

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING
(MEDICAL FITNESS)
(CAYMAN ISLANDS)
REGULATIONS 1989**

(Price 80 cents)

subparagraphs (i) and (ii) may be taken only when the ship has called at a Cayman Islands port in the normal course of business or for operational reasons.

(2) If he takes either of the measures specified in paragraph (1)(b) of this regulation, the person duly authorised shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag State of the ship.

(3) The person duly authorised shall not in the exercise of his powers under this regulation detain or delay the ship unreasonably.

Procedure for detention.

9. Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987 shall have effect in relation to a ship detained under these Regulations and for the purpose of applying those sections "the Merchant Shipping (Medical Fitness)(Cayman Islands) Regulations 1989" shall be substituted for the words "this Law" wherever they occur.

Penalties.

10. (1) Contravention of regulation 4 by an employer shall be an offence punishable on summary conviction by a maximum fine of an amount not exceeding four thousand dollars.

(2) In any proceedings for an offence under these Regulations it shall be a defence for the employer to show that all reasonable steps had been taken by him to ensure compliance with the Regulations.

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

MONA N. JACKSON
Clerk of the Executive Council.

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- (d) the assembly, placing, inspection, testing, maintaining, adjusting, repairing, altering, renewing, changing the position, dismantling or removing of a pipe-line or length of pipe-line or any works in preparation for or in connection with any such activity,

and who is not engaged in the navigation of the ship in the deck, engine room, radio, medical or catering department of that ship;

- (iv) a member of the naval, military or air forces of the Crown or of any service administered by the Defence Council, when acting as such a member;
- (v) a person employed in a port who is not ordinarily employed at sea; or
- (vi) a person employed in a ship solely to provide goods, personal services or entertainment on board and who is not employed by the owner or the person employing the master of the ship and who has no emergency safety responsibilities.

Inspection and detention of Cayman Islands ships.

7. Any person duly authorised by the Governor may inspect any Cayman Islands ship to which these Regulations apply and if he is satisfied that any seafarer, whose employer is required by regulation 4 of these Regulations to ensure that he is the holder of a medical fitness certificate, is unable to produce a certificate which meets the requirements of that regulation, and the state of his health is such that the ship could not proceed to sea without serious risk to the safety and health of those on board, he may detain the ship, but shall not in the exercise of these powers detain or delay the ship unreasonably.

Inspection, detention and other measures in respect of ships other than Cayman Islands ships.

8. (1) Any person duly authorised by the Governor may inspect any ship to which these Regulations apply other than a Cayman Islands ship when the ship is in a Cayman Islands port, and if he is satisfied that any seafarer is unable to produce a valid medical fitness certificate he may:

- (a) send a report to the government of the country in which the ship is registered, and a copy thereof to the Director General of the International Labour Office; and
- (b) where conditions on board are clearly hazardous to safety or health:
 - (i) take such measures as are necessary to rectify those conditions; and
 - (ii) detain the ship:

Provided that the measures specified in

CAYMAN ISLANDS

THE MERCHANT SHIPPING
(APPLICABLE CONVENTIONS) LAW 1987

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The Governor in Council, after consulting 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 (Medical Fitness) (Cayman Islands) Regulations 1989 and shall come into operation on 1st January 1990.

Interpretation.

2. In these Regulations:

"Cayman Islands ship" has the same meaning as in section 2 of the Merchant Shipping (Applicable Conventions) Law 1987;

"chemical" means any liquid chemical listed in Chapter VI of the 1980 Inter-Governmental Maritime Organisation publication entitled "Code for the Construction and Equipment of ships carrying Dangerous Chemicals in Bulk" and any relevant supplement thereto;

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

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"GRT" means in relation to a ship its gross register tonnage and the gross register tonnage of a ship having alternative gross register tonnages shall be taken to be the larger of those tonnages;

"Governor" means the Governor in Council;

"medical fitness certificate" means any medical fitness certificate issued to a seafarer in accordance with the provisions of the Medical Examination (Seafarers) Convention 1946 (International Labour Organisation Convention 73 of 1946) or the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147 of 1976) by either:

- (a) an authority empowered in that behalf by the laws of a country which has ratified the said Convention of 1946 or the said Convention of 1976, or
- (b) an authority approved by the Governor empowered in that behalf by the laws of any other country;

"offshore installation" means any offshore installation which is used for any of the following activities, that is to say:

- (a) the exploitation or exploration of mineral resources;
- (b) the recovery or storage of gas, or
- (c) the provision of accommodation for persons who work on or from an installation used for the exploitation or exploration of mineral resources or the recovery or storage of gas;

"pleasure craft" means a vessel primarily used for sport or recreation;

"seafarer" includes a master and a seaman.

Application.

3. (1) These Regulations apply to sea-going Cayman Islands ships.
- (2) Regulations 8 and 9 of these Regulations apply to sea-going ships other than Cayman Islands ships when they are in a Cayman Islands port or in the territorial waters of the Cayman Islands.

Prohibition on employment.

4. (1) Subject to regulation 6 of this regulation, no person shall employ a seafarer who is under the age of 18 in a ship unless that seafarer is the holder of a valid medical fitness certificate issued in respect of a medical examination undertaken not more than 12 months previously:

Provided that this requirement shall not apply where such seafarer is employed in a ship in which only members of the same family are employed.

- (2) Subject to regulations 5 and 6 of this regulation, no person shall employ a seafarer who is over the age of 18 but under the age of 40 in a ship of 1600 GRT or over unless that seafarer is the holder of a valid medical

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fitness certificate issued in respect of a medical examination undertaken not more than 5 years previously.

- (3) Subject to regulations 5 and 6 of this regulation, no person shall employ a seafarer who is over the age of 40 in a ship of 1600 GRT or over unless that seafarer is the holder of a valid medical fitness certificate issued in respect of a medical examination undertaken not more than 24 months previously.

- (4) Subject to regulations 5 and 6 of this regulation, no person shall employ a seafarer in a ship of 1600 GRT or over carrying chemicals in bulk unless that seafarer is the holder of a valid medical fitness certificate issued in respect of a medical examination undertaken not more than 12 months previously, notwithstanding that the period of validity specified in the medical fitness certificate may exceed 12 months.

- (5) Subject to regulations 5 and 6 of this regulation, no person shall employ a seafarer in a ship in a capacity or in a geographical area precluded by any restriction in that seafarer's medical fitness certificate.

5. (1) Any seafarer who is over the age of 18 and has served at sea at any time during the two years immediately preceding the date on which these Regulations come into operation may continue his sea-going employment without a medical fitness certificate for a period of two years from that date.

- (2) Any seafarer whose medical fitness certificate expires while he is in a location where it is impractical for him to undergo a medical examination sufficient to enable him to obtain a medical fitness certificate may continue to be employed without such a certificate for a period not exceeding three months from the date of expiry of his medical fitness certificate.

6. Regulation 4 shall not apply to the employment of:

- (i) a pilot (who is not a member of the crew);
- (ii) a person employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not engaged in the navigation of the ship;
- (iii) a person solely employed in work directly related to:
 - (a) the exploration of the seabed or sub-soil or the exploitation of their natural resources;
 - (b) the storage of gas in or under the seabed or the recovery of gas so stored;
 - (c) the laying, inspection, testing, repair, alteration, renewal or removal of any submarine telegraph cable; or