

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (LOAD LINE
(COMMENCEMENT) AND NOTICE OF AR-
RANGEMENTS FOR SURVEYS) (CAYMAN
ISLANDS)
REGULATIONS, 1988**

MERCHANT SHIPPING (APPLICABLE CONVENTIONS) LAW 1987
MERCHANT SHIPPING (LOAD LINE (COMMENCEMENT) AND NOTICE OF
ARRANGEMENTS FOR SURVEYS) (CAYMAN ISLANDS) REGULATIONS 1988

The Governor in Council, after consultation with the Secretary of State for Transport of the United Kingdom, in exercise of the powers conferred on him by section 77 of the Merchant Shipping (Applicable Conventions) Law 1987, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Load Line (Commencement) and Notice of Arrangements for Surveys) (Cayman Islands) Regulations 1988 and shall come into operation on the day after they are made.

Interpretation

2. In these Regulations the following expressions shall have the following meanings:

"anniversary date" means the date falling at the expiry of one year from the completion of the load line survey referred to in paragraphs (3) and (4) of regulation 4 of these Regulations;

"applied legislation" means the subsidiary legislation specified in Schedule 1 of the Merchant Shipping (Safety Provisions) (Application) Order 1988;

"Chief Marine Surveyor" means the Chief Marine Surveyor appointed by the Governor under the Merchant Shipping (Applicable Conventions) Law 1987 or any person appointed by the Chief Marine Surveyor to act on

his behalf;

"load line rules" means the Merchant Shipping (Load Line) (Cayman Islands) Rules 1988;

"load line survey" means any survey undergone by a ship for the purpose of determining, or involving the determination of, whether such ship complies with the conditions of assignment of the load lines applicable to it;

"principal Law" means the Merchant Shipping (Applicable Conventions) Law 1987;

"second anniversary date" means the date falling at the expiry of two years from the completion of the load line survey referred to in paragraphs (3) and (4) of regulation 4 of these Regulations.

Commencement of the certain Rules and Regulations

3. Subject to the provisions of regulation 4 of these Regulations, the load line rules shall come into operation on 1st May 1988.

4.(1) Without prejudice to any power which is now or may hereafter be vested in the Governor or the Chief Marine Surveyor to remove a ship from the Register of Ships in the Cayman Islands and subject to paragraphs (2), (3) and (4) of this regulation, neither the owner nor the master of any ship registered in the Cayman Islands on or before 30th April 1988 which fails to comply with the requirements of any provision of the load line rules before 1st August 1989 shall be guilty of an offence under section 34 and 40 of the principal Law.

(2) Where any ship registered in the Cayman Islands on or before 30th April 1988 has been issued with a load line certificate under the provisions of section 37 of the principal Law, the owner and the master of such ship (as the case may be) shall be liable to be found

not comply with the requirements of the Merchant Shipping (Load Line) (Cayman Islands) Rules 1988 or the provisions of the legislation applied in the Cayman Islands by the Merchant Shipping (Safety Provisions) (Application) Order 1988 before 1st February 1989 to deliver to the Chief Marine Surveyor not later than 7th February 1989 particulars relating to the survey or surveys which the ship must undergo in order to comply with such requirements before 1st August 1989.

6 registered in the Cayman Islands on or before 30th April 1988.

The interim arrangements for ships registered in the Cayman Islands on or before 30th April 1988 are that no offence is committed if such a ship fails to comply with the requirements of sections 34 and 40 of the Merchant Shipping (Applicable Conventions) Law before 1st August 1989 unless

- (1) the ship has been issued with a load line certificate under section 37 of the Merchant Shipping (Applicable Conventions) Law 1987, in which case failure to comply with such requirements will be an offence after the issue of any such certificate, or
- (2) the ship has undergone a load line survey between 1st August 1987 and 30th April 1988, in which case failure to comply with such requirements will be an offence after the expiry of 3 months from the anniversary of the completion of such survey, or
- (3) the ship has undergone a load line survey between 1st May 1987 and 31st July 1987, in which case failure to comply with such requirements will be an offence after the expiry of the second anniversary of the completion of such survey.

These Regulations also make certain amendments to the Merchant Shipping (Applicable Conventions) Law 1987, such amendments being consequential upon the making of regulations 3 and 4 of these Regulations.

These Regulations also make provision for the owners of certain ships registered in the Cayman Islands on or before 30th April 1988 which do

3 guilty of an offence in respect of any failure to comply with the requirements of sections 34 and 40 of the principal Law after the date of the issue of such load line certificate.

(3) Without prejudice to paragraph (2) of this regulation, where any ship registered in the Cayman Islands on or before 30th April 1988 has undergone a load line survey in the period 1st August 1987 to 30th April 1988 (inclusive), the owner and the master of such ship (as the case may be) shall be liable to be found guilty of an offence in respect of any failure to comply with the requirements of sections 34 and 40 of the principal Law after the expiry of a period of 3 months from the anniversary date.

(4) Without prejudice to paragraph (2) of this regulation, where any ship registered in the Cayman Islands on or before 30th April 1988 has undergone a load line survey in the period 1st May 1987 to 31st July 1987 (inclusive), the owner and the master of such ship (as the case may be) shall be liable to be found guilty of an offence in respect of any failure to comply with the requirements of sections 34 and 40 of the principal Law after the second anniversary date.

5. The Merchant Shipping (Load Line) (Particulars of Depth of Loading) (Cayman Islands) Regulations 1988 and the Merchant Shipping (Load Line) (Deck Cargo) (Cayman Islands) Regulations 1988 shall come into operation on 1st May 1988.

Amendments to the Merchant Shipping (Applicable Conventions) Law 1987 consequential upon the making of regulations 3 and 4 of these Regulations

6. The Merchant Shipping (Applicable Conventions) Law 1987 is amended by -

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- (a) substituting "21st July 1968" for "the date of the commencement of this Law" in the definition of "new ship" in paragraph (1) of section 2;
 - (b) inserting "and subject to regulation 4 of the Merchant Shipping (Load Line (Commencement) and Notice of Arrangements for Surveys) (Cayman Islands) Regulations 1988" immediately after "Part" in the first line of paragraph (1) of section 34;
 - (c) inserting "and subject to regulation 4 of the Merchant Shipping (Load Line (Commencement) and Notice of Arrangements for Surveys) (Cayman Islands) Regulations 1988" immediately after "Part" in the first line of paragraph (1) of section 40.

Notice of arrangements for surveys of certain ships

7. (1) If on 1st February 1989 the owner and master (as the case may be) of any ship registered in the Cayman Islands on or before 30th April 1988 have not become liable under paragraphs (2), (3) and (4) of regulation 4 of these Regulations to be found guilty of an offence in respect of any failure to comply with the requirements of sections 34 and 40 of the principal Law or in respect of any failure to comply with the requirements of any provision of the applied legislation, the owner of such ship shall cause the following particulars to be delivered to the Chief Marine Surveyor not later than 7th February 1989;

- (a) the date or dates on which it is proposed that the ship will first undergo each survey required by virtue of any provision of the load line rules or the applied legislation,
- (b) where it is proposed that the ship will first undergo each survey required by virtue of any provision of the load line rules or the applied legislation, and

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- (c) the person or persons who it is proposed will carry out the survey or surveys referred to in sub-paragraphs (a) and (b) of this paragraph.

(2) Any person who fails to comply with the requirements of paragraph (1) of this regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

Made in Council this 28th day of April, 1988.

Yvonne N. Jackson
Clerk of the Executive Council.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations provide for the coming into operation of the Merchant Shipping (Load Line) (Cayman Islands) Rules 1988, the Merchant Shipping (Load Line) (Particulars of Depth of Loading) (Cayman Islands) Regulations 1988 and the Merchant Shipping (Load Line) (Deck Cargo) (Cayman Islands) Regulations 1988.

Under the terms of these Regulations the Rules and Regulations referred to will come into operation in respect of all ships on 1st May 1988 subject to the provision of interim arrangements for ships