

CAYMAN ISLANDS



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**MERCHANT SHIPPING
(SAFETY PROVISIONS) (APPLICATION)
(NO. 2) ORDER, 1989**

(Price 80 cents)

(a) for "conviction on indictment", substitute "summary conviction";

(b) delete "a fine, or on summary conviction:-";

(c) for "£50,000", substitute "one hundred thousand dollars";

(d) for "the statutory maximum", substitute "ten thousand dollars".

Reg 6

Detention

(a) For "section 692 of the Merchant Shipping Act 1894 (which relates to the detention of a ship)", substitute "sections 74, 75 and 76 of the Merchant Shipping Law".

(b) For "for the words "this Act" wherever they appear", substitute "for the words "this Law" wherever they appear".

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

MONA N. JACKSON
Clerk of the Executive Council.

reference to that provision as it has effect in England and Wales.

- (b) In this paragraph, "enactment" means an enactment of the Parliament of the United Kingdom or a provision of an instrument of a legislative character made under any such enactment.

SCHEDULE 3

THE MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS) REGULATIONS 1989 (S.I.1989 No 1798)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg I	Interpretation	<p>(a) In paragraph (2) -</p> <p>(i) in sub-paragraph (a), in the definition of "the hydrographer of the Navy", after "Admiralty Board" insert "established under the Defence (Transfer of Functions) Act 1964";</p> <p>(ii) in sub-paragraph (a), insert in its appropriate alphabetical sequence the following definition:</p> <p>""vessels", in regulation 2, includes air cushion vehicles but not seaplanes";</p> <p>(iii) in sub-paragraph (d), after "Secretary of State" (which shall not be replaced under the provisions of Schedule 2) insert "for Transport of the United Kingdom".</p> <p>(b) Delete paragraphs (3) and (4).</p>
Reg 2	Application	Delete paragraph (2).
Reg 5	Penalties	In paragraph (1):

CAYMAN ISLANDS

THE MERCHANT SHIPPING LAW

MERCHANT SHIPPING
(SAFETY PROVISIONS) (APPLICATION)
(NO. 2) ORDER, 1989

In exercise of the powers conferred on the Governor in Council, after consultation with the Secretary of State for Transport of the United Kingdom, by section 78 of the Merchant Shipping Law, and of all other powers enabling him in that behalf, the following Order is made:

Citation and commencement.	1. This Order may be cited as the Merchant Shipping (Safety Provisions) (Application) (No.2) Order 1989 and shall come into force on the day after it is made.
Interpretation.	<p>2. (1) In this Order "the applied legislation" means the subsidiary legislation specified in Schedule 1.</p> <p>(2) In this Order and in any part of the applied legislation where reference to "the Secretary of State" is to be construed as reference to "the Governor". "the Governor" means the Governor in Council.</p> <p>(3) Expressions in this Order or in the applied legislation which are not defined in this Order but which are defined in the Merchant Shipping Law shall have the meanings assigned to them by that Law.</p>
Application to the Cayman Islands of the provisions of the applied legislation.	3. (1) Subject to the exceptions, adaptations and modifications specified in Schedules 2 and 3, the applied legislation shall apply to the Cayman Islands as part of the law of the Cayman Islands and shall come into operation on the date specified therein.

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(2) The exceptions, adaptations and modifications specified in Schedule 2 shall, where relevant, apply to all parts of the applied legislation except where such exceptions, adaptations and modifications are inconsistent with the provisions of Schedule 3 in respect of a provision of the applied legislation.

Meaning of references to collision regulations in other statutory provisions.

4. (1) Subject to paragraph (2), references to collision regulations in the Merchant Shipping Act 1894 and the Merchant Shipping Law (whether or not including a reference to section 418 of the Merchant Shipping Act 1894) and in subordinate legislation made thereunder shall have effect as references to regulations for the prevention of collisions applied in the Cayman Islands by virtue of this Order.

(2) Notwithstanding paragraph (1), in relation to seaplanes references in section 418, 419 and 421 of the Merchant Shipping Act 1894 to collision regulations shall continue to have effect as references to regulations made under section 418 of that Act.

SCHEDULE 1

**UNITED KINGDOM REGULATIONS MADE UNDER THE MERCHANT SHIPPING ACT 1979
APPLIED TO THE CAYMAN ISLANDS**

1. The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 (S.I. 1989 No 1798).

SCHEDULE 2

**GENERAL EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS
APPLICABLE TO THE APPLIED LEGISLATION EXCEPT
TO THE EXTENT THAT SUCH EXCEPTIONS, ADAPTATIONS AND
MODIFICATIONS ARE INCONSISTENT WITH THE
PROVISIONS OF SCHEDULE 3**

1. Reference in the applied legislation to -

(a) the "Secretary of State" shall be construed as reference to the Chief Marine Surveyor, and in the applied legislation there shall be included in the paragraph setting out the definitions of various terms the following:

""Chief Marine Surveyor" means the Chief Marine Surveyor appointed by the Governor under the Merchant Shipping Law or any person appointed by the Chief Marine Surveyor to act on his behalf";

(b) the "United Kingdom", except in the expressions "United Kingdom vessel" or "United Kingdom vessels", shall be construed as reference to the Cayman Islands;

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(c) a "United Kingdom vessel" or "United Kingdom vessels" shall be construed as reference to a Cayman Islands vessel or Cayman Islands vessels as the case may be, and in the applied legislation there shall be included in the paragraph setting out the definitions of various terms the following:

""Cayman Islands vessel" means a vessel -

- (i) registered in the Islands, or
- (ii) not registered under the law of any country and in which ship a majority interest is owned by persons each of whom is a citizen of the Cayman Islands or a body corporate which is established under the law of the Islands and has its principal place of business in the Islands;"

(d) a Merchant Shipping Notice shall be construed as reference to a Merchant Shipping Notice issued by the Secretary of State for Transport of the United Kingdom and shall include reference to any subsequent Merchant Shipping Notice amending or replacing it which specifies the date upon which such subsequent Notice takes effect and which the Secretary of State for Transport of the United Kingdom considers relevant from time to time, and where the expression "Merchant Shipping Notice" appears in any paragraph of the applied legislation setting out the definitions of various expressions such expression and the definition thereof shall be omitted;

(e) any provision of -

- (i) the applied legislation, or
- (ii) any other legislation which extends to, or which has been extended to the Cayman Islands or applied to the Cayman Islands by any statutory provision,

shall be construed as reference to such provision as it has effect in the Cayman Islands;

(f) any statutory provision shall be construed as reference to that provision as amended or replaced by any other statutory provision.

2. (a) Where an instrument of a legislative character is made under an enabling provision of an Act of the Parliament of the United Kingdom and the instrument is applied to the Cayman Islands by this Order, the enabling provision shall have effect in the Cayman Islands for the purpose only of identifying any instrument made under it and of bringing it within the meaning of the expression "statutory provision".

(b) Any reference to the enabling provision of any legislation applied to the Cayman Islands by this Order other than under paragraph 2(a) shall be construed as reference to the enabling provision as it has effect in the United Kingdom.

3. (a) Any reference in any enactment applied to the Cayman Islands by this Order to any provision in any enactment which is not so applied shall be construed as