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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to protocol 1 to the International Convention for the Prevention of Pollution from Ships 1973 as amended by amendments adopted on 5th December 1985 by the Marine Environment Protection Committee of the International Maritime Organization at its 22nd Session. The principal amendment effected by the 1985 amendments was to specify in detail the incidents required to be reported.

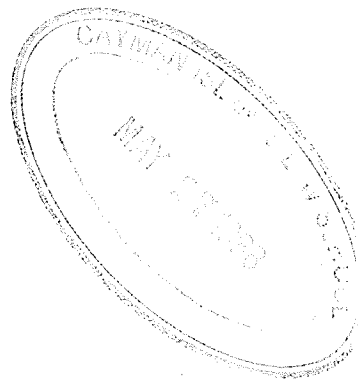
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CAYMAN ISLANDS



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**THE MERCHANT SHIPPING
(REPORTING OF POLLUTION INCIDENTS)
(CAYMAN ISLANDS) REGULATIONS, 1988**



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- (a) make such a supplementary report of reports as may be appropriate in the circumstances-
 - (i) supplementing the information contained in the initial report as necessary; and
 - (ii) providing information concerning further developments; and
 - (b) comply as fully as possible with any request for additional information made by or on behalf of the government of a state whose interests may be affected by the incident.

Reporting procedures

6. Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal state.

Penalties

7.-(1) Any breach of regulation 3 or 5 shall be an offence punishable on summary conviction by a fine not exceeding ten thousand dollars.

(2) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence.

Made in Council this *20th* day of *April*, 1988.

Wanda N. Jackson
Clerk of the Executive Council.

packaged form from the ship;

- (c) an actual discharge during the operation of the ship of oil or a noxious liquid substance in excess of the quantity or instantaneous rate permitted under the relevant provisions of Part 3 of the Merchant Shipping (Prevention of Oil Pollution) (Cayman Islands) Regulation 1988 or Part II of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Cayman Islands) Regulations 1988;

shall report the particulars of such an incident without delay and to the fullest extent possible in accordance with the requirements of regulation 4.

- (2) In the event of a report from such a ship being incomplete or unobtainable, the owner, shall, to the fullest extent practicable, make or complete the report required by paragraph (1).

Contents of Reports

4. The report or the initial report if there is more than one shall in every case include:

- (a) the identity of ship or ships involved;
- (b) the time, type and location of incident;
- (c) the quantity and type of substance involved;
- (d) the assistance or salvage measures requested or being undertaken.

Supplementary reports

5. Any person required under regulation 3(1) or (2) to make a report shall, if possible:-

THE MERCHANT SHIPPING (REPORTING OF POLLUTION INCIDENTS) (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 59 of the Merchant Shipping (Applicable Conventions) Law 1987 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.-(1) These Regulations may be cited as the Merchant Shipping (Reporting of Pollution Incidents) (Cayman Islands) Regulations 1988 and shall come into operation in accordance with the provision of the Merchant Shipping (Control of Pollution) (Cayman Islands) (Commencement) Regulations 1988.

(2) In these Regulations,

"Cayman Islands ship" means a ship which

- (a) is registered in the Cayman Islands ; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is either a citizen of the Cayman Islands or a body corporate which is established under the law of the Cayman Islands and has its principal place of business in a part of the Cayman Islands.

"discharge" means any release, howsoever caused, from a ship and

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includes any escape, disposal, spilling, leaking, pumping, emitting or emptying; but does not include-

- (a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13th November 1972; or
- (b) any release directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or
- (c) any release for the purposes of legitimate scientific research into pollution abatement or control;

"Governor" means the Governor in Council;

"the IMDG Code" means the 1977 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended from time to time by any document which is considered by the Secretary of State for Transport of the United Kingdom to be relevant from time to time and is specified in a Merchant Shipping Notice;

"in packaged form" means in an individual package or receptacle including a freight container or a portable tank or tank container or tank vehicle or shipborne barge or other cargo unit containing harmful substances for shipment;

"marine pollutant" means a substance which is identified as a marine pollutant in the IMDG CODE;

"Merchant Shipping Notice" means a Notice described as such issued by the United Kingdom Department of Transport and published by Her Majesty's Stationery Office, and any reference to a particular Merchant Shipping Notice includes reference to that Notice as amended

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from time to time by a subsequent Notice;

"noxious liquid substance" means any substance which is within the definition of "noxious liquid substances" in regulation 1(2) of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Cayman Islands) Regulations 1988.

"oil" means petroleum in any form including crude oil, fuel oil, sludge and oil refuse and any refined petroleum products, other than petro chemicals which are noxious liquid substances;

"sea" includes any estuary or arm of the sea;

"ship" means a vessel of any type whatsoever operating in the marine environment including waters navigable by sea-going vessels and includes submersible craft, floating craft and a structure which is a fixed or floating platform but excludes hovercraft;

Application

2. These Regulations apply to:

- (a) Cayman Islands ships and;
- (b) other ships while they are within the Cayman Islands or the territorial waters thereof.

Duty to report

- 3.-(1) The master of a ship involved in an incident at sea involving
- (a) an actual or probable discharge of oil, or a noxious liquid substance carried in bulk resulting or likely to result from damage to the ship or its equipment, or made or likely to be made for the purpose of securing the safety of a ship or saving life at sea; or
 - (b) an actual or probable discharge of a marine pollutant in