

TITLE VIII

PENAL PROVISIONS

Art. 357. *Injuring owner by causing survey without good reason.*

Whosoever with the intention of injuring the owner of a ship prevents the sailing of a ship by causing the ship to be surveyed without good reason shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth. \$2000.

Art. 358. *Misconduct endangering life or ship.*

If a master or seaman belonging to an Ethiopian ship by wilful breach of duty or by neglect of duty or by reason of drunkenness,

- (a) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person to or on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding Eth. \$2000 or to simple imprisonment not exceeding two years.

Art. 359. *General Offences.*

If a seaman lawfully engaged commits any of the following offences, he shall be liable on conviction to be punished as follows, that is to say,

- (a) if he assaults the master or any mate or certified engineer of the ship, he shall be liable on conviction to simple imprisonment not exceeding six months;
- (b) if he combines with any of the crew to disobey lawful commands or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable on conviction to simple imprisonment not exceeding six months;
- (c) if he wilfully damages his ship, or steals or wilfully damages any of her stores or cargo, he shall be liable on conviction to fine or simple imprisonment not exceeding six months.

Art. 360. *Depriving Master of Command of Preventing his exercise unlawfully thereof.*

Whosoever being on an Ethiopian ship unlawfully usurps the command of such ship from the master or other lawful officer in command thereof or deprives him of authority and command on board or resists or prevents him in the free and lawful exercise thereof shall be guilty of an offence

and shall be liable on conviction to rigorous imprisonment not exceeding ten years.

Art. 361. Abandoning ship without proper cause.

- (1) Any master who without proper cause abandons his ship in times of distress shall be guilty of an offence and shall be liable on conviction to simple imprisonment not exceeding one year.
- (2) Any member of the crew who without proper cause abandons his ship in times of distress shall be guilty of an offence and shall be liable on conviction to simple imprisonment not exceeding six months.

Art. 362. Offences in connection with ship's documents.

Any master or engineer who:

- (a) makes or causes to be made an untrue entry, or
 - (b) knowingly omits or causes to be omitted an entry, or
 - (c) without good reason alters or causes to be altered an entry in the Log book or in any other ship's documents required to be kept by law,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth. \$500 or to simple imprisonment not exceeding two years.

Art. 363. Failure to give information after Collision.

Any master who after collision with another ship fails to give to the master of the vessel with which he came into collision any of the following particulars, namely:

- (a) the name of his ship;
- (b) the port of registration
- (c) the port of destination and last call,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth. \$1000.

Art. 364. Master or Shipowner failing to ensure seaworthiness of Ship.

Any master or shipowner who fails to carry out the requirements of law in respect of any of the following matters, namely:

- (a) ensuring the seaworthiness of his ship, or
 - (b) safeguarding the crew, passengers or other persons on board the ship,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth. \$ 2000.

Art. 365. Failure of Master to carry out certain responsibilities.

Any master of an Ethiopian ship who :

- (a) refuses without good cause to take on board his ship any person for whose voyage home the Ethiopian authorities are responsible, or
 - (b) fails to comply with the decisions given by competent authorities in respect of disputes which have arisen between him and his subordinates,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth. \$ 500.

Art. 366. Acting as Master, Mate etc. without proper qualifications.

- (1) Any person who causes himself to be appointed as master or mate or engineer without having the qualifications prescribed by law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth. \$ 1000 or to simple imprisonment for a period not exceeding six months.
- (2) Any master or shipowner who knowingly employs on a ship any person who has not the qualifications prescribed by law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Eth.\$1000.

Art. 367. Offences against Discipline.

Offences against discipline shall be as prescribed.

Art. 368. Penalties.

Any person who contravenes the provisions of this Code or any regulations made thereunder for which no special penalty is provided shall be liable on conviction to a fine not exceeding Eth. \$. 1000 or to simple imprisonment not exceeding six months.

Art. 369. Saving of other powers.

Nothing in this Code shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

TITLE IX MISCELLANEOUS

Art. 370. Interpretation.

For the purposes of this Code, the following words and expressions shall have the following meanings :

“Empire” means the Empire of Ethiopia.

“Minister” means the Minister of National Defence.

“Prescribed” means prescribed by Regulations under this Code.

Art. 371. Regulation Making Power.

- (1) The Minister on the recommendation of the Department of Marine may make regulations for carrying this Code into effect.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may prescribe :
 - (a) anything which by this Code may or is to be prescribed;
 - (b) the forms to be used;
 - (c) the fees and dues to be paid;
 - (d) any matters relating to the seaworthiness of ships and the control thereof;
 - (e) the procedure to be adopted and the conditions to be observed in connection with the registration of ships;
 - (f) the procedure to be adopted and the conditions to be observed in connection with the licensing of pilots, deck officers, engineers and seamen;
 - (g) the terms and conditions of service of seamen;
 - (h) any matters relating to navigation and steering;
 - (i) the procedure to be adopted and the conditions to be observed in connection with the carrying of dangerous cargo;
 - (j) the procedure to be observed in connection with the measurement of ships;
 - (k) the conditions to be observed for preserving the safety of life at sea;
 - (l) any matters in connection with the regulations of harbours and harbour services;
 - (m) any matters relating to lights and beacons;
 - (n) the penalties to be imposed for breaches of regulations.
- (3) The Minister may by order published in the *Negarit Gazeta* vary the amounts specified in Articles 86 and 223.

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