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different circumstances; and any payments in pursuance of this subsection shall be made out of money provided by the Legislative Assembly.”.

Passed the Legislative Assembly this 9th day of December, 1987.

**ALAN SCOTT**  
President.

**GEORGETTE MYRIE**  
Clerk of the Legislative Assembly.

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (APPLICABLE  
CONVENTIONS) (AMENDMENT) LAW, 1987  
(LAW 29 OF 1987)**

exercise of any power conferred on him by section 72;

- (b) without reasonable excuse, does not comply with a requirement imposed in pursuance of section 72 or prevents another person from complying with such a requirement; or
- (c) without prejudice to the generality of paragraph (b), makes a statement or signs a declaration which he knows is false, or recklessly makes a statement or signs a declaration which is false, in purported compliance with a requirement made in pursuance of paragraph (i) of subsection (1) of section 72,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) In relation to a person, other than an inspector appointed by the Governor, who has the powers conferred on such an inspector by section 72 -

- (a) that section and subsection (1) of this section shall have effect as if for references to such an inspector there were substituted references to that person; and
- (b) that section shall have effect as if for references to the functions of such an inspector there were substituted references to the functions in connection with which those powers are conferred on that person.

(3) Nothing in section 72 shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the Grand Court.

(4) A person who complies with a requirement imposed on him in pursuance of paragraphs (i) (j) or (k) of subsection (1) of section 72 shall be entitled to recover from the person who imposed the requirement such sums in respect of the expenses incurred in complying with the requirement as are prescribed by regulations made by the Governor, and the regulations may make different provision for

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(3) The Governor may by regulations make provision as to the procedure to be followed in connection with the taking of samples under paragraph (f) of subsection (1) and under subsection (6) and provision as to the way in which samples that have been so taken are to be dealt with.

(4) Where an inspector proposes to exercise the power conferred by paragraph (g) of subsection (1) in the case of an article or substance found in any premises or ship, he shall, if so requested by a person who at the time is present in and has responsibilities in relation to the premises or ship, cause anything which is to be done by virtue of that power to be done in the presence of that person unless the inspector considers that its being done in that person's presence would be prejudicial to the safety of that person.

(5) Before exercising the power conferred by paragraph (g) of subsection (1), an inspector shall consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.

(6) Where under the power conferred by paragraph (h) of subsection (1), an inspector takes possession of any article or substance found in any premises or ship, he shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that he has taken possession of it under that power; and before taking possession of any such substance under that power an inspector shall, if it is practicable for him to do so, take a sample of the substance and give to a responsible person at the premises or on board the ship a portion of the sample marked in a manner sufficient to identify it.

(7) No answer given by a person in pursuance of a requirement imposed under paragraph (i) of subsection (1) shall be admissible in evidence against that person or the husband or wife of that person in any proceedings except proceedings in pursuance of paragraph (c) of subsection (1) of section 73 in respect of a statement in or a declaration relating to the answer; and a person nominated as mentioned in paragraph (i) of subsection (1) shall be entitled, on the occasion on which the questions there mentioned are asked, to make representations to the inspector on behalf of the person who nominated him."

30. Section 73 of the principal Law is substituted by the following new section —

"Provisions supplementary to section 72. 73. (1) A person who -  
(a) wilfully obstructs an inspector in the

## CAYMAN ISLANDS

Law 29 of 1987

I Assent

**ALAN SCOTT**

Governor

12th January 1988

### A LAW TO AMEND THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) LAW, 1987

ENACTED by the Legislature of the Cayman Islands.

Short title and date of  
commencement.

1. (1) This Law may be cited as the Merchant Shipping (Applicable Conventions) (Amendment) Law, 1987.

(2) The provisions of this Law shall come into force upon such date as the Governor in Council may appoint in the Gazette, and the Governor in Council may appoint different dates for different provisions of this Law.

Amendment of s. 2.

2. Section 2 of the Merchant Shipping (Applicable Conventions) Law, 1987, in this Law referred to as the principal Law, is amended, in subsection (1), by —

(a) substituting the following for the definition of "accepted Safety Convention certificate" —

"“accepted Safety Convention certificate” means a certificate in the form prescribed by the Safety Convention;”;

(b) adding “and rules relating to the construction and survey of cargo ships made under subsection (1) of section 77” to the definition of “cargo ship construction and survey rules”;

(c) adding “and rules relating to the construction and survey of passenger ships made under subsection (1) of section 77” to the definition of “passenger steamer construction and survey rules”;

- (d) adding “and rules relating to the provision of radio installations, the maintenance of radio services, the carriage of radio officers and any other matters concerning the use of radios on board ships made under subsection (1) of section 77” to the definition of “radio rules”;
- (e) adding “and rules relating to direction-finders made under subsection (1) of section 77” to the definition of “rules for direction-finders”;
- (f) substituting “ship” for “steamer” in the definition of “passenger steamer construction and survey rules”;
- (g) substituting “ship” for “steamer” in the definition of “passenger steamer”;
- (h) substituting “ship” for “steamer” in the first and second lines of the definition of “Safety Convention passenger steamer”;
- (i) deleting everything from and including the second comma in the fifth line to the end of the definition of “Safety Convention”;
- (j) substituting the following for the definition of “ship” –
  - ““ship” –
  - (a) in Parts I and II, includes every description of vessel or boat used in navigation not propelled by oars, other than a ship belonging to Her Majesty;
  - (b) in Part III, means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed floating platforms;
  - (c) in Part IV, includes every description of vessel or boat used in navigation not propelled by oars;”.

- (ii) to ensure that it is not tampered with before his examination of it is completed;
- (iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Law or any statutory provision relating to merchant shipping;
- (i) require any person who he has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph (c) -
  - (i) to attend at a place and time specified by the inspector;
  - (ii) to answer (in the absence of persons other than any persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as the inspector thinks fit to ask; and
  - (iii) to sign a declaration of the truth of his answers;
- (j) require the production of, and inspect and take copies of, or of any entry in -
  - (i) any books or documents which by virtue of any provision of this Law are required to be kept; and
  - (ii) any other books or documents which he considers it necessary for him to see for the purpose of any examination or investigation under paragraph (c);
- (k) require any person to afford him such facilities and assistance with respect to any matters or things within that person’s control or in relation to which that person has responsibilities as the inspector considers are necessary to enable him to exercise any of the powers conferred on him by this subsection.

Amendment of s. 3.

3. Section 3 of the principal Law is amended by –

- (a) substituting “ships” for “steamers registered in the Islands” in the third line of paragraph (a) of subsection (1);
- (b) substituting “ships” for “steamers registered in the

(2) It is hereby declared that nothing in subsection (1) authorises a person unnecessarily to prevent a ship from proceeding on a voyage.

- (ii) board any ship which is registered in the Islands wherever it may be and any other ship which is present in the Islands or the territorial waters of the Islands, if he has reason to believe that it is necessary for him to enter the premises or board the ship for the purpose performing his functions as such an inspector;
- (b) on entering any premises by virtue of paragraph (a) or on boarding a ship by virtue of that paragraph, take with him any other person authorised in that behalf by the Governor and any equipment or materials required to assist him in performing such functions;
- (c) make such examination and investigation as he considers necessary for the purpose of performing such functions;
- (d) as regards any premises or ship which he has power to enter or board, give a direction requiring that the premises or ship or any part of the premises or ship or anything in the premises or ship or such a part shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph (c);
- (e) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c);
- (f) take samples of any articles or substances found in any premises or ship which he has power to enter or board and of the atmosphere in or in the vicinity of any such premises or ship;
- (g) in the case of any article or substance, which he finds in any such premises or ship and which appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless that is in the circumstances necessary for the purpose of performing such functions;
- (h) in the case of any such article or substance as is mentioned in paragraph (g), take possession of it and detain it for so long as is necessary for all or any of the following purposes -
  - (i) to examine it and do to it anything which he has power to do under that paragraph;

Islands" in the first two lines of paragraph

(b) of subsection (1);

(c) substituting "ships" for "steamers" in the first line of paragraph (c) of subsection (1);

(d) substituting a comma for the fullstop at the end of subsection (1) and by adding the following -

"except that this subsection applies to ships not registered in the Islands only while they are within a port in the Islands or the territorial waters thereof and are not exempted from such rules under any other provision of this Part.";

(e) inserting "and fuel used in" immediately after "of" in the second line of subsection (2);

(f) substituting "ships" for "steamers" in the seventh line of subsection (2);

(g) inserting "or the territorial waters thereof" immediately after "Islands" in the penultimate line of subsection (2);

(h) substituting "and master of the ship shall both" for "or master of the ship shall" in the third line of subsection (4).

Amendment of s. 4.

4. Section 4 of the principal Law is amended by -

(a) deleting ", including oil for use in stormy weather" from the last two lines of paragraph (c) of subsection (1);

(b) substituting "the territorial waters of" for "any port in" in paragraph (b) of subsection (3);

(c) substituting "which is now a Safety Convention ship by reason of her being in the Islands or within the territorial waters of" for "by reason of her being within a port in" in the first two lines of the proviso to subsection (3);

(d) substituting "and master of the ship shall both" for "or master of the ship shall" in the second and third lines of subsection (4).

Amendment of s. 5.

5. Section 5 of the principal Law is amended, in subsection (1), by substituting -

(a) "ship" for "steamer" in paragraph (a);

(b) "cause" for "keep" in the fifteenth line.

Amendment of s. 6.

6. Section 6 of the principal Law is amended by substituting –
- (a) “ship” for “steamer” in the second and fifth lines of subsection (4);
  - (b) “and master shall both” for “or master shall” in the penultimate line of subsection (6).

Amendment of s. 7.

7. Section 7 of the principal Law is amended by substituting “and master of the ship shall both” for “or master of the ship shall” in the second and third lines of subsection (4).

Amendment of s. 8.

8. Section 8 of the principal Law is amended by substituting –
- (a) “and master shall both” for “or master shall” in the antepenultimate line of subsection (2);
  - (b) “made under subsection (1)” for “for direction-finders” in the third line of subsection (3).

Amendment of s. 9.

9. Section 9 of the principal Law is amended by –
- (a) substituting “ship” for “steamer” in the third, eighth, nineteenth, twenty-third and twenty-fifth lines of subsection (1);
  - (b) substituting “ship safety” for “steamer safety construction” in the eighteenth line of subsection (1);
  - (c) deleting “construction” from the last line of subsection (1);
  - (d) substituting “ship” for “steamer” in the third, eleventh, fourteenth, twenty-second and twenty-third lines of subsection (2);
  - (e) deleting “construction” from the sixth, twenty-second and twenty-third lines of subsection (2);
  - (f) substituting “ship” for “steamer” in the first, fifth and eighth lines of subsection (3);
  - (g) deleting “construction” from the second line of subsection (3);
  - (h) substituting “ships” for “steamers” in the marginal note.

Amendment of s. 10.

10. Section 10 of the principal Law is amended by –

become applicable in or been extended to the Islands.”.

Amendment of s. 63.

26. Section 63 of the principal Law is amended by substituting “ship” for “steamer” in the first line of subsection (3).

Amendment of s. 70.

27. Section 70 of the principal Law is amended by substituting –
- (a) the following new subsection for subsections (1) and (2) –

“(1) For the purpose of seeing that the provisions of this Law and of any regulations and rules made thereunder, or that the terms of any approval, licence, consent, direction or exemption given by virtue of this Law or of such regulations and rules have been complied with, a surveyor of ships or any person authorised by the Governor, either generally or in a particular case, to exercise powers under this section may, subject to sections 17 and 47, at all reasonable times go on board a ship and inspect the ship and its equipment or any part thereof, any articles on board, and any document carried in the ship in pursuance of this Law or regulations or rules made thereunder; and if the ship is registered in the Islands the powers conferred by this subsection may also be exercised outside the Islands.”;

- (b) “ship” for “steamer” in the second line of subsection (3).

Amendment of s. 71.

28. Section 71 of the principal Law is amended by substituting the following for paragraph (b) –

- “(b) whether the provisions of this Law or of any regulations or rules made thereunder, or the terms of any approval, licence, consent, direction or exemption given by virtue of this Law or of such regulations and rules, have been complied with; or”.

Amendment of s. 72.

29. Section 72 of the principal Law is amended by substituting the following for subsections (1), (2) and (3) –

“72. (1) An inspector appointed in pursuance of section 71 may –

- (a) at any reasonable time or, in a situation which in his opinion is or may be dangerous, at any time –

- (i) enter any premises in the Islands;

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(including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on the 2nd day of November, 1973;

- (b) the Protocol relating to Intervention on the High Seas in cases of Marine Pollution by Substances other than Oil which constitutes attachment 2 to such final act;
- (c) the Protocol relating to that Convention which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on the 17th day of February, 1978;
- (d) any international agreement signed on behalf of the Government of the United Kingdom and applicable in or extended to the Islands which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships,

and for the purpose of this subsection and without prejudice to subsection (3) of section 2, the reference to an international agreement in paragraph (d) includes an international agreement which provides for the modification of another such agreement including the modification of an agreement mentioned in paragraphs (a), (b) or (c)."

for everthing appearing after "of" in the second line;

- (b) substituting "one hundred" for "five" in the fourth line of paragraph (d) of subsection (2);
- (c) adding the following new subsection -

"(4) The powers conferred by subsection (1) to make provision for the purpose of giving effect to an agreement include power to provide for the provision to come into force although the agreement has not come into force or has not

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- (a) deleting "construction" from the fifth and last lines of subsection (1);
  - (b) deleting "construction" from the fifth line of, the third line of paragraph (b) of, and the last line of, subsection (2);
  - (c) substituting a fullstop for the colon in, and by deleting the proviso to, subsection (3);
  - (d) substituting "Where" for "Without prejudice to the power of extension conferred by subsection (8) of section 16, where" in the first two lines of subsection (4);
  - (e) deleting "construction" from the marginal note.

Amendment of s. 11.

11. Section 11 of the principal Law is amended by substituting "ship" for "steamer" in the third line of subsection (1).

Amendment of s. 12.

12. Section 12 of the principal Law is amended by substituting "ship" for "steamer" in the third line of subsection (1).

Amendment of s. 13.

13. Section 13 of the principal Law is amended by substituting "ship" for "steamer" in the second line of subsection (1).

Amendment of s. 14.

14. Section 14 of the principal Law is amended by substituting "ship" for "steamer" in the penultimate line of subsection (4).

Amendment of s. 15.

15. Section 15 of the principal Law is amended by -

- (a) deleting "on an international voyage" from the first two lines of subsection (1);
- (b) substituting "ship" for "steamer" in the first line (twice) and the second, fourth and fifth lines of paragraph (a) of subsection (1);
- (c) deleting "construction" from the second, third and fourth lines of paragraph (a) of subsection (1);
- (d) substituting "a ship to which subsection (2) of section 3 applies" for "not a passenger steamer" in the first line of paragraph (b) of subsection (1);
- (e) substituting a semicolon for the colon at the end of subparagraph (iii) of paragraph (b) of subsection (1) and by deleting the proviso;
- (f) adding the following new paragraph to subsection (1) -

“(c) if she is not such a ship as is specified in paragraphs (a) and (b) and is proceeding on an international voyage -

- (i) a safety equipment certificate or a qualified safety equipment certificate; and
- (ii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radio-telegraphy, radio-telephony and direction-finders:

Provided that paragraphs (b) and (c) shall not prohibit such ships as are therein specified from so proceeding to sea if there is in force in respect of her such certificate or certificates as would be required if she were a passenger ship.”;

- (g) substituting “ship” for steamer” in the first and seventh lines of paragraph (a) of subsection (3);
- (h) substituting “ship” for “steamer” in the first line of paragraph (b) of subsection (3);
- (i) substituting “ship” for “steamer” in the second, third and penultimate lines of subsection (5);
- (j) deleting “construction” from the third line of subsection (5).

Amendment of s. 16.

16. Section 16 of the principal Law is amended by –

- (a) inserting “registered in the Islands” immediately after “ship” in the first line of subsection (1);
- (b) substituting “ship” for “steamer” in the first line of, and in the fourth line of paragraph (b) of the proviso to, subsection (6);
- (c) inserting “(except for any certificate issued under section 10)” immediately after “Islands” in the third line of subsection (8);
- (d) substituting “but” for “that” where the latter word appears for the second time in the sixth line of subsection (10).

Amendment of s. 17.

17. Section 17 of the principal Law is amended by substituting –

- (a) “rules” for “regulations” in the first line of subsection (2);
- (b) “may go on board the ship and inspect her and everything on her” for “shall have all the powers of an inspector” in the last line of subsection (3).

Amendment of s. 18.

18. Section 18 of the principal Law is amended by substituting –

- (a) “ship” for “steamer” in the second, fourth, thirteenth and and last lines of subsection (1);
- (b) “ship” for “steamer” in the second, fourth, fifth, eighth, ninth and last lines of subsection (2);
- (c) “ships” for “steamers” in the marginal note.

Amendment of s. 20.

19. Section 20 of the principal Law is amended by substituting –

- (a) “ships” for “steamers” in the first line of subsection (1);
- (b) “ships’ ” for “steamers’ ” in paragraph (a) of subsection (1) and in the marginal note;
- (c) “ship” for “steamer” in the second line of subsection (2).

Amendment of s. 24.

20. Section 24 of the principal Law is amended by substituting “night” for “sight” in the second line of subsection (1).

Repeal of s. 26

21. Section 26 of the principal Law is repealed.

Amendment of s. 29.

22. Section 29 of the principal Law is amended by inserting “any ship of less than five hundred tons other than a passenger ship,” immediately after the comma in the seventeenth line of subsection (1).

Amendment of s. 55.

23. Section 55 of the principal Law is amended by substituting -

- (a) “ship” for “steamer” in the second line of subsection (1);
- (b) “ship” for “steamer” in the third line of subsection (2).

Amendment of heading to Part III.

24. The heading to Part III of the principal Law is amended by substituting “THE POLLUTION OF THE SEA OR OTHER WATERS BY SHIPS” FOR “OIL POLLUTION”.

Amendment of s. 59.

25. Section 59 of the principal Law is amended by –

- (a) in subsection (1), substituting the following -

“any of the following which have been ratified by the United Kingdom, –

- (a) the International Convention for the Prevention of Pollution from Ships