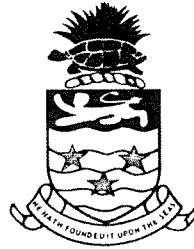


CAYMAN ISLANDS



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**THE WRECK AND SALVAGE (AMENDMENT)
LAW, 1981
(LAW 12 OF 1981)**

CAYMAN ISLANDS

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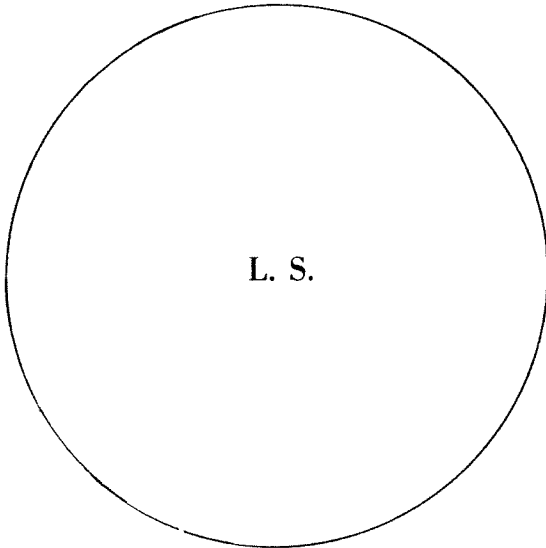
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CAYMAN ISLANDS

LAW 12 OF 1981



L. S.

I assent

T. RUSSELL

Governor

30th June, 1981.

A LAW TO AMEND THE WRECK AND SALVAGE LAW (REVISED).

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Wreck and Salvage (Amendment) Law, 1981.

Amendment of
Wreck and
Salvage Law
(Revised).

2. The Wreck and Salvage Law (Revised), in this Law referred to as the principal Law, is amended by inserting the following immediately after section 38 —

“Removal etc. of Wrecks or Hulks

Power of
Receiver
with
respect
to wrecks,
etc.

38A. (1) The Receiver has power, in respect of all wrecks or hulks whether in the territorial waters of the Islands or on land and whether they became wrecks or hulks as the case may be, by reason of any Act of God, navigational error or otherwise howsoever, —

- (a) to inquire whether any ship is, or is likely to become, a wreck or hulk;
- (b) to inquire as to the ownership of, or legal responsibility for, any wreck or hulk;
- (c) to summon any person as a witness before him and to examine such witness on oath on any matter touching any wreck or hulk;
- (d) to carry out any act or thing necessary for the sinking, destruction or disposal of any wreck or hulk;

(e) to enter, and to authorise any other person to enter, on any land for any of the purposes mentioned in paragraphs (a) to (d).

(2) A ship shall not be deemed to be a wreck or hulk within the meaning of this section –

- (a) if it is used for the carriage or storage afloat of any commodity, but every such ship shall comply with and be subject to subsection (1) of section 38B;
- (b) if it is temporarily laid up for repairs, unless in the opinion of the Receiver the making of such repairs is unreasonably delayed.

Law 15 of 1976.

(3) This section does not affect the power of the Port Authority of the Cayman Islands or the Port Director, under the Port Authority Law, relating to wrecks.

Duties of owner of ship with respect to deterioration, etc.

38B. (1) The owner of, or person legally responsible for the upkeep of, any ship in the territorial waters of the Islands shall maintain and keep the same in such condition that it is, under normal weather conditions, capable of being taken to sea.

(2) Any owner or person legally responsible for any ship in the territorial waters of the Islands who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Powers of Receiver with respect to ordering removal etc.

38C. (1) The Receiver may serve notice requiring the owner or person legally responsible for the upkeep of any ship which in his opinion is a wreck or hulk, as the case may be, by reason of any Act of God, navigational error or otherwise to appear before him at a time not less than seven clear days from the date of such notice to show cause why an order should not be made to remove, sink, burn, destroy or otherwise dispose of the same in such manner and place and within such time as the Receiver may direct; and any such notice shall be served by post on such owner or person if known and in the Islands, or by publication of a notice in the Gazette and one newspaper published and circulating in the Islands if such owner or person is not known or is not in the Islands, and shall in either case attach to the ship a copy of such notice.

(2) If the owner or other person –

- (a) fails to comply with the requirements of a notice under subsection (1); or
- (b) having appeared, fails to show cause to the satisfaction of the Receiver why an order should not be made,

then the ship shall thereupon become the property of the Crown

and may be removed, sunk, burned, destroyed or otherwise disposed of in such manner and place as the Receiver may direct.

(3) The expenses thereby incurred shall be met from monies placed at the disposal of the Receiver by the Legislative Assembly, but may be demanded and recovered by the Crown from the owner or person responsible for the upkeep of such wreck or hulk in an action in a court of competent jurisdiction, and the amount so recovered, after deducting expenses of recovery, shall be paid into the public revenues of the Islands.

(4) An owner or person legally responsible for any ship in the territorial waters of the Islands who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Payment of fee by owner etc.

38D. (1) There shall be payable by the owner or other person legally responsible for the upkeep of any ship in the territorial waters of the Islands or on land, from the date of a declaration by the Receiver that it has become a wreck or hulk until the removal or effective destruction thereof, a fee of five hundred dollars for each year or part of a year, and in default of payment the Receiver may take possession and sell or otherwise dispose of the same as he may think fit:

Provided that such powers shall be deemed to be in furtherance and not in limitation of any other powers vested in the Receiver or any other person by this or any other Law.

(2) Any owner or person legally responsible for any ship to which subsection (1) applies who contravenes that subsection shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.”.

Amendment to Law 15 of 1976.

3. Section 7 of the Port Authority Law is amended by deleting “and the Director shall be Receiver of Wrecks for the purpose of the Wreck and Salvage Law” in the last two lines.

Passed the Legislative Assembly this 29th day of May, 1981.

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.