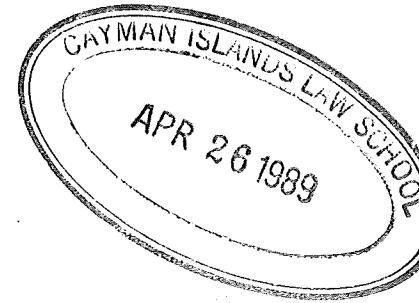


CAYMAN ISLANDS



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**MERCHANT SHIPPING (MANNING OF SHIPS)
(CAYMAN ISLANDS)
REGULATIONS, 1989**

(Reprint, including the corrections as made by the
errata notice published in Gazette 6 of 1989,
and explanatory note.)

(Price \$2.40)

MERCHANT SHIPPING (MANNING OF SHIPS) (CAYMAN ISLANDS) REGULATIONS, 1989

The Governor in Council, after consultation with the Secretary of State for Transport of the United Kingdom and being satisfied that it is necessary or expedient in the interests of safety, in exercise of the powers conferred on him by section 43 of the Merchant Shipping Act 1970 and 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:

PART I

GENERAL

Citation and commencement

1.- (1) These Regulations may be cited as the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations, 1989.

(2) Part I, regulations 7, 8, 10, 11, 12 and 13 and paragraphs (4), (5), (6), and (7) of regulation 9 of these Regulations shall come into operation on 1st March, 1989.

(3) Regulations 4, 5, 6, 14 and 15 and paragraphs (1), (2), and (3) of regulation 9 and Parts III, IV and V of these Regulations shall come into operation on 1st June, 1989, with respect to ships registered in the Cayman Islands on or after 1st March, 1989, and on 1st September, 1989, in respect of all other ships.

Interpretation

2.- In these Regulations, except where the context otherwise requires:

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“CISM Certificate” means a Cayman Islands Safe Manning Certificate issued under these Regulations;

“employer” means the person for the time being employing the master;

“fishing vessel” means a vessel for the time being employed in sea fishing but does not include a vessel used otherwise than for profit;

“gross tonnage” means gross register tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 19 of the Merchant Shipping (Tonnage) (Cayman Islands) Regulations 1988 the gross tonnage shall be determined under regulation 19;

“Governor” means Governor in Council;

“IMO” means International Maritime Organisation;

“international voyage” means a voyage which commences

(a) in a port outside the Cayman Islands, or

(b) in a port in the Cayman Islands and during which the ship calls at a port outside the Cayman Islands;

“length” means registered length;

“limited short international voyage” means an international voyage

(a) in the course of which a ship is not more than 20 nautical miles from land, and

(b) the duration of which does not exceed 5 hours;

“liquefied gas” means any liquefied gas listed in Chapter XIX of the 1976 IMO publication entitled “Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk” as amended by Supplements containing Amendments 1-3 and by any other Supplement thereto 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 issued by the Government of the United Kingdom;

“liquid chemical” means any liquid chemical listed in Chapter VI of the 1980 IMO publication entitled “Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk” and any Supplement thereto 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 issued by the Government of the United Kingdom;

“long international voyage” means an international voyage which is not a short international voyage;

“Merchant Shipping Act 1970” means the Merchant Shipping Act 1970 as extended to the Cayman Islands;

“officer” means the master of a ship or other person carried in a ship in the capacity of officer under the terms of the CISM Certificate issued in respect of that ship;

“passenger ship” means a ship carrying more than 12 passengers;

“petroleum products” means the following substances produced directly or indirectly from crude oil, that is to say fuels, lubricants, bitumen, wax, industrial spirits and any wide range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50 degrees Centigrade higher than its initial boiling point) but excluding any product included in the definition of “liquefied gas” above;

“pleasure craft” means a pleasure yacht not engaged in trade;

“proper officer” has the same meaning as in section 97(1) of the Merchant Shipping Act 1970;

“rating” means a member of the crew of a ship other than the master or other person carried in a ship in the capacity of officer under the terms of the CISM Certificate issued in respect of that ship;

“registered power” means, in relation to a ship, the brake or shaft power specified in the ship’s certificate of registry, that is to say, the total continuous rate brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether not all of the power is normally used;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers signed in London on 7th July, 1978;

“Safety Convention” means the International Convention on the Safety of Life at Sea signed in London on 1st November, 1974, and the Protocol thereto signed in London on 17th February, 1978;

“sea-going ship” means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

“short international voyage” means an international voyage

(a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety, and

(b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

Kingdom as modified by Schedule 1 to the Regulations, a CISM Certificate giving effect to that choice will be issued automatically. If, however, they should wish to negotiate differences either of numbers or acceptable certifications they may apply under regulation 7, putting forward their proposals, and if after discussion agreement is reached, a CISM Certificate will be issued giving effect to what has been agreed, or if agreement is not reached an offer may be made which can be accepted or rejected at the choice of owners.

Those parts of the CISM Certificate will be mandatory. It is anticipated that it will also have a non-mandatory section which will set out recommendations relating to all other aspects of the manning of the ship in order to ensure that the ship is safely manned. In this way the CISM Certificate as a whole will show the manning of the ship throughout rather than just the manning which is mandatory under the Regulations. The intention is that owners and managers will have the opportunity, if they wish it, to discuss all of these matters (and other matters, such as survey requirements) with the Cayman Islands Marine Administration before deciding whether to register, or at any later time if they should then wish to propose changes.

These Regulations also require that the Master of every ship shall have a Cayman Islands Master’s Licence, and that where a ship has a Chief Officer or Chief Engineer or both, each shall have the appropriate Cayman Islands Licence (regulation 9). Any person of British nationality (as widely defined in paragraph (4) of regulation 9) who has an appropriate certificate of competence recognised in the United Kingdom as qualifying him to serve in such capacity in United Kingdom ships or who has Caymanian status and a current certificate issued by a country which is a party to STCW is prima facie entitled as of right to a licence to serve in the capacity to which his certificate relates. But in addition, under regulation 9 (5), the Administration is given wide discretion to issue such licences to other applicants if satisfied of the matters set out in regulation 9 (5), and that it is consistent with the safe operation of Cayman Islands ships and the safety of persons carried in them.

These Regulations are made under Section 43 of the Merchant Shipping Act 1970 as applied to the Cayman Islands and it will be an offence under section 45 of that Act for a ship to go to sea or attempt to go to sea without carrying such officers and seamen as is required by law under these Regulations (and set out in the mandatory part of the CISM Certificate), unless an exemption has been granted under section 44 of that Act.

Responsibility for ensuring that -

- (a) only qualified officers take charge of watches,
- (b) an adequate number of qualified watchkeeping ratings are carried and that only qualified ratings take part in watches,
- and
- (c) where the cargo consists of dangerous goods or goods carried in bulk, specially qualified officers and ratings are carried,

is placed upon the employer of the Master, the Master and the Chief Engineer variously (see Parts III and IV), and the consequence of failure to discharge such responsibility is provided for in Part V.

When a ship carries a bulk cargo consisting of crude liquid petroleum or petroleum products, liquid chemicals or liquefied gases the Master, Chief Officer, Chief Engineer and any other officer with immediate responsibility in respect of the cargo must have certificates of competence endorsed to show that they have completed training and service in respect of such cargo (see Notes to Tables 1 and 2 in the Schedule to these Regulations).

(d) indicates that one of the engineer officers specified need not be carried if the ship is a UMS ship unless the ship has a bulk cargo consisting in whole or in part of crude liquid petroleum or petroleum products, liquid chemicals or liquefied gases

(e) indicates that an engineer officer need not be carried in this capacity if the ship is a UMS ship unless the ship has a bulk cargo consisting in whole or in part of crude liquid petroleum or petroleum products, liquid chemicals or liquefied gases

(f) indicates that (i) the engineer officer acting in the capacity of chief engineer may be the holder of a senior marine engineer operator's licence but may not serve in a dual deck and engine room capacity, and (ii) the engineer officer acting in the capacity of second engineer may be a licensed marine engineer operator and, provided he does not purport to act as the master of the ship, may serve in a dual deck and engine room capacity except where the ship is a tanker

(g) indicates that (i) the engineer officer may be the holder of a senior marine engineer operator's licence but may not serve in a dual deck and engine room capacity, and (ii) in a UMS ship the engineer officer may be the holder of a licensed marine engineer operator's licence and may serve in a dual deck and engine room capacity

(h) indicates that a ship which has a bulk cargo consisting in whole or in part of crude liquid petroleum or petroleum products, liquid chemicals or liquefied gases must carry as chief engineer and second engineer, respectively, engineer officers whose certificates of competence have been endorsed to show that they have completed training and service in respect of such cargo; and any other officer who acts as cargo officer and has immediate responsibility for loading, discharging and care in transit or handling of cargo must hold a similarly endorsed certificate

(i) indicates that a ship which has a bulk cargo consisting in whole or in part of crude liquid petroleum or petroleum products, liquid chemicals or liquefied gases must carry as engineer officers or licensed marine engineer operators (as the case may be) officers whose certificates of competence have been endorsed to show that they have completed training and service in respect of such cargo.

Made in Council this 14th day of February, 1989.

MONA N. JACKSON

Clerk of the Executive Council.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce a new and up-to-date regime governing manning and certification of ships registered in the Cayman Islands. The keynote of this regime is to combine maximum safety with a practical approach to the problems of operating ships in present and foreseeable conditions. It has many distinctive features including the following.

Each ship will be issued with a Cayman Islands Safe Manning Certificate (CISM Certificate) showing the minimum numbers required and the certifications which will be accepted as compliance with these Regulations in respect of that ship. That certificate can be obtained in one of two ways. If owners or managers are content to comply with the requirements for the time being of the United

"tanker" means a ship which is constructed or adapted and used for the carriage of bulk cargoes consisting in whole or in part of petroleum, liquid chemicals or liquefied gases; and a reference to a type of tanker is a reference to one of the categories of petroleum tanker, chemical tanker or liquefied gas tanker, being tankers constructed or adapted and used to carry cargoes of the class indicated;

"UMS ship" means a ship which has either been assigned a classification society UMS notation for unmanned machinery space operation or fulfils the following criteria --

(a) it has full bridge control of main engine manoeuvring;

(b) it is fitted with high level bilge alarms in the machinery spaces, and

(c) the engine room alarm system, including the fire alarm if fitted, is relayed to the accommodation and the bridge of the ship.

Application

3.- (1) These Regulations apply to all sea-going ships which are registered in the Cayman Islands while engaged on an international voyage except fishing vessels and pleasure craft.

(2) The Governor may grant exemptions from the provisions of these Regulations or any Part of them in respect of any class of ship or any individual ship as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

PART II

MANNING REQUIREMENTS FOR OFFICERS, DOCTORS AND COOKS

Cayman Safe Manning Certificates

4. - Every ship to which these Regulations apply shall be provided with a Cayman Islands Safe Manning Certificate in accordance with the provisions of this Part of these Regulations and such Certificate shall be evidence of the minimum manning requirements of these Regulations, that is to say the number of qualified officers, doctors and cooks that the ship is required to carry under section 43 of the Merchant Shipping Act 1970 when going to sea or attempting to go to sea.

Number of qualified officers, doctors and cooks to be carried on board ships

5.- Every ship to which these Regulations apply shall carry at least such numbers of qualified officers, doctors and cooks as are specified in the Schedule to these Regulations and are applicable to that ship on the voyage on which it is engaged unless an application has been made to the Governor in respect

of that ship under regulation 7 below and either

(a) the Governor has made a determination under regulation 7 and such determination is currently in force, or

(b) the provisions of paragraph (2) of regulation 7 apply to that ship.

Qualifications to be held by persons serving on ships

6.- (1) For the purposes of the Schedule to these Regulations an officer or cook shall be qualified as there required if he is the holder of a certificate of competence or other approved document issued under Regulations made in the United Kingdom or of a certificate or other document which by reason of anything done or specified under such Regulations is to be treated in the United Kingdom as equivalent to such a certificate or other document and if, at the material time, such certificate or other document is in force in relation to the person named in it and is of the class appropriate to the capacity in which the person named in it is serving in the ship.

(2) For the purposes of the Schedule to these Regulations a doctor shall be qualified as there required if he is a fully registered person under the Medical Act 1956 as amended by the Medical Act 1978.

Application for a determination by the Governor of the number of persons to be carried and their qualifications

7.- (1) The owner of a ship to which these Regulations apply may make application to the Governor for a determination of the number of officers, doctors and cooks to be carried in that ship and of the qualifications which such officers, doctors and cooks must hold, and in any such application the owner shall specify the number of officers, doctors and cooks which it is proposed that the ship will carry and the qualifications which it is proposed that such officers, doctors and cooks will hold.

(2) Where an application under paragraph (1) of this regulation is made before 1st September, 1989, in respect of a ship registered in the Cayman Islands before 1st March, 1989, then during the period pending the determination of the application the ship need not be manned in accordance with the requirements of regulations 5 and 6 above provided that it is manned in the manner proposed by the applicant in his application.

(3) Upon making a determination upon an application under paragraph (1) of this regulation the Governor may

(a) reduce the number of qualified officers, doctors and cooks required to be carried in that ship, or

(b) vary the requirements relating to the qualifications specified in regulations 5 and 6 hereof or in any CISM Certificate then in force in respect of that ship, or

PART II

Except where the Governor has otherwise determined upon an application made under regulation 7 of these Regulations every ship to which these Regulations apply shall carry the number of engineer officers in the capacities specified in Table B below for a ship of the appropriate type and size and such engineer officers shall have qualifications which comply with the provisions of regulations 6 and 9 of these Regulations.

TABLE B

COLUMN 1	COLUMN 2	COLUMN 3			
SHIP DESCRIPTION	REGISTERED POWER (KILOWATTS)	ENGINEER OFFICERS			
		CLASS 1	CLASS 2	CLASS 3	CLASS 4
PASSENGER SHIPS					
1. Long International Voyages i.e. > 600 n.m.	>3000	1	1	1(b)	1
	>1500 <3000	-	1(a)	1	2
	<1500	-	-	2(c)	1
2. Short International Voyages i.e. < 600 n.m.	>6000	1	1	1(b)	1
	>3000 <6000	-	1(a)	1	2
	>1500 <3000	-	-	2(c)	1
	<1500	-	-	1(a)	1
3. Limited Short International Voyages i.e. } 5 hrs. duration and } 20 n.m. from land	>6000	1	1	-	1
	>3000 <6000	-	1(a)	1	-
	>1500 <3000	-	-	1(a)	1
	> 750 <1500	-	-	-	2(c)
CARGO SHIPS					
4. Long International Voyages i.e. > 600 n.m	>3000 (h)	1	1	-	2(d)
	>1500 <3000 (h)	-	1(a)	1	2(d)
	> 750 <1500 (i)	-	-	2(c)	-
	> 350 < 750 (i)	-	-	-	2(c) (d)(f)
5. Short International Voyages i.e. < 600 n.m.	>6000 (h)	1	1	-	1(e)
	>3000 <6000 (h)	-	1(a)	1	1(e)
	>1500 <3000 (h)	-	-	1(a)	1
	> 750 <1500 (i)	-	-	-	2(c) (d)(f)
	> 350 < 750 (i)	-	-	-	1(a) (g)

In Table B above:

- (a) indicates that the engineer officer carried in this capacity must have a Chief Engineer's licence
- (b) indicates that an engineer officer with a Class 4 certificate can be carried in this capacity provided that he has served at sea as a Class 4 engineer officer for more than one year
- (c) indicates that one of the engineer officers carried in this capacity must have a Chief Engineer's licence

17 is fitted in the ship and if such auto alarm is not fitted the ship must carry such additional radio officers as are specified in the Safety Convention and the legislation implementing it in the Cayman Islands

(e) indicates that the radio officer specified is not required upon a voyage of less than 16 hours' duration in which less than 250 passengers are carried

(f) indicates that (i) radio telephone operators can be carried in place of radio officers where the Safety Convention so permits, and (ii) in a ship which has a tonnage of 200 gross tonnage or less only one radio telephone operator is required

(g) indicates that a qualified cook need not be carried in a ship which has a tonnage of less than 1,000 gross tonnage

(h) indicates that a doctor need not be carried when less than 100 persons are carried in the ship

(i) indicates that a doctor need not be carried on a voyage of less than 24 hours' duration

(j) indicates that this category only applies to ships which have a tonnage of less than 200 tons gross tonnage while they are engaged on voyages within the Caribbean Sea in which they do not go further than 100 nautical miles from land

(k) indicates that a ship which has a bulk cargo consisting in whole or in part of crude liquid petroleum or petroleum products, liquid chemicals or liquefied gases must carry as officer in command and as second in command, respectively, deck officers whose certificates of competence have been endorsed to show that they have completed training and service in respect of such cargo; and any other officer who acts as cargo officer and has immediate responsibility for loading, discharging and care in transit or handling of cargo must hold a similarly endorsed certificate.

6 (c) both reduce the number of qualified officers, doctors and cooks under sub-paragraph (a) of this paragraph and vary the requirements relating to qualifications under sub-paragraph (b) of this paragraph,

to the extent that he thinks fit: Provided always that:

(d) he is satisfied that the numbers and qualifications so determined are in every respect consistent with the safe operation of the ship and the safety of all persons who may be carried in the ship, and

(e) he is satisfied that the numbers and qualifications so determined in respect of radio officers and radiotelephony operators are in every respect consistent with the Safety Convention and any legislation implementing the same in the Cayman Islands, and

(f) no certificate of competence or other document shall be recognised as qualifying any deck officer, engineering officer or radio officer for these purposes unless it is issued by a country which is party to the STCW Convention.

(4) The Governor may, on the application of the owner of the ship, at any time when a CISM Certificate issued pursuant to a determination under this regulation is in force but subject to a time limit, enlarge the period for which such CISM Certificate is in force if he is satisfied that it is consistent with the other provisions of this regulation so to do.

(5) For the purpose of paragraph (1) of this regulation the words "the owner of a ship to which these Regulations apply" include the owner of any ship

(a) which is not registered in the Cayman Islands but to which these Regulations would apply if that ship was registered in the Cayman Islands, and

(b) in respect of which the owner proposes to make an application for registration of that ship in the Cayman Islands.

Duties relating to and arising from the issue of a CISM Certificate

8.- (1) The Governor shall so soon as is reasonably practicable after 1st September, 1989, or, in the case of a ship registered in the Cayman Islands after 1st March, 1989, so soon as is reasonably practicable after such registration, issue in respect of that ship a CISM Certificate.

(2) Except where an application has been made under regulation 7 above, a CISM Certificate shall show the minimum number of qualified officers, doctors and cooks which the ship to which it refers must carry and the qualifications which such persons must have in order to comply with regulations 5 and 6 of these Regulations.

(3) In any case where before a CISM Certificate has been issued under sub-paragraph (1) of this

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regulation in relation to a ship an application has been made under regulation 7 above in respect of that ship, no CISM Certificate shall be issued in relation to that ship until that application has been determined, but when it has been determined the Governor shall then issue such CISM Certificate as is appropriate to give effect to his determination made upon that application:

Provided always that the applicant may then opt to take a CISM Certificate issued under and in accordance with paragraph (2) of this regulation if he so wishes.

(4) In any case where a CISM Certificate has been issued in relation to a ship and such CISM Certificate is in force and an application is made under regulation 7 above in respect of that ship, all the provisions of these Regulations then in force in relation to that ship shall remain in force until a determination has been made upon that application and a new CISM Certificate has been issued to the applicant.

(5) An official copy of a CISM Certificate issued under this regulation and currently in force shall be evidence of the minimum manning in respect of qualified officers, doctors and cooks required in the ship to which it relates as provided in regulation 4 above.

(6) An official copy of the CISM Certificate currently applicable to the ship shall be carried at all times on the ship to which it relates and shall be produced on request to a proper officer as defined above (which includes a British Consular Officer) or any other person duly authorised by the Governor to require its production.

(7) It shall be the duty of the master or other officer for the time being in charge of a ship to produce the CISM Certificate relating to that ship when lawfully required to do so.

The requirement for a grant of licences to act in the capacities of Master, Chief Officer and Chief Engineer

9.- (1) Every ship to which these Regulations apply shall carry as master a person who has been granted a licence by the Governor to serve in the capacity of master in Cayman Islands ships.

(2) Every ship to which these Regulations apply which is required in accordance with these Regulations to carry a deck officer other than the master shall carry as chief officer a person who has been granted a licence by the Governor to serve in the capacity of chief officer in Cayman Islands ships.

(3) Every ship to which these Regulations apply which is required in accordance with these Regulations to carry an engineer officer shall carry as chief engineer a person who has been granted a licence by the Governor to serve in the capacity of chief engineer in Cayman Islands ships.

(4) Any person who is a British citizen or a British Dependent Territories citizen or a British Overseas citizen or who is under the British Nationality Act 1981 a British subject or under the Hong Kong (British Nationality) Order 1986 a British National (Overseas) and who either

(a) has a current certificate which would for the time being be recognised in the

SCHEDULE

PART I

Except where the Governor has otherwise determined upon an application made under regulation 7 of these Regulations every ship to which these Regulations apply shall carry the number of deck officers, radio officers, doctors and cooks in the capacities specified in Table A below for a ship of the appropriate type and size and such deck officers, radio officers, doctors and cooks shall have qualifications which comply with the provisions of regulations 6 and 9 of these Regulations.

TABLE A

COLUMN 1	COLUMN 2	COLUMN 3			COLUMN 4	COLUMN 5		COLUMN 6	
SHIP DESCRIPTION	GROSS TONNAGE	DECK OFFICERS CERTIFICATION/LICENCE CLASS CLASS CLASS 1 2 3			RADIO TELEPHONE OPERATORS	RADIO OFFICERS (d) CERTIFICATE/LICENCE CLASS 1 CLASS 2		COOK	DOCTOR
PASSENGER SHIPS									
1 Long Inter-national Voyages i.e. > 600 n.m.	Any	1	1	2	-	1	1	1(g)	1(h)
2 Short Inter-national Voyages i.e. < 600 n.m.	Any	1	1	2	-	1	1(e)	1(g)	1(h)
3 Limited Short International Voyages i.e. 1 5 hrs. duration 1 20 n.m/ from land	> 2000 > 1000 < 2000 > 200 < 1000 < 200	1 1(a) 1(a) -	1 1 - 1	1 1 1 -	- - - -	1 1(f) 1(f) 1(f)	1(e) 1(e)(f) 1(e)(f) -	1(g) 1(g) - -	- - - -
CARGO SHIPS									
4 Long Inter-national Voyages i.e. > 600 n.m.	> 1600 (k) < 1600 (k)	1 1	1 1	2 1	- 2(c)	- -	1 -	1 1(g)	1(h) -
5 Short Inter-national Voyages i.e. < 600 n.m.	> 1600 (k) < 1600 (k) < 200 (near coastal) (j) (k)	1 1 -	1 1 1(b)	2 1 1	- 2(c) -	- - -	1 - -	1 1(g) -	1(h)(i) - -

In Table A above:

(a) indicates that the deck officer carried in this capacity may have a Class 2 certificate provided that he also has a master's licence

(b) indicates that the deck officer carried in this capacity must have a master's licence

(c) indicates that (i) only one radio telephone operator is required if either (a) the ship has a tonnage less than 500 gross tonnage or (b) the ship has a tonnage equal to or greater than 500 gross tonnage and such radio telephone officer is dedicated exclusively to duties in relation to radio telephony, and (ii) no radio telephone operator is required if the ship has a tonnage less than or equal to 300 gross tonnage

(d) indicates that the requirements specified are on the basis that a radio telegraph auto alarm

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23.- (1) Contravention of regulation 15(1) by any person shall be an offence punishable on summary conviction by a fine not exceeding \$2,000 and on conviction on indictment by imprisonment for a term not exceeding two years and an unlimited fine.

(2) Contravention of regulations 15(2), 15(3), 16(3), 17(3) and 20(2) by a master shall be an offence punishable on summary conviction by a fine not exceeding \$2,000 and on conviction on indictment by imprisonment for a term not exceeding two years and an unlimited fine.

(3) Contravention of regulations 15(3) and 17(3) by a chief engineer officer shall be an offence punishable on summary conviction by a fine not exceeding \$2,000 and on conviction on indictment by imprisonment for a term not exceeding two years and an unlimited fine.

(4) Contravention of regulations 16(2), 17(2) and 20(1) by any employer shall be an offence punishable on summary conviction by a fine not exceeding \$2,000 and on conviction on indictment by imprisonment for a term not exceeding two years and an unlimited fine.

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United Kingdom as qualifying him to serve in any of the capacities referred to in paragraphs (1), (2) and (3) of this regulation in a ship of any particular description, or

(b) being a person of Caymanian status, has a current certificate issued by a country which is a party to the STCW Convention qualifying him to serve in any of the capacities referred to in paragraphs (1), (2) and (3) of this regulation in a ship of any particular description,

shall, subject to regulation 11 below, be entitled as of right to a licence to serve in that capacity on a ship of that description.

(5) In any other case the Governor shall consider any application for a licence to serve in any of the capacities referred to in paragraphs (1), (2) and (3) of this regulation on its merits, having regard in particular to the certificate or certificates of competence held by the applicant and his record of service at sea, and, if satisfied that the applicant is properly qualified to serve in the capacity in question, the Governor may grant the applicant a licence so to serve on a ship of the description or ships of the descriptions specified in the licence: Provided always that he is satisfied that it is consistent with the safe operation of such ship or ships and the safety of all persons who may be carried on such ship or ships that he should be licensed so to serve.

(6) The Governor shall not in any event grant a licence under this regulation unless satisfied, having regard to all the relevant circumstances, that the applicant is a fit person both to be the holder of the licence for which the application is made and to serve competently in the capacity to which it relates. If the Governor intends to refuse the grant of a licence to any applicant on either of these grounds he shall give notice in writing to the applicant who shall have the right to make representations thereon.

(7) If, in any case, an application for a licence to serve in any of the capacities referred to in paragraphs (1), (2) and (3) of this regulation is neither issued nor refused within 28 days of the making of the application, the person to whom the application relates shall be deemed to be the holder of the licence applied for unless and until the licence applied for is either issued or refused.

Power to impose conditions upon the issue of a CISM Certificate pursuant to a determination under regulation 7 or the grant of licences under regulation 9

10.- Upon the issue of a CISM Certificate pursuant to a determination under regulation 7 above or upon the grant of a licence under regulation 9 above the Governor may impose such conditions as he considers necessary or expedient in the interests of safety.

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Revocation of CISM Certificates issued pursuant to a determination under regulation 7 and licences granted under regulation 9

11.- (1) In the event of any breach of the conditions of a CISM Certificate issued pursuant to a determination under regulation 7 or a licence to serve in any capacity referred to in regulation 9 above or if in relation to any such CISM Certificate or licence the Governor is for any reason no longer satisfied that it is consistent with the interests of safety that such CISM Certificate or licence should remain in force the Governor may revoke such CISM Certificate or licence, and where such a CISM Certificate is revoked the Governor shall issue in respect of the ship in question a CISM Certificate under the provisions of paragraph (2) of regulation 8 above as though no application had been made under regulation 7 above.

(2) No CISM Certificate or licence to serve in any of the capacities referred to in regulation 9 above shall be revoked unless in each case those entitled to the benefit of the CISM Certificate or licence in question have been given notice in writing of the intention to revoke such CISM Certificate or licence and of the grounds upon which it is proposed that the same should be revoked and the opportunity to make representations thereon.

Further provisions relating to CISM Certificates and licences granted under regulation 9

12.- (1) CISM Certificates and licences granted under regulation 9 above shall be produced in duplicate and, provided that the appropriate fee has been paid, the original shall be delivered to the person entitled to the CISM Certificate or licence and the duplicate shall be retained by the Governor.

(2) A record of all CISM Certificates and licences granted under regulation 9 above and of the suspension, cancellation, revocation or alteration of, and any other matters affecting, any such CISM Certificate or licence shall be kept in such manner as the Governor may require by such person as the Governor may direct.

(3) Where a person is convicted of an offence under section 43(5) of the Merchant Shipping Act 1970, or where a CISM Certificate or a licence granted under regulation 9 above has been revoked, then the holder of such CISM Certificate or licence shall, at the direction of the Governor, deliver it to the Governor, or such person as the Governor directs, for cancellation.

(4) If a person entitled to a CISM Certificate or licence proves to the satisfaction of the Governor that he has lost or been deprived of such CISM Certificate or licence already issued or granted (as the case may be) to him, the Governor shall, upon receipt of any fee payable, cause a copy of such CISM Certificate or licence (as the case may be) to which the said person appears to be entitled to be issued to him. Any such copy shall, before it is so issued, be certified as such by the person who the Governor has directed to keep the record referred to in paragraph (2).

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(b) have satisfactorily completed both a fire-fighting course approved by the Government of a country which is a party to the STCW Convention and either:

- (i) a period of two months' supervised shipboard service in the type of tanker concerned in order to acquire adequate knowledge of safe operational practices; or
- (ii) a tanker familiarisation course approved by the Government of a country which is a party to the STCW Convention relating to the type of tanker concerned, together with a period of 14 days' supervised shipboard service in a tanker of that type; or
- (iii) periods of familiarisation and instruction during not less than four loading or discharging operations (including at least one loading and one discharging operation) on board tankers of the type concerned, together with a period of 14 days' supervised shipboard service in a tanker of that type:

Provided that:

(a) the period of supervised shipboard service required under paragraph (1)(b)(i) shall be reduced to one month in respect of any officer or rating who has completed the shipboard described in either paragraph (1)(a) or (1)(b)(i) in a tanker of another type; and

(b) during any period of supervised shipboard service required under paragraphs (1)(b)(i),(ii) or (iii), there shall not be more than one deck and one engineer officer forming part of the regular crew complement engaged in such supervised service on board the tanker.

(2) An officer or rating who satisfactorily completes the service and training required by paragraph (1)(a) or (b) above in respect of the type of tanker concerned shall be given a written statement signed by the employer or the master of the tanker in which the officer or rating has served.

PART V

OFFENCES

Offences

22.- It shall be an offence for an employer to appoint any person to act in a capacity for which he is not duly qualified in accordance with these Regulations and the commission of such an offence shall be punishable on summary conviction by a fine not exceeding \$2,000 and on conviction on indictment by imprisonment for a term not exceeding two years and an unlimited fine.

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PART IV

TANKERS - OFFICERS AND RATINGS

Ships to which this Part applies

19.- This Part of these Regulations applies to all sea-going ships which are tankers and are either

- (a) registered in the Cayman Islands, or
- (b) not registered under the law of any country but are wholly owned by persons each of whom is a British Dependent Territories citizen by virtue of a connection with 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.

Obligations on employer and master

20.- (1) It shall be the duty of every employer to ensure that any tanker carries sufficient qualified officers and ratings to perform all duties in respect of the cargo and the cargo equipment.

(2) The master of any tanker shall not permit an officer or rating to have specific duties, and responsibilities related to these duties, in connection with the cargo or cargo equipment on the tanker unless that officer or rating -

- (a) is qualified in accordance with regulation 21 below; or
- (b) is an officer whose certificate of competence or service is endorsed with a dangerous cargo endorsement for the type of tanker concerned issued by the Government of a country which is a party to the STCW Convention: Provided that nothing in this paragraph shall prohibit the participation of an officer or rating in duties connected with cargo or cargo equipment (in addition to those required for such duties) under the supervision of a qualified officer or rating as part of their training to acquire adequate knowledge of safe operational practices.

Qualifications

21.- (1) In order to be qualified for the duties described in regulation 20 above on a tanker an officer or rating shall:

- (a) have served in the type of tanker concerned in the deck or engine department as appropriate as a part of the regular crew complement for at least six months during the five years before 1st June, 1989; or

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Determination of certain matters by the Governor to be final

13.- Any determination by the Governor as to the number of officers, doctors and cooks that a ship is required to carry or as to the certificates of competence or other qualifications which they must have or as to the certificates of competence or practical experience required of an applicant for a licence to serve in any capacity referred to in paragraph (1) of regulation 9 above shall be final and binding and such determination shall not be liable to be reviewed, set aside or varied by any judicial or executive body in the Cayman Islands.

Exceptional provisions when a ship may proceed to sea with one person less than the number required

14.- (1) Subject to paragraph (3) below, if on an occasion on which a ship in respect of which the requirements of these Regulations have otherwise been complied with, one of the persons specified in a CISM Certificate currently in force in relation to that ship (other than a radio officer, a doctor or a cook) is not carried because of illness, incapacity, or other unforeseen circumstance, but all reasonable steps are taken to secure the carriage on that occasion of all the persons so specified, so much of the provisions of these Regulations as require such a ship on such a voyage to carry that person shall not, subject to compliance with the condition of paragraph (2), apply to the ship during whichever is the shorter of the following periods, beginning with the day on which the ship first goes to sea without all the persons specified in that CISM Certificate, that is to say:

- (a) a period ending with the day on which the ship does carry all the persons so specified, or
- (b) a period of 28 days: Provided that one period of 28 days shall not be followed immediately by any further period at sea during which the ship carries one less than the number of persons so required or specified.

(2) The conditions referred to in paragraph (1) above are that the master shall:

- (a) notify a proper officer of his intention not to carry the number of persons specified in the CISM Certificate, and
- (b) make an entry of that notification in the ship's logbook.

(3) Upon issuing a CISM Certificate the Governor may specify that the period specified in sub-paragraph (b) of paragraph (1) of this regulation shall be less than 28 days and, in the event of the Governor so stipulating, paragraph (1) of this regulation shall apply as if sub-paragraph (b) thereof specified the period so specified by the Governor.

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**Requirements that officers only act in the capacity
for which they have been certificated**

15.- (1) Subject to paragraph (4) of this regulation, no person shall act in the capacity of master or chief officer or chief engineer unless he holds an appropriate licence granted under regulation 9 and a qualification specified in the CISM Certificate relating to that ship and such qualification entitles him to be carried to act in that capacity: Provided that in the event of

(a) the death or incapacity of the master, the chief officer or the chief engineer while the ship is at sea, or

(b) a ship going to sea without a duly qualified master or chief officer or chief engineer in circumstances specified in regulation 14 above,

until the ship reaches the next intended port of call or during the period allowed by regulation 14 (1)(b), a deck officer may act in the capacity of master or chief officer and an engineer officer, or if no other engineer officer is carried the person on board who is in the opinion of the master the most suitable to act in the capacity of chief engineer, may act in the capacity of chief engineer.

(2) Subject to paragraph (4) of this regulation, the master of a ship shall not permit any person to be in charge of a navigational watch unless he holds a qualification specified in the CISM Certificate relating to that ship and such qualification entitles him to be carried to act in that capacity.

(3) Subject to paragraph (4) of this regulation, the master and the chief engineer of a ship shall not permit any person to be in charge of an engine room watch unless he holds a qualification specified in the CISM Certificate relating to that ship and such qualification entitles him to be carried to act in that capacity.

(4) Where a CISM Certificate has not been issued in respect of a ship, paragraphs (1), (2) and (3) above shall apply as though the reference to a qualification specified in the CISM Certificate relating to the ship was a reference

(a) in the case of a ship in respect of which no application has been made under regulation 7 above, to a qualification specified in the Schedule to these Regulations, and

(b) in the case of a ship in respect of which an application has been made under regulation 7 above, to a qualification specified in such application.

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PART III

NAVIGATIONAL AND ENGINE ROOM WATCH RATINGS

Requirements in respect of navigational watch ratings

16.- (1) This regulation applies to all ships to which these Regulations apply which are of 200 gross tonnage or over.

(2) It shall be the duty of every employer to ensure that any ship carries sufficient ratings qualified in accordance with regulation 18 below to enable the master to perform his duties in respect of navigational watchkeeping.

(3) The master of a ship shall not permit a rating who is not qualified in accordance with regulation 18 below to form part of a navigational watch or to perform particular duties for which he is not qualified as part of that watch: Provided that nothing in this paragraph shall prohibit the participation of ratings in navigational watchkeeping duties (in addition to those required for such duties) as part of their training under the supervision of a qualified officer or qualified navigational watch rating.

Requirements in respect of engine room watch ratings

17. (1) This regulation applies to all ships to which these Regulations apply having registered power of 750KW or more.

(2) It shall be the duty of every employer to ensure that any ship carries sufficient ratings qualified in accordance with regulation 18 below to enable the master and chief engineer officer to perform their duties in respect of engine room watchkeeping.

(3) Neither the master nor the chief engineer officer of a ship shall permit a rating who is not qualified in accordance with regulation 18 below to form part of an engine room watch unless the duties of that rating while on watch are of an unskilled nature: Provided that nothing in this paragraph shall prohibit the participation of ratings in engine room watchkeeping duties (in addition to those required for such duties) as part of their training under the supervision of a qualified officer or qualified engine room watch rating.

**Qualifications necessary for navigational
and engine room watch ratings**

18.- In order to be qualified as a navigational watch rating for the purpose of regulation 16 above or to be qualified as an engine room watch rating for the purpose of regulation 17 above, a person shall be the holder of a valid certificate or other document issued by the Government of a country which is a party to the STCW Convention certifying that the rating has complied with the requirements specified in the STCW Convention which are appropriate to the capacity in which the rating is serving in the ship.