

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING
(WIRELESS TELEGRAPHY) LAW
(REVISED)**

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THE MERCHANT SHIPPING [WIRELESS TELEGRAPHY] LAW
[Cap. 100]
[Revised]

Originally enacted Part I 26th April, 1926
Part II 14th December, 1933

Published in revised form this fourth day of December, 1978, by authority of the Law Revision Law (No. 19 of 1975).

Short title. 1. This Law may be cited as the Merchant Shipping (Wireless Telegraphy) Law (Revised), and shall be construed with the Merchant Shipping Acts, 1894 – 1974 of the United Kingdom.

PART I. Compulsory Installation

Interpretation. 2. In this Part of this Law –
“ship” shall mean any vessel in navigation not propelled by oars:

Law 7 of 1975. “Wireless Telegraphy Inspector” means an inspector appointed under section 11 of the Radio Law.

Ships of 1,600 tons and upwards shall be equipped with wireless. 3. (1) Every seagoing British ship registered in the Islands being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraphy installation, and shall maintain a wireless telegraph service which shall be at least sufficient to comply with the rules made for the purpose under this Part and shall be provided with one or more certified operators and watchers, at least, in accordance with those rules:

Provided that the Governor may exempt from the obligations imposed by this Part any ships or classes of ships if he is of opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph apparatus is unnecessary or unreasonable.

(2) The Governor in Council shall make rules prescribing the nature of the wireless telegraph installation to be provided, of the services to be maintained, and the number, grade, and qualification of operators and watchers to be carried:

Provided that no ship shall be required to carry more than one operator unless more than one operator would have been required

under the provisions of the Merchant Shipping Acts.

(3) If this section is not complied with in the case of any ship, the master or owner of the ship on summary conviction is liable in respect of each offence to a fine not exceeding one thousand dollars, and in default of payment of such fine, to imprisonment for a term not exceeding one year.

(4) A Wireless Telegraph Inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Law, and for the purposes of that inspection shall have all the powers of a Receiver of Wrecks, under section 12 of the Wreck and Salvage Law (Revised).

Wreck and Salvage
Law (Revised).

If the Inspector finds that the ship is not so provided, he shall give to the master or owner his opinion in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

Every notice so given shall be communicated in the manner directed by the Governor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate from the Wireless Telegraphy Inspector is produced to the effect that the ship is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Law.

PART II. Regulation

Definition of
"wireless
telegraphy".

4. In this Part of this Law "wireless telegraphy" means any system of communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent or received.

Provided that nothing in this Law shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

Licence for wireless
telegraphy.

5. (1) A person shall not establish or instal or work any apparatus for wireless telegraphy on board any ship registered in the Islands except under and in accordance with a licence granted in that behalf by the Governor.

(2) Every such licence shall be in such form and for such period as the Governor may determine, and shall contain the terms, conditions and restrictions on and subject to which it is granted.

Regulations.

6. (1) The Governor in Council may from time to time make regulations for carrying into effect the purposes of this Part and such regulations on publication in the *Gazette* shall have the same effect as if enacted in this Law.

(2) If at any time, in the opinion of the Governor in Council, an emergency has arisen in which it is expedient for the public service

that Her Majesty's Government should have control over the transmission of messages by wireless telegraphy the use of wireless telegraphy on board merchant ships while in the territorial waters of the Islands shall be subject to such further regulations as may be made by the Governor from time to time, and such regulations may prohibit or regulate such use in all cases or in such cases as may be deemed desirable.

Search warrant.

7. If a Justice is satisfied by information on oath that there is reasonable ground for suspecting that any apparatus for wireless telegraphy has been installed or worked on board any merchant ship without a licence in that behalf or contrary to the provisions of any regulations made under this Law or of any licence granted under this Law, he may grant a search warrant to any Police Officer or any person appointed in that behalf by the Commissioner of Police and named in the warrant and a warrant so granted shall authorize the Police Officer or person named therein to enter and inspect the ship, and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

Penalties and
procedure.

8. Any person who offends against any provision of this Part or any of the regulations made hereunder shall be liable on summary conviction for every such offence to a fine not exceeding one hundred dollars, and upon such conviction the court may order that any apparatus for wireless telegraphy in connection with which the offence was committed shall be seized and forfeited:

Provided that no proceedings shall be taken against any person under this Part except by order of the Governor.

Publication in revised form authorized this 28th day of November, 1978.

JENNY MANDERSON
Clerk of the Executive Council.