

4— *Oil Pollution [Compulsory Insurance] Regulations*

issued ceases to be the owner of the relevant ship, he shall forthwith deliver the certificate to the Governor or to a proper officer within the meaning of section 97(1) of the Merchant Shipping Act 1970 (c. 36 of 1970) and such certificate shall be cancelled by the Governor.

(2) If while a certificate under section 11 is in force it is established in any legal proceedings that the contract of insurance or other security in respect of which the certificate was issued is or may be invalid, the certificate may be cancelled by the Governor and if so cancelled shall, on demand, forthwith be delivered to him by the holder thereof.

(3) If while a certificate issued under section 11 is in force circumstances arise in relation to an insurer or guarantor named in the certificate, whereby, if the certificate were applied for at that time, the Governor would be entitled to refuse the application under subsection (2) of that section (power to refuse a certificate where there is a doubt whether an insurer will be able to meet his insurance obligations), the certificate may be cancelled by the Governor and if so cancelled shall, on demand, forthwith be delivered up to him by the holder thereof.

T. RUSSELL,
Governor.

CAYMAN ISLANDS



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**THE OIL POLLUTION
(COMPULSORY INSURANCE)
REGULATIONS**

**MERCHANT SHIPPING (Oil Pollution)
ACT, 1971
(c. 59 of 1971)**

**Merchant Shipping (Oil Pollution)
(Cayman Islands) Order, 1975**

**THE OIL POLLUTION (COMPULSORY INSURANCE)
REGULATIONS**

In exercise of the powers conferred upon me by section 10(1) and (4) and section 11 (3) of the above Act and of all other powers me enabling in that behalf, I, Thomas Russell, Commander of the most Excellent Order of the British Empire, Governor of the Cayman Islands, hereby make the following Regulations —

1. (1) These Regulations may be cited as the Oil Pollution (Compulsory Insurance) Regulations and shall come into operation on 1st April, 1976.

(2) In these Regulations, unless the context otherwise requires —

“Act” means the Merchant Shipping (Oil Pollution) Act, 1971;

“certificate” means a document showing that there is in force, in respect of a ship to which subsection (2) of section 10 applies, a contract of insurance or other security provided for therein;

“Convention country” has the meaning assigned to it in section 19(1);

“Islands” means the Cayman Islands;

“persistent oil” for the purpose of section 10(1) means any of the following —

(a) hydrocarbon mineral oils whether crude or distilled, including crude coal tar and the oily residue of tank cleaning operations necessitated by the carriage of any such oils but excluding those oils which consist wholly of distillate fractions of which more than 50 per cent by volume distil at 340 degrees centigrade when tested by the “American Society for Testing and Materials Specification D 86/67” in the case of oils derived from petroleum and at 350 degrees centigrade in the case of oils derived from coal tar;

(b) residual oil, consisting of mineral hydrocarbons comprising the residues of the process of distilling and/or refining crude petroleum, and any mixture containing such residual oil;

(c) whale oil

“section” means a section of the Act; and the Interpretation Act 1889 (c. 68 of 1889) applies.

3. (1) Subject to sub-regulation (3), certificates for ships registered in any country which is not a Convention Country shall be recognised for the purposes of section 10(3)(c) (authorities by whom a certificate must be issued) if issued by or under the authority of the

government of any of the following countries, namely:—

Denmark,
France,
Netherlands,
Norway,
Sweden,
United Kingdom.

(2) Subject to sub-regulation (3), a certificate for a ship registered in any of the following countries —

Australia,
Austria,
Belgium,
Canada,
Finland,
Federal Republic of Germany,
Greece,
Iceland,
Republic of Ireland,
Italy,
Japan,
Luxembourg,
New Zealand,
Portugal,
Spain,
Switzerland,
Turkey,
United States of America,

shall be recognised for the purposes of the section 10(3) (c) if issued by or under the authority of the government of the country where the ship is registered.

(3) Where a ship such as is mentioned in sub-regulation (1) or (2) is engaged on an Islands voyage, a certificate relating to that ship shall not, by virtue of either of those sub-regulations, be recognised for the purposes of section 10(3) (c) unless the certificate has, and is expressed to have, a period of validity covering the completion of that voyage.

For the purposes of this sub-regulation “Island voyage” means a voyage by a ship —

(a) from a port in the Islands or a terminal in Islands waters to another such port or terminal; or

(b) from a place outside the Islands to a port in the Islands or a terminal in Islands waters; or

(c) from a port in the Islands or a terminal in Islands waters to a place outside the Islands

and the reference to the period of such a voyage means the whole of the period during which the ship is engaged in that voyage, including any time during which, in connection with the voyage, it is in the Islands or its territorial waters.

4. The fee to be paid on application for a certificate to be issued by the Governor under section 11 is \$25.

5. (1) If while a certificate under section 11 is in force the person to whom it has been