uses, causes the use of, or allows force to be used against a person traveling on the ship shall be punishable with imprisonment for a period of not less than six months and a fine not more than two hundred LYD or either of the two penalties.

Article (16)

Any captain who does not exert all possible efforts to save a ship that is about to sink or a person they find at sea, provided such does not pose a danger to the ship or the persons thereon, shall be punishable with imprisonment for a period of not more than [sic], and a fine not more than two hundred LYD or either of the two penalties.

Article (17)

Anyone who steals onto a ship with the intent of traveling without paying the ship fees shall be punishable with imprisonment for a period not more than six months and a fine not more than one hundred LYD or either of the two penalties.

Article (18)

Any captain who violates their contractual obligations and leaves the ship, other than in cases of absolute necessity, if the ship is in the port, shall be punishable with imprisonment for a period of not more than one year, and a fine not more than one thousand LYD or either of the two penalties.

The maximum penalty shall be doubled if the act occurs and the ship was exposed to danger or was at sea.

Article (19)

Crimes committed on ships that bear the flag of the Great Jamahiriya shall be deemed to have been committed on the territory thereof.

Article (20)

The Libyan court in whose jurisdiction the port at which a ship is registered lies shall hold jurisdiction to hear the misdemeanours and felonies set out herein.

Article (21)

This Law shall not apply to warships.

Article (22)

The provisions of Law No. (57) of 1974 on security, order, and discipline on ships shall be repealed.

Article (23)

This Law shall be published in the Official Gazette and in the various media, and it shall enter into force from the date of its issue.

The General People's Congress – Libya

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Corresponding to 28 October 1992